



Smarter response and recovery measures can help preserve human rights in Africa

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As COVID-19 cases continue to rise in Africa, countries are simultaneously dealing with the health and socio-economic impacts of the pandemic, and how and when to ease lockdowns and curfews imposed to stop the disease spreading and get onto the path of recovery.

However, some government actions taken to restrict people's movements during this crisis, including enforcement measures and emergency laws and policies, could have long-term impacts and the potential to undermine social cohesion—the trust between governments and their citizens and the solidarity between citizens themselves.

With the health and wellness of millions of Africans at stake, governance measures taken to address COVID-19 must be appropriate, effective and sustainable. In some instances, responses to the pandemic so far have led to rising tensions and human rights violations.

Lessons from this pandemic should inform how governments, citizens and other partners can collaborate to strengthen governance and social cohesion during the response, and even beyond.

But the question is, what are the optimal measures and enabling environment required for response measures to succeed while protecting freedoms and minimising disruption to livelihoods?

Africa's governance context is complex. Although there has been significant progress in democracy, the majority of countries are in the lower half of the 2019 Human Freedom Index produced by the US-based Cato Institute.

Yet another study, the Fragile States Index by the Washington-based Fund for Peace, finds that in some of these countries, political fragility and low trust in government institutions still remain a challenge.

As COVID-19 spread in Africa, there were also concerns that planned elections this year in at least 22 countries, in the midst of a pandemic, could heighten tensions and fears of suppression.

It is in this context that governments should guard against measures that fan mistrust between them and their citizens and could lead to undermining democratic processes or intensifying fragility.

Emergency laws limit rights and disrupt services, supply chains and livelihoods. At the start of the pandemic in Africa, at least 17 countries declared states of emergency, 9 declared states of public health emergency and 3 declared states of national disaster.

These measures are important in safeguarding public health and wellness, but their impact varies according to how they are communicated and understood, how oversight mechanisms function and whether there is trust between the government and its citizens.

A state of emergency empowers governments to perform actions or impose policies that it would normally not be permitted to. These include making regulations without an act of parliament or taking actions without complying with statutory duties.

These emergency powers, although temporary in nature, could be used to introduce measures that may affect fundamental rights such as freedom of speech, freedom of movement or assembly, freedom of the media or freedom to work, among others.

On the other hand, a state of public emergency may help the government to take necessary measures to protect the public's health. These include closing of schools, restricting travel, isolating people exposed to the virus and prosecuting those who do not comply with quarantine orders.

In the case of a national state of disaster, limitations of rights should not extend beyond what is necessary and must be in line with the constitutional values of the society.

The application of these measures to deal with the pandemic has not been without challenges. Firstly, these executive declarations were made in a hurry and with less consultation and oversight. Secondly, citizens were caught unprepared and were not fully informed about the extent of limitations of their rights.

There were media reports of altercations between civilians and police or military enforcing COVID-19 measures in some countries. In others, citizens are increasingly voicing their discontent with the lack of food, services, water and sanitation, and concerns about the abuse of authority by security forces. This may risk the effectiveness of COVID-19 response and recovery measures in the long run.

As countries move towards easing lockdowns and opening up economies, there is still need for a supplementary mechanism to help identify, isolate and trace COVID-19 cases. However, this raises new concerns over the use of surveillance technology to track the spread of the virus, infringement of data protection, and the right to privacy and non-discrimination.

Lessons from those early experiences can help guide governments on appropriate mechanisms to ensure that new measures to respond to COVID-19 do not threaten the fabric of society.

An effective and sustainable response must build on capable institutions that deliver essential services, community ownership and engagement, rights-based oversight control mechanisms and concrete partnership with other stakeholders, including the private sector.

Capable institutions at local and national level ensure the effective delivery of essential services including health, water and sanitation, that are at the heart of the response to COVID-19. For instance, South Africa and Zimbabwe are now delivering water to many undeserved areas and communities.

Community and youth engagement also make a difference in the uptake of public health provisions and in reaching those most impacted by economic and social lockdowns. Several countries such as Kenya, Malawi, Nigeria, Rwanda, South Africa and Uganda have made

provisions for cash and food to vulnerable populations. Communities are best positioned to identify those most in need, thereby improving the likelihood of actually reaching them.

They are also able to disseminate accurate information. In South Sudan, a digital community of youth —#DefyHateNow — has helped to fight misinformation and raise awareness. In Benin, a young medical doctor has launched a mass media literacy programme in Francophone Africa called Arya, on Twitter. Their hashtag #AgirContreCOVID19 has reached more than 90,000 people. They are now

developing an application that can disseminate COVID-19 information in local languages. The provision of information as a ‘right’ to citizens and as a mechanism to build trust, promote adherence to measures and build social cohesion has become more important now than ever before.

Control and oversight mechanisms help to improve transparency and accountability. The examples of the national assembly in the Gambia and the high court in Malawi that challenged proposals to extend the states of public emergency in their countries illustrate the importance of capable oversight mechanisms.

Finally, for many cash-strapped countries, the government’s COVID-19 response will benefit from close collaboration with the private sector, which in Africa is a hub of innovation. From Cameroon to Ethiopia, Ghana, Kenya, Morocco and others – businesses are transforming to produce necessary medical supplies and equipment and improve access to services through digital and mobile platforms.

As governments navigate these policy options it is clear that the most effective and sustainable responses to COVID-19 in Africa place people at the centre to preserve and strengthen social cohesion.