HUMAN RIGHTS AND POLITICAL REPRESSION

The Human Rights Situation in Sub-Saharan Africa: Progress, Violations and Remaining Challenges in Times of Pandemic

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A campaign against female genital mutilation in Kapchorwa, Uganda. Picture by Amnon s (Amnon Shavit), CC BY-SA 3.0 via Wikimedia Commons

Since the early 1990s, sub-Saharan Africa has been experiencing what some authors call the "third wave of democratisation in Africa" [1]. This has gradually led to the consolidation of multi-party systems based on political plurality and the participation of civil society, with a slow move away from the single-party state systems that had progressively established themselves in most countries on the continent since the 1970s. Although the results are uneven, the countries on the continent have kept moving in this direction, equipping themselves with the tools and goals they need to continue progressing towards greater levels of democracy, political participation and stability. In May 2013, the year of the 50th anniversary of the creation of the Organisation of African Unity (OAU), the member states of the African Union (AU, relaunched in 2002) signed the 50th Anniversary Solemn Declaration, which laid the foundations for developing the Agenda 2063: *The Africa We Want*.

1. Introduction: general trends in sub-Saharan Africa

Agenda 2063 represents an expression of the pan-African drive for unity, self-determination, freedom, progress and shared prosperity. It consists of seven aspirations centred around socio-economic development, culture, democratic governance and peace and security, while also emphasising the development of inclusive societies and the empowerment of women and young people. In this chapter we will highlight two aspirations on the Agenda: aspiration 3, which focuses on creating an Africa of good governance, democracy, respect for human rights, justice and the rule of law, which includes the desire to establish strong and democratic leadership, placing special emphasis on regional integration; and aspiration 4, whose goal is to achieve a peaceful and safe Africa. It is worth mentioning that the Agenda 2063 takes as its starting point the UN's proposal, the Agenda 2030 for Sustainable Development, which is structured into 16 Sustainable Development Goals (SDGs). The First Ten Year Implementation Plan of Agenda 2063 (FTYIP) covers the 2014-2023 period and is comprised of 13 projects, with one of the most significant being "Silencing the guns in Africa by 2020". The AU therefore committed in 2013 to put an end to all active wars on the continent by 2020 [2]. Under the slogan "Silencing the guns in Africa by 2020", the regional body adopted a roadmap on the premise that peace, security and socio-economic development should be pursued simultaneously. Recently, this goal was ratified again during the 33rd AU Summit held in Addis Adeba (Ethiopia) in February 2020. However, the uneven evolution of the dynamics of each conflict, as well as the different agendas on security and conflict resolution issues have led to an uncertain outlook that has prevented the goal from being met.

In turn, according to data from the latest Ibrahim Index of African Governance, produced by the Mo Ibrahim Foundation, although African governance has improved in the last decade (2010-2019), mainly due to progress on the issue of economic opportunities and human development, this progress has slowed down in the past five years, even worsening in 2019 for the first time in almost a decade. The deterioration is due to a fall in the indicators in the Human Rights and participation and inclusion categories, as well as those linked to security and the rule of law. Specifically, the report states that although the continent has been making progress on the issue of good governance, the threat posed by the deterioration in the increasingly precarious security situation, as well as the erosion of Human Rights and the scope for civil and democratic participation, could put that progress already achieved at risk[3].

A similar picture emerges from the latest Freedom House report for 2019, which shows the progress and setbacks in people's access to political rights and civil liberties. In relation to sub-Saharan Africa, it states that although 15 African countries made progress, 22 others suffered setbacks. The region of sub-Saharan Africa stood out for leading the overall trends in both ways, positive and negative: of the 12 largest reductions in the world, seven were registered in sub-Saharan Africa (mainly in Benin, Mozambique, Tanzania, Burkina Faso, Guinea, Mali and Nigeria). However, in contrast, six of the seven countries with significant improvements are in this region (Sudan, Ethiopia, Madagascar, Guinea-Bissau, Democratic Republic of the Congo and Eswatini [4]). This represents an encouraging trend on the continent although, in general, significant challenges on the issue of governance, liberties

and respect for Human Rights remain. Freedom House notes that only seven sub-Saharan countries appear in the “free” category, the lowest since 1991, which covers 9% of the region’s population. By contrast, 19 countries appear in the “not free” category, which accounts for 11% of the population, including the Central African Republic, Libya, Somalia, Sudan, Equatorial Guinea, South Sudan and Eritrea [5].

In general, political and social freedoms in sub-Saharan Africa have been conditioned by the armed conflicts, as well as by the transition processes seen on the continent. According to the Escola de Cultura de Pau (School for a Culture of Peace), in 2020 there were 15 armed conflicts on the continent (including Libya), some of which have seen a worsening in the security situation over the past year, severely affecting civil populations and generating significant humanitarian crises [6]. In turn, most of these violent conflicts have been characterised by human rights violations, in many cases leading to complaints by the different bodies against the warring parties for committing war crimes and crimes against humanity. Meanwhile, on the issue of democratic opening, as mentioned previously, the sub-Saharan region has for years been undergoing significant political changes. Led by a thriving and better organised civil society, where the role of young people and women’s organisations is key, calls for political opening and increased democracy are achieving significant progress, although change is not proving easy. Significant reforms and democratic opening processes are taking place in countries with historically closed regimes, such as Angola, Ethiopia, Gambia, the Democratic Republic of the Congo (DRC) and Sudan, even though the legacies of the previous regimes still remain. In contrast, in other countries the scope for political activity is suffering setbacks, such as in Tanzania, Senegal and Uganda. In turn, the prolongation of the presidential mandates of some African leaders, such as recent cases in Burundi, Rwanda, the Republic of the Congo and DRC, or the attempt to prolong them, such as in Ivory Coast, Uganda, Cameroon and Togo, is generating serious crises for the continent’s quality of governance, while also causing numerous social protests that are being harshly suppressed by the security forces.

> Political and social freedoms in sub-Saharan Africa have been conditioned by the armed conflicts

This chapter identifies the main trends and challenges affecting rights violations in the sub-Saharan region due to political repression. The text is structured into three sections which include: first, a snapshot of the violation of the rights of different groups in different contexts; second, the impact on rights violations of the measures adopted to tackle the COVID-19 health pandemic; and third, some proposals to try to eradicate political repression and safeguard human rights in the region.

2. Legal framework and violation of rights in sub-Saharan Africa

The African continent has several regional treaties and instruments that guarantee the protection and defence of human rights. These treaties include the African Charter on

Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the Protocol of the African Court, the Maputo Protocol (supplementary protocol to the African Charter on Human and Peoples' Rights on the Rights of Women), the Kampala Convention (for the protection and assistance of internally displaced persons in Africa), the Protocol on the Rights of Older Persons and the Protocol on the Rights of Persons with Disabilities. However, as reported by Amnesty International (AI) [7], the pace of ratification of the regional African Human Rights treaties by AU member states remains slow. By late 2020, only 54% of these had been ratified, meaning that there are 177 ratifications still outstanding of the 385 required for all AU member states to be covered by the seven core regional Human Rights treaties. Of these, the African Charter has almost complete ratification on the continent, with the sole exception of Morocco. In terms of the ratification of the other regional treaties, 89% of countries have ratified the African Youth Charter, while only 2% have ratified the Protocol on the Rights of Older Persons. It is worth noting that to date no country has ratified the one on the Rights of Persons with Disabilities, two years after it was adopted. Some progress was made in 2020 in this area, with five new ratifications taking place: Equatorial Guinea, Mozambique and Somalia ratified the Kampala Convention; Benin ratified the Protocol on the Rights of Older Persons; and Ethiopia ratified the Maputo Protocol [8].

In turn, in addition to the lack of commitment by African states to ratifying the treaties, we have the failure of African governments to comply with the rulings of regional Human Rights bodies, which is putting at risk both their roles and the safeguarding of human rights across the continent. In this section, we briefly analyse the rights most affected in the past year, as well as the groups suffering most from the violation of their rights.

2.1. Women's rights

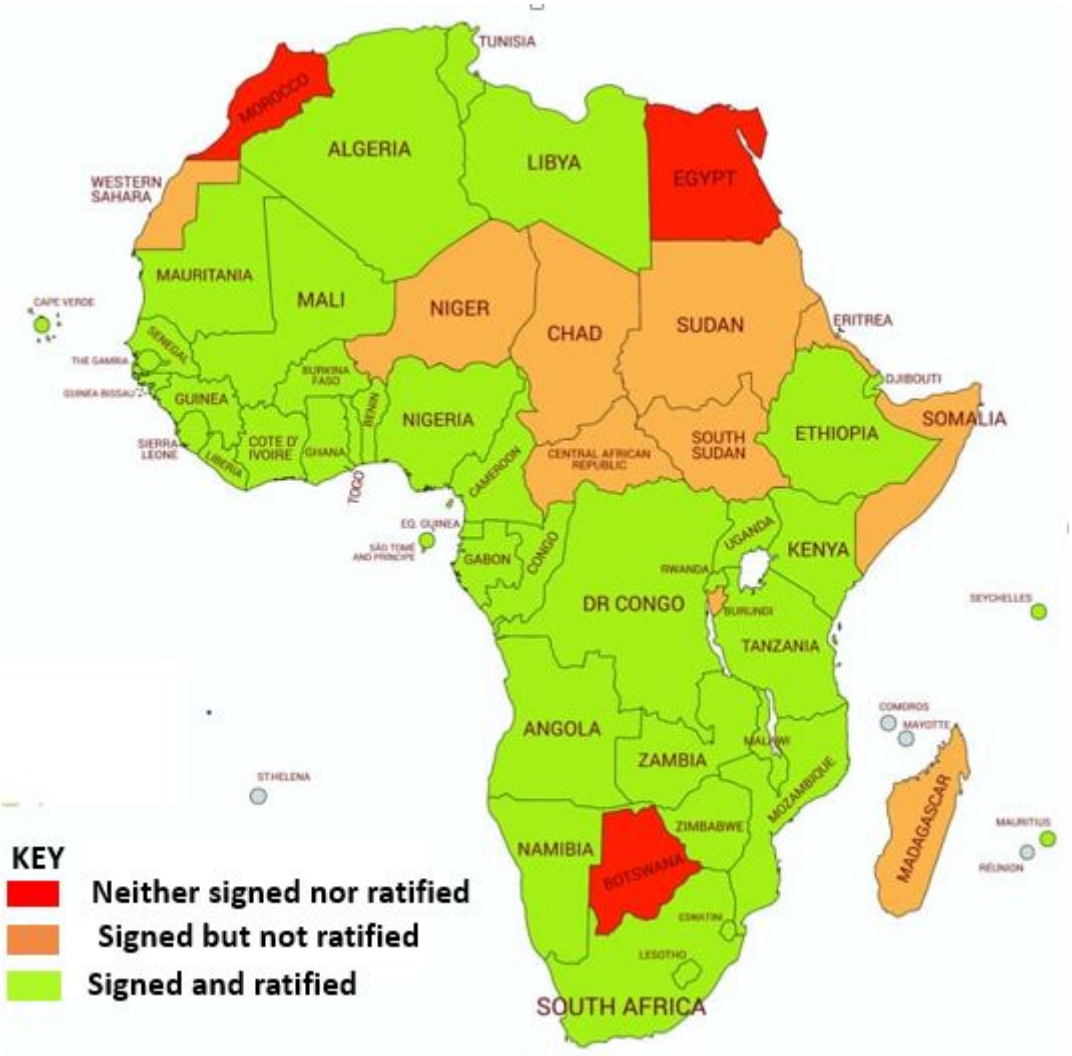
In recent decades, especially the last two, we have witnessed an unprecedented acceleration in the development of protocols, international and regional frameworks and constitutional and legislative changes on a national level aimed at promoting and protecting women's human rights. However, despite the almost global unanimity in adopting the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the main international treaty in this regard which establishes obligations for member states, two countries on this continent, Somalia and Sudan, are still not members due to historical ideological differences between the CEDAW and Islamic Law.

On a regional level, in 2003 the AU adopted the Maputo Protocol (Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa), which has currently been adopted by 42 of the 55 AU member states, and to a much lesser extent, its Optional Protocol.

2020 was the year designated by the AU as the Year of Universal Ratification of the Maputo Protocol in an attempt to accelerate its effective expansion. However, the conclusions on the assessment of achievements describe relatively slow progress in its ratification, nationalisation and implementation. Described as one of the most advanced of its kind, in

2020 thirteen countries are still not member states; ten have signed but not ratified it—Burundi, the Central African Republic, Chad, Eritrea, Madagascar, Niger, the Saharan Arab Democratic Republic, Somalia, South Sudan and Sudan—, and three have taken no action —Botswana, Morocco and Egypt. The lack of implementation has had a specific impact on the protection of women's Human Rights when conflicts arise, this being particularly significant in cases such as South Sudan, DRC, the Central African Republic, the Lake Chad Basin, Sahel and the Horn of Africa, while this impact has been aggravated by COVID-19. Furthermore, the general move by member states to not submit reports on progress in their adaptation to national policies and implementation—according to the AU only 9 out of 42 have submitted a report over the 15 year history of the Protocol—also represents a significant obstacle for accountability and for measuring the progress of the commitments adopted.

Map on the status of the Maputo Protocol. Source: African Union, 2020



The Protocol has been especially important for the approval in several countries of specific laws against sexual and gender-based violence, and in other cases the state institutional mechanisms for the promotion and protection of women's rights have been expanded. This includes legislation against harmful traditional practices such as child marriage and Female Genital Mutilation (FGM). The banning of the different levels of FGM has been accelerated. While its strong social entrenchment means that the approval of laws and penalties on a

formal level is not necessarily directly reflected in a decline in it being performed, it has declined in countries such as Ivory Coast, Nigeria, Ethiopia and Kenya. However, it seems to have increased in Chad and Sierra Leone, while remaining the same in countries such as Mali and Gambia [9].

However, among the challenges to the application of the Protocol are the continuing misgivings of conservative governments or those with a strong presence of conservative faith groups, especially when it comes to guaranteeing the rights of sexual and reproductive health, such as access to contraceptives, abortion or the legal age for marriage, and those rights understood to be of a family nature, such as separation, divorce, marital property, etc.

As significant progress we can point to the case of Sudan. Despite, as mentioned, it not having ratified the CEDAW or the Maputo Protocol, the country has made very significant legislative progress this year thanks to the new transitional government (following the fall of the regime of Omar al-Bashir in 2019). In November 2019, the country repealed the Public Order Act of 1996, which controlled the public presence of women, their clothing and behaviour, and provided the legal foundation for arbitrary arrests, physical punishment and the denial of women's freedom of association and expression. Similarly, the amendment to article 141 of the Criminal Law was approved on 22 April 2020, criminalising FGM on a national level—it was already forbidden in some states. Despite the criminal code still having numerous discriminatory articles that limit women's freedom, this is undoubtedly important progress.

2.2. Violation of rights in the electoral framework

Elections have continued being held in sub-Saharan Africa in 2020, following the trend seen in recent decades. However, many election processes have been characterised by electoral violence [10] and the violation of citizen's rights, establishing a dangerous trend that raises important question marks about the quality and consolidation of democracy. As an example, around 50% of elections on the Continent have suffered this type of violence [11]. Likewise, in some contexts, the parties in power have tried to use the various mechanisms at their disposal to remain in power, leading to the so-called "third term crisis". In parallel, opposition and civil protests against attacks on democracy are growing, which has led to significant popular protests and demonstrations which have swept across much of the continent.

In 2020, most of the elections held in the sub-Saharan region were affected by a heightened climate of violence during the election pre-campaign and campaign, or after announcing the results due to irregularities and fraud on election day or when counting the votes. In most cases, these have resulted in protests by civil organisations responding to the lack of credibility of the counts and violations by sitting presidents, such as in Cameroon and Burundi (February and May, respectively) and Guinea, Ivory Coast and Tanzania (October). In these five cases, the result has been victory for the appointed successors (Evariste Ndayishimiye in Burundi) or the ruling parties (Paul Biya's Cameroon People's Democratic

Movement (RDPC in French) in Cameroon) or the re-election of sitting presidents (in the other three cases). This means the beginning of controversial third terms for the Guinean Alpha Condé and the Ivorian Alassane Ouattara, as well as the continuance in power of the Tanzanian John Magufuli, whose regime has been characterised by the persecution of civil society and political opposition.

In Guinea, there were real concerns about the way the situation evolved. The postponement of the presidential elections from March to October—due to the pandemic— and the constitutional reform led to a severe escalation in the violence led by the security forces, with a large number of people being killed. In response, a series of organisations led by the International Federation for Human Rights (FIDH), warned that the country was “slipping towards a cycle of uncontrollable violence and repression”. Furthermore, arson attacks were reported on polling stations in the capital and the security forces were said to be using live ammunition.

Likewise, there were also episodes of post-election violence, with confrontations between supporters of the different candidates. These were especially violent in Ivory Coast, where the independent official National Council for Human Rights organisation declared that 55 people had died and 282 been injured between 31 October and 10 November. In Guinea and Tanzania there were instances of opposing parties being persecuted, which in some cases ended with the arrest of some of their leaders. In response to these situations, social organisations and opposition parties called for protests, resistance and the contesting of results.

The elections in Burundi, Cameroon and the Central African Republic, countries experiencing armed conflict, were affected by armed groups that tried to influence the election campaign, boycotting the vote and attacking polling stations in the North West and South West areas, in the case of Cameroon; as well as in the Central African Republic, where the presidential elections of 27 December were severely affected by the prevailing insecurity and obstruction caused by armed groups across the country. In Burundi and Cameroon, the violence mainly came from the excessive use of force by the government security forces or pro-government militia (the Imbonerakure youth chapter of the National Council for the Defense of Democracy (CNDD-FDD) party in Burundi), especially during the election campaign, with opposition complaints of violence and abuse and the arrest of candidates and supporters of the opposition National Congress for Freedom (CNL) party.

Ghana and Benin, two of the most stable democracies on the continent, have seen their political arena shrink. The elections held on 7 December in Ghana were affected by dozens of incidents between supporters of the president Nana Akufo-Addo and the former president John Mahama (who claimed victory in the close elections), killing at least five people. In Benin, mired in a political crisis since 2019, the response to the pandemic affected the local elections in May 2020, which were plagued with irregularities reported by the parties opposing the president Patrice Talon. The subsequent demonstrations were broken up by the security forces using live ammunition.

Lastly, it is worth mentioning the increase in political tension in Uganda due to the start of

the election campaign and the upcoming presidential elections on 14 January 2021. The campaign period was characterised by the murder and violent dispersal of opposition supporters using tear gas and rubber bullets. In the five weeks since the election campaign began on 9 November, dozens of people have died in acts of violence linked to the elections, most shot dead by the police or other security forces. The president Yoweri Museveni—in power since 1986—publicly declared that 54 people had died on 18 and 19 November in the protests and riots that followed the arrest of the main opposition candidate, Robert Kyagulanyi (popularly known as Bobi Wine).

2.3. Violence in situations of armed unrest

As mentioned at the beginning, although in 2013 the AU made a commitment to put an end to all wars on the continent by 2020 under the motto “Silencing the Guns in Africa by 2020”, armed unrest still continues on the continent. Specifically, in 2020 a total 15 armed conflicts were reported, which are severely affecting the civil populations and generating significant humanitarian crises [12]. The global call for a ceasefire made on 23 March by the UN Secretary-General António Guterres to all warring regions in the world in order to tackle the coronavirus pandemic, despite initially being backed by several African states as well as by several sub-state parties [13], did not manage to stop the violence and even led to different parties increasing their involvement in ongoing conflicts [14].For example, according to the *Armed Conflict Location & Event Data Project* (ACLED) research centre, the community militias in eastern and western Africa took part in 70% more violent events than before the pandemic, although the centre did note the importance of not “attributing these changes just to the coronavirus” [15].

In sub-Saharan Africa, the most severe armed conflicts in 2020 were in Mali, western Sahel, Lake Chad, Somalia and South Sudan. Some of these cases easily exceeded one thousand deaths over the year, such as the western Sahel region in what was the most deadly year for Jihadist groups, who caused an estimated 4,250 deaths, a 60% increase compared to 2019. Another example is Somalia, with over 2,000 deaths in the year.

In general, armed conflicts had a significant impact on the territories where they took place, with serious violations of the civil population’s human rights and International Humanitarian Law (IHL). For example, in Lake Chad the war tactic of civilians being kidnapped and going missing continued, with up to 22,000 people still missing in 2019 according to the International Committee of the Red Cross (ICRC), a figure which represents the highest ever recorded by the organisation globally. Likewise, in terms of other impacts or war strategies, armed state and non-state agents continued perpetrating sexual and gender violence against the civil population, women and young girls in a significant way. Although the majority of sexual violence perpetrators were not state agents, it has been confirmed that national Armed Forces, the police and other security officials have also perpetrated sexual violence in countries such as the DRC, Somalia, Sudan and South Sudan. The report by the UN’s Secretary-General on the protection of civilians stressed that the global situation was tragically similar to that seen twenty years ago, and that there were still impacts to address in the short and long term [16]. Regarding

the latter, according to data taken from the annual report of the United Nations High Commissioner for Refugees (UNHCR) published in mid-2020, in late 2019 there were a total 79.5 million forcefully displaced people, nine million more than in the previous year (70.8 million in 2019). Of these, 45.7 million were internally displaced people (41.3 in 2019), whereas 29.6 million were refugees (25.9 in 2019). The causes of this forced displacement can mainly be traced back to the impact of armed unrest, as well as different types of natural disaster linked to the climate crisis. Specifically, in sub-Saharan Africa, the DRC heads the table in the displaced population in the continent (6.4 million), followed by South Sudan (3.5 million), Nigeria (2.9 million) and Sudan (2.9 million) [17].

It is also worth noting that in several armed conflicts, complaints were filed by human rights bodies, accusing the state's security forces of committing extrajudicial executions and war crimes. In Nigeria, AI reported that both Boko Haram and the Nigerian Armed Forces had committed war crimes and possible crimes against humanity. According to their calculations, since 2011, in the context of the war against Boko Haram, at least 10,000 people have died while being held in custody by the state's security forces [18]. In Mozambique, there were also accusations made against members of the security forces for their supposed involvement in human rights violations, torture, participation in indiscriminate killings and extrajudicial executions. Bodies such as Human Rights Watch (HRW), the National Human Rights Committee and AI asked the government for an independent and impartial investigation of incidents of torture and other severe violations of human rights allegedly committed by the security forces in Cabo Delgado [19]. In Ethiopia, the UN high commissioner for Human Rights, Michelle Bachelet, expressed her concern at the "extremely volatile" situation in Tigray, a region where she reported that severe abuses and violations of fundamental freedoms were taking place. Also in the western Sahel region, in the area around the triple border between Mali, Niger and Burkina Faso, known as Liptako-Gourma, in the past year there were different reports accusing the security forces of all three countries of committing human rights violations in the framework of the so-called "war against terrorism".

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In Burkina Faso, Parliament approved controversial legislation allowing the army to use civil volunteers in the fight against armed groups. The measure was questioned by human rights organisations due to several complaints being filed against the Burkina Faso army for human rights abuses and violations. The country's Observatory for Democracy and Human Rights said in a report on 23 June, that the Armed Forces were responsible for the death of 588 civilians in the context of action against terrorism. The armies of Mali and Niger were also accused by the UN Mission in Mali (MINUSMA) of committing war crimes in their operations, particularly against civilians, carrying out 135 extrajudicial executions between 1 January and 31 March in Mopti, in the central region of Mali.

2.4. Violence and repression by police forces

Cases of police violence and abuse and the violation of rights by state security forces have continued in many countries on the African continent. They have mainly taken place—as well as in the situations already mentioned involving armed conflicts—in situations where there have been changes of government due to popular pressure (Sudan and Mali), election processes (Ivory Coast, Guinea or Uganda) or in countries characterised by structural political crises. Of all of these, the most significant event of the year undoubtedly took place in Nigeria, with the emergence, in October, of the citizen movement called *Soro Soke* (*Speak Up*), known on social media as *#EndSARS*. As a result of a video that went viral showing a police unit from the Special Anti-Robbery Squad (SARS) fatally shooting an unarmed man in the town of Ughelli, in the state of Delta, on 5 October there were demonstrations and peaceful sit-ins in Abuja and Lagos to protest against police brutality and impunity. SARS has an extensive record of complaints for human rights violations, particularly torture, extrajudicial executions and suspects going missing in their custody. AI documented at least 82 cases of torture, mistreatment and extrajudicial execution by members of SARS between January 2017 and May 2020. In turn, they reported the existence of a systemic pattern of abuse of power by SARS agents, as well as the inability of the Nigerian authorities to bring the perpetrators to justice, highlighting shortcomings in the accountability of the police that contributes to the existence and escalation of human rights violations. [21].

Even though the scale of the *#EndSARS* demonstrations in Nigeria led to the government agreeing, on 11 October, to disband the police unit, two days later they announced the creation of a new police unit to replace the old one, the *Special Weapons and Tactics* (SWAT) unit. This decision revived the protests in numerous cities and on 20 October the army opened fire on protesters in Lagos, killing at least 10 people. The protesters later destroyed at least 25 police stations and killed or injured dozens of police officers. In total, the increase in violence led to the deaths of 60 people, including civilians, police officers and soldiers. The Government of Nigeria took legal action against organisations and activists linked to the social demonstrations, such as the activist Rinu Oduala, lawyer Modupe Odele and the feminist organisation *Feminist Coalition*, including freezing their bank accounts and seizing travel documents.

2.5. Repression of social movements and human rights defenders

As we have been emphasising, over recent decades Africa has been experiencing sweeping political changes en route to consolidating democracy. These have politically transformed the continent, expanding participation mechanisms and creating greater popular demand for political openness, accountability, limiting of terms, etc. This transitional process has led to more public demonstrations and social protests led by new social movements that have mainly been spearheaded by a thriving generation of young Africans and a greater role for women. Important progress and transformations have been achieved as a result and

these have positively contributed to enhancing the freedoms and rights of citizens, resulting in the fall of significant presidential regimes that had been in power for decades, such as in Zimbabwe, Burkina Faso, Gambia, DRC, Angola and, more recently, Ethiopia and Sudan. However, this scenario has also led to new episodes of political violence, which manifests itself in an increase in protests and riots, as well as the repression of social movements. According to data from ACLED, between 2015 and 2020 there have been 30,000 protests in sub-Saharan Africa, which have claimed the lives of 6,566 people. In 2020, these have become more intense, with around 7,500 such events taking place in the region leading to around 1,500 deaths, mainly in South Africa, Nigeria, DRC, Guinea, Uganda, Ethiopia and Kenya. [21].

Below are some of the most significant episodes reported throughout the year in relation to the repression of social movements and human rights defenders, beyond those mentioned in the context of election processes. In Gambia, the decision by the president Adama Barrow to extend his presidential term from three to five years and remain in position led to significant protests in the country that were repressed by the security forces. The public movement *Three years is up*, which led the protests calling for Barrow's resignation, was banned by the Gambian government in January, and its president, Abdou Njie, was arrested. In Nigeria, the sultan of Sokoto—the main traditional Islamic leader in the country—banned the campaign calling for greater rights and freedom for women, promoted by the women's movement *#ArewaMeToo*, in the state of Sokoto. In Mali, the severe political crisis and the effects of the armed conflicts in recent years generated, around the middle of the year, an escalation of the social protests in the country demanding the removal of the president Ibrahim Boubacar Keita. These led to the deaths of dozens of people and hundreds more were wounded, as well as a military coup that unseated the president, starting a complex process of political transition in the country. In Rwanda, a country affected by increasing authoritarianism, the gospel singer Kizito Mihigo, who was critical of the Kagame regime, died in custody in February and the government refused to investigate the death. Lastly, in Uganda, towards the end of the year, the police arrested Nocholas Opiyo, director of *Chapter Four Uganda* and a prominent advocate for civil liberties and human rights in the country.

Meanwhile, among the positive events taking place, it is worth noting the order for provisional release issued in September by a judge in Niamey, Niger, of three human rights defenders arrested in March after taking part in a protest and being accused of homicide, being accessories to damaging public property and arson. In Uganda, on 20 February, the Supreme Court Judge, Henry Peter Adonyo, overturned the sentence of the Ugandan activist and writer Stella Nyanzi, acquitting her of the charges of cyberbullying the president Yoweri Museveni. Nyanzi, who in the elections in January 2021 is standing as a candidate to become MP for Kampala, was later arrested on several occasions, in May and September, amidst a campaign of repression and criminalisation of the country's political opposition.

Environmental defence activists have also endured episodes of violence, persecution and repression by state and private security agencies. In South Africa, the activist Fikile Ntshangase was murdered in October 2020 after his opposition, as representative of the

Mfolozi Community Environmental Justice Organisation (MCEJO), to the expansion of a mine belonging to the company Tendele Coal Mining (Pty), in the KwaZulu-Natal region. Her case is no exception in this country, where mining operations represent severe risks to the population in terms of housing, land and water rights, as well as environmental sustainability. Similarly, in Uganda and Tanzania, the upcoming construction by the French company Total of the *East African Crude Oil Pipe Line* (EACOP), which will carry oil produced in the Lake Albert region of Uganda to the coast of Tanzania, is leading to forced displacements of the population, violating their right to the due process of free and informed consultation. It is also resulting in coercion and the intimidation of activists and the general public and is threatening the food security of the populations and their access to the means to a livelihood while causing significant environmental impacts [22]. Due to the specific impact of resource extraction operations—wood, minerals, hydrocarbons, large swaths of land for the agriculture industry, etc.—in natural settings and those often inhabited by indigenous people—the Batwa in DCR and Uganda, the Ogiek community in Kenya, the Masai in the east region, etc.—, it is worth remembering that the international framework for the rights of indigenous people is still underdeveloped in the region, and the human rights violations in these situations intersect with those linked to access to land, food, health, etc. However, in 2017, a positive example showed the importance of this international regime and became a regional paradigm, with the ruling by the African Court on Human and Peoples' Rights in favour of the Ogiek community and against the government of Kenya for the violation of their rights to land, following an eight-year-long legal battle.

2.6. Repression of freedom of the press/expression

Different organisations involved in the defence of human rights have reported an increase in the repression of the freedom of the press and expression in 2020 linked to restrictions relating to the COVID-19 pandemic. Although the number of journalists murdered while on the job was similar to figures from 2019, as stated by the Reporters Without Borders (RSF) and Committee to Protect Journalists (CPJ) organisations, such executions fell in conflict situations. However, they increased in stable and democratic countries where there were protests and demonstrations in the framework of socio-political crises of different types, compounded in some cases by the COVID-19 pandemic. Of the 50 journalists murdered around the world in 2020, according to the report by RSF [23], seven of them died while covering protests. Two of these deaths took place in Nigeria, falling victims to the climate of violence surrounding the protests against police brutality. Thus, according to RSF, Nigeria became the most dangerous country in western Africa for the media. Furthermore, there was an increase in repression against journalists as part of the use of the pandemic to prevent people from exercising their freedom of expression (Rwanda, Zimbabwe), the blocking of websites and the closure of media outlets (in Benin, Gambia, Nigeria and Tanzania) and limiting of media access to certain situations (the Ethiopian region of Tigray or the region of Cabo Delgado, in Mozambique). The pandemic was also used to restrict press freedom in other areas, such as in Madagascar, South Africa and Uganda.

Somalia continued being one of the most dangerous countries in the world in which to be a

journalist, due both to the violence caused by the war on the freedom of expression as well as the impunity with which the federal authorities act. In November, the *African Freedom of Expression Exchange* (AFEX) organisation published a report [24] on the state of press freedom, which verified that at least eight journalists have died in the centre-south of Somalia and Puntland in the last three years. A total 32 journalists had been arrested up to September, most of which were arbitrary arrests conducted by the police. Furthermore, five media offices had been raided and closed. The authorities in Somalia have often invoked alleged national security concerns and the fight against al-Shabaab as the basis for attacking journalists, closing media outlets and restricting the right to freedom of expression and access to information.

Likewise, another report published by RSF [25], noted that sub-Saharan Africa, in the framework of the global COVID-19 pandemic, had suffered a wave of cases of abuse committed against media professionals despite informative coverage decreasing because of that crisis. A joint report by *Cartooning for Peace* and RSF [26] showed that the number of journalist arrests in sub-Saharan Africa tripled between 15 March and 15 May 2020 compared to the same period one year earlier. Examples of this were the arrests of voices that were critical of the Ethiopian government of Abiy Ahmed, such as the journalist Eskinder Nega—jailed in 2011 and freed by Ahmed in 2018—during the June demonstrations over the death of the singer and activist Hachalu Hundessa; or in Burundi, a country where four journalists from the Iwacu radio station were sentenced in January to two and a half years in prison for covering a rebel incursion, for which they were accused of being a national security threat. In Nigeria, the *Media Rights Agenda* reported that the journalist Ime Sunday Silas had been arrested in August, and that in late September he was still under arrest despite having paid bail for his release. In Mozambique, the authorities arrested the journalist Omardine Omar, from the newspaper Carta de Moçambique, in June, while covering the government’s counter-insurgence operations in the north of the country, being accused of revealing secrets. Both the *Centre for Democracy and Development* and the *Media Institute of Southern Africa* have warned of the increase in media persecution and restrictions on their actions in Mozambique. Also, in Benin, online media outlets faced a general government-ordered shutdown, a decision denounced as an attempt to silence coverage of the 2021 elections.

Meanwhile, in relation to the repression of press freedom in the framework of the pandemic, a total 40 journalist were reported to have been detained between March and November [27]. To give a few examples, in Zimbabwe, the investigative journalist Hopewell Chin’ono spent almost a month and a half in prison after denouncing the embezzlement of public funds in relation to the purchase of equipment to fight coronavirus. In Madagascar, the Malagasy journalist Arphine Rahelisoa, editor of the opposition newspaper Valisoa, was detained in April after criticising the way the country’s president, Andry Rajoelina, had handled the pandemic, subsequently being released in May. In Rwanda, the journalist Dieudonné Niyonsenga remained in prison in late 2020, officially for “having broken confinement laws” while investigating the impact of the measures imposed on the population by the authorities and reports of rapes allegedly committed by soldiers in charge of enforcing the curfew. In Tanzania, the journalist Talib Ussi Hamad was suspended for six months as a result of a news item linked to the pandemic.

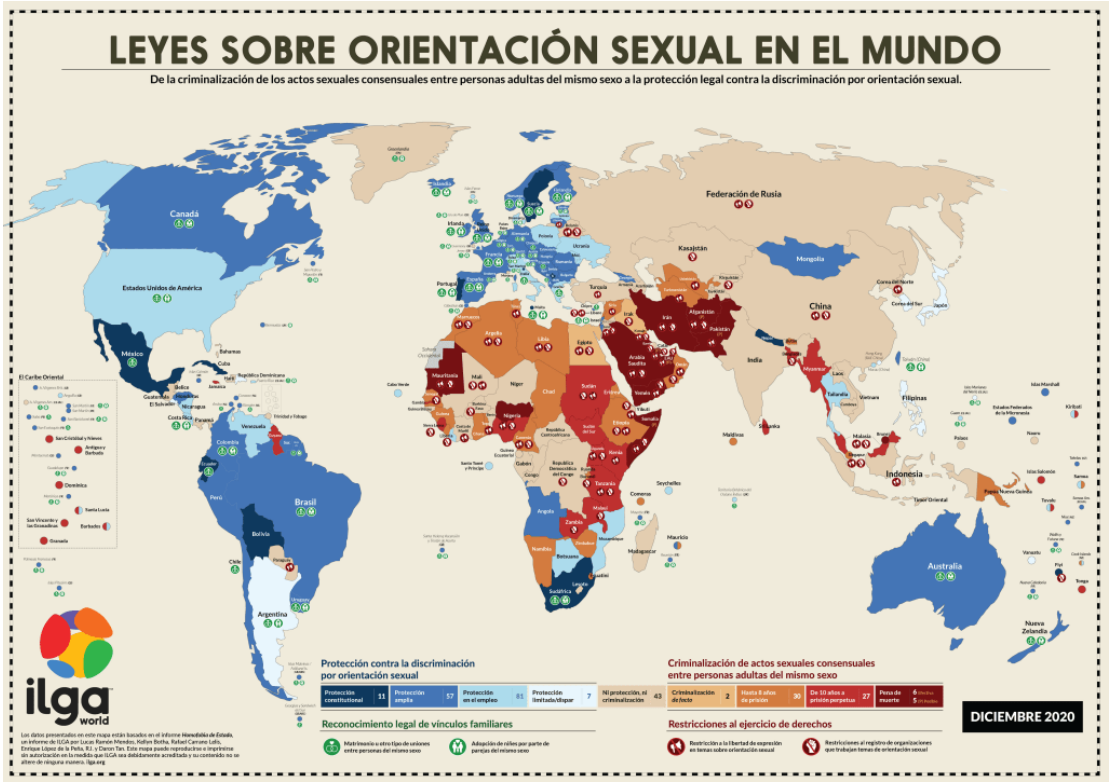
> Different organisations involved in the defence of human rights have reported an increase in the repression of freedom of the press and expression in 2020 linked to restrictions relating to the COVID-19 pandemic

Other cases of police violence against the free exercising of journalism during protests and demonstrations have been reported in South Africa. In June, the police shot Mweli Masilela, a journalist from *News room Afrika*, who was covering riots in KaNyamazane; and the South African journalist Thobile Mlangeni was injured in November when the police allegedly fired rubber bullets in an indiscriminate way in Mbombela, in the province of Mpumalanga. Lastly, in Uganda, members of the security force beat up the journalist Julius Ocungi for taking photos of the police who were closing a bar in the district of Kitgum, in the north, in March. In late April, the *Ugandan Human Rights Network for Journalists* reported that there had been at least 12 attacks on journalists since the curfew began in the country on 19 March. Other places where journalists have been detained or persecuted are Eswatini, Cameroon and Niger.

2.7. State Homophobia

The African continent is currently the region with the highest number of countries that criminalise consensual sexual relations between adults of the same sex, or persecute LGTBIQ people and communities. While on a global level there are 69 countries that criminalise sexual freedom, according to the latest data from ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), in Africa 31 of the 54 states criminalise homosexual relationships in some way, including prison sentences that run from eight years to life imprisonment, or the death penalty, which is still legally prescribed in six countries and five more could technically enforce it globally; three in Africa; 12 states of northern Nigeria, Somalia (only in provinces) and Mauritania, where there are different sentences for women and men.

Map: Laws on Sexual Orientation in the World. Source: LGBTIQ – ILGA, December 2020 (Asociació Internacional de Lesbianes, Gays, Bisexuals, Trans e Intersex)



In all, it must be noted that the general trend is moving towards decriminalisation. Portuguese-speaking countries have advanced most in this regard and in protecting the rights of LGTBIQ communities, either through decriminalisation or even passing protection or aggravating measures for hate crimes in response to violence against these groups (Cabo Verde). In fact, two of the most noticeable breakthroughs in 2020 have taken place in Africa, with the abolition in July of the death sentence and corporal punishment for consensual acts between people of the same sex in Sudan (even though people accused of sodomy can still be punished with sentences of up to seven years, or life imprisonment if they are found guilty three times), and the parliament of Gabon repealing the criminalising provision that had been added in 2019.

These breakthroughs are in addition to those seen in just the last decade, with Lesoto (2010), São Tomé and Principe (2012), Mozambique (2015) and Seychelles (2016) repealing laws that criminalised homosexuality. Meanwhile, Angola decriminalised homosexual relationships in January 2019 and will finally implement the new Criminal Code in early 2021, which will fully legalise them. The Criminal Code of 1886, inherited from Portuguese colonial times, criminalised people who practised “unnatural vices”. Also in 2019, Botswana repealed similar provisions, in this case referring to “unnatural carnal knowledge”, for being unconstitutional and contrary to the right to privacy and non-discrimination. However, Burundi (2009), South Sudan (2011) and Gambia (2014) have passed new laws toughening their measures.

On a regional level, the African Commission on Human and Peoples’ Rights specifically adopted Resolution 275 in 2014 against violence and other human rights violations against people based on their sexual orientation or real or perceived gender identity, establishing the protection of these groups and their equality as legal subjects included in the African

Charter on Human and Peoples' Rights. This resolution not only requires states to eradicate this type of violence, but also means they must implement measures that create an environment free of stigma, reprisals or criminal persecution.

However, in the case of Africa, one of the pillars of the violation of the human rights of LGTBIQ communities is precisely state homophobia, understood as the institutionalised criminalisation of consensual sexual acts between adults of the same sex in private. In parallel to the progress in achieving rights through decriminalisation in some countries, in the last two decades there has been an increase in both institutional and social homophobia, mainly due to three parties: the states themselves, local and foreign religious leaders and the media, as well as colonial legislative hindrances that still permeate the legislative bodies of these countries.

There is a fairly common stance that sees homosexuality as not belonging to the continent, as a European colonialist import, as *unafrican*. In some cases, the states or political parties themselves have used the tension against LGTBIQ communities as a scapegoat. Through a strategy of polarisation, they have strengthened their public image as strong leaders taking on these neo-colonial impositions, guaranteeing the protection of African culture and morality. The reality is that most of the criminal codes that have provisions in this regard still have articles from the colonial era that specify the criminalisation of homosexuality under different names; "unnatural acts" (Angola, Portuguese-speaking), "carnal knowledge against the natural order and indecent practices, whether in public or private" (Kenya), "sodomy" (Sudan, Uganda), etc. The social criminalisation and promotion of the legal criminalisation of LGTBIQ communities has been exacerbated in recent decades by another essential party: the political and financial intrusion and meddling of evangelical churches. This is the case in Uganda, where some years ago the violence against and criminalisation of LGTBIQ people intensified with the call to change the criminal code and even impose death sentences. Although the Constitutional Court ultimately rejected capital punishment due to procedural errors in 2014, for some years the push led to civil attacks against these people, which worsened the community's position, promoted hate crimes and even ended with the murder of a well-known activist, David Kato, after the media published a list of supposedly homosexual people and their identification details. The proposing of this law—known as the *Kill the gay bill*—has been resuscitated on several occasions, the last time being in late 2019.

2.8. International justice

On the issue of international justice, it is worth highlighting the role being played by the International Criminal Court (ICC) as well as the regional African human rights mechanisms and instruments. The ICC is keeping different cases open that involve the investigation of crimes linked to genocide, crimes against humanity, war crimes and the crime of assault in several African countries. Among the cases being investigated are Uganda, DRC, Darfur (Sudan), CAR, Kenya, Libya, Ivory Coast and Mali [28]. In turn, the ICC is also currently performing preliminary investigations linked to Guinea and Nigeria, while dismissing, in 2018, the preliminary investigation open in Gabon. Of all cases, in 2020

there has been progress in several of them, including Mali, Ivory Coast and, mainly, Nigeria and Sudan.

In the case of Nigeria, relating to "alleged crimes against humanity or war crimes committed in the Niger Delta, the Middle Belt states and in the context of the armed conflict between Boko Haram and Nigerian security forces", ten years after the preliminary investigation was opened, the court prosecutor, Fatou Bensouda, announced the conclusions on 11 December 2020. These conclude that there are reasonable grounds to believe that both members of the insurgent group Boko Haram and its splinter groups, as well as the Nigerian Security Forces, committed acts that constitute war crimes and crimes against humanity. Although the prosecution argued that a vast majority of the crimes were attributable to non-state actors, the addition of investigations against the way the security forces acted is good news in the search for justice and the end to impunity. For the ICC's case in Sudan, relating to accusations of genocide, war crimes and crimes against humanity committed in Darfur (Sudan) since 1 July 2002, the fall of Omar al-Bashir in April 2019 has led to a new scenario for seeking the prosecution and enforcement of justice. The new transitional government created in July 2019 agreed on 11 February 2020 to cooperate with the ICC, committing to hand over to the organisation the four former public officers of the regime, including former president al-Bashir, charged by the ICC. The announcement caused one of the defendants, the former leader of the Popular Defence Forces and the *Janjaweed* militia, Ali Kushayb, to flee the country to CAR. However, on 9 June, the ICC announced that Kushayb had surrendered to the authorities in that country and was being transferred to The Hague.

Meanwhile, regarding the enforcement of international legislation on the issue of human rights protection by African bodies and instruments, AI reported that African governments are not complying with the resolutions of regional human rights bodies, thus severely undermining their work and putting the safeguarding of rights across the continent at risk [29]. In relation to the African Court for Human and Peoples' Rights (AfCHPR)—a court created by the AU that acts as the main human rights mechanism—, AI raised concerns about its future due to the decisions of the governments of Benin, Ivory Coast and Tanzania, to restrict access to this essential path to justice. Rwanda should also be added to this list, as this country also withdrew this right for people and NGOs to submit cases directly before the court in 2016. The reasons for the withdrawal of these four countries relates to them having received unfavourable rulings from the Court. Tanzania, the host country of the Court, withdrew on 21 November 2020, one year after the request submitted by the Tanzanian government. However, its withdrawal does not mean that the country no longer needs to adhere to the provisions of its protocol, as the court allows people and NGOs from other countries to take action against Tanzania. However, its exit does mean that no individual or NGO from Tanzania can seek direct redress through the Court, although they can do so through the African Commission on Human and Peoples' Rights based in Banjul, Gambia. The same is true for Benin and Ivory Coast, who withdrew in March and April 2020 respectively, due to disagreements with the court's rulings.

> The governments of Benin, Ivory Coast, Tanzania and Rwanda

> restricted the access to the African Court for Human and Peoples' Rights: no one can submit cases directly to the court. The reasons for the withdrawal of these four countries relates to them having received unfavourable rulings from the Court

The court has jurisdiction to judge cases of alleged violations of the African Charter on Human and Peoples' Rights. It was established in accordance with Article 1 of the Protocol of the African Charter of Human and Peoples' Rights, adopted by member states in 1998. Although the Protocol took effect on 25 January 2004, a total of 31 out of the 54 African states have now ratified it [30], but of these, only six have submitted the declaration acknowledging the Court's jurisdiction to hear cases directly from NGOs and individuals: Burkina Faso, Gambia, Ghana, Mali, Malawi and Tunisia. By 22 October 2020, the Court had received 295 petitions, 278 of which were issued by individuals, 14 by NGOs and 3 from the African Commission on Human and Peoples' Rights [31]. Burkina Faso is the only country that has fully abided by the Court's rulings, while in other countries such as Benin, Kenya, Libya and Rwanda, which have had rulings issued against them, these have not been fulfilled at all. Some have even declared that they will not comply with the orders and rulings of the court.

However, it is also worth noting that African countries are not fulfilling their obligations to regularly report to the African Commission on Human and Peoples' Rights, as required by the African Charter on Human and Peoples' Rights.

3. Impact of COVID-19 on rights violations

The COVID-19 pandemic emergency has created an undeniable risk factor worldwide for the full enjoyment of human rights in many areas due to the implementation by governments of emergency laws, states of alarm and extraordinary measures that by definition restrict freedom of movement, expression and assembly, as well as the right to a private and family life and the right to work. Democratic quality has deteriorated in over 80 countries [32], as free discretion in the application of measures has often been used as an excuse to suppress or discriminate against specific groups, limit the civic space and censor critical voices, as well as violating the rights of women, migrants and other especially vulnerable groups.

Despite the comparatively limited presence of the pandemic on the continent, for which there are several explanations including the young population, the fast reaction in response to the spread in Asia and Europe that led to an early closure of borders, the experience from managing prior infectious diseases such as Ebola in certain countries, the centralised purchase of tests and material; and the lower capacity to detect infected people, etc. [33] it has had numerous effects in the south Sahara region. The Ibrahim Index report [34] notes the decline suffered in terms of governance after the positive progress seen in the past decade, while AI [35] reports that African governments have resorted to the use of excessive force in order to implement these measures, as well as carrying out arbitrary

arrests and detentions, restricting the civic space and in general denying the right to seek asylum.

On an institutional level, the regional human rights bodies (the African Court and Commission on Human and Peoples' Rights; and the African Committee of Experts on the Rights and Welfare of the Child) have reacted to the emergency caused by the pandemic. In fact, the African Commission was the first regional human rights body in the world to publish a declaration on the need to produce a coordinated response to the pandemic and take preventive measures focusing on rights and proportionality, the importance of access to information and the centrality of especially vulnerable groups.

In light of the influence of the pandemic on eroding guarantees on the enjoyment of human rights, we will specifically address some concrete examples of the impact on the rights of especially vulnerable groups, of women, and the repressive and violent way in which they were implemented.

3.1. Impact on vulnerable groups

It is especially worth mentioning the specific impact of the repressive use of health measures aimed at keeping the COVID-19 pandemic under control, aimed at individuals with especially vulnerable rights. The report [36] on the impact of COVID-19 on LGTBIQ communities submitted before the UN General Assembly on the protection against violence and discrimination due to sexual orientation and gender identity, highlighted that the pandemic has had a disproportionate impact on these people, replicating and worsening pre-existing dynamics of social exclusion and violence, including in those countries that have implemented decriminalisation measures. These include psychological and physical violence, greater financial vulnerability and obstacles to accessing health services and care, including access to medication for diseases such as HIV, mental health or hormone replacement therapy (HRT) for trans and intersexual people. In keeping with the impact on women and girls, the confinement measures have increased psychological and physical violence against them by members of their families and their communities.

Meanwhile, measures affecting mobility and similar have increased the risk of suffering abuse in controls, selective arrests and arbitrary detentions, and in general of being targeted by hate crimes and mistreatment in public, including being used as scapegoats for the worsening of the pandemic by conservative political or religious leaders, in places such as Ghana, Kenya, Liberia, Uganda and Zimbabwe. In Uganda for example, during the lockdown, a shelter for LGTBIQ people was attacked by neighbours and security forces using verbal and physical violence, ending with 23 people being arrested. After a specific search for "evidence of homosexuality", 19 of them were accused of "engaging in negligent acts likely to spread the disease" and "disobeying the law" which could entail prison sentences of two and seven years respectively, in what HRW classified as a veiled attempt to use the pandemic as an excuse to make homosexuals the targets of arbitrary arrests and abuse [37].

Despite the positive results of the early measures to close borders to halt the spread of the virus, these have had a significant impact on the enjoyment of human rights of people on the move (people seeking asylum, refugees and migrants) whose movements are essentially within the region, such movements accounting for almost 80% of the total. According to data from the *Africa Centre for Disease Control and Prevention*, 43 out of the 54 African countries have decreed the closure of borders until April [38], causing migration routes to be altered to more dangerous ones. This is the case for the routes that crossed the Mediterranean in its central area and that have now been moved west, the route towards the Canary Islands being one of the deadliest with one in every 16 people taking this route having died or disappeared, according to UNHCR calculations to October [39] Another is the one from the Horn of Africa towards Yemen, whose flow has decreased drastically due to the border restrictions. It has also left people on the move in a situation of greater vulnerability and danger, or trapped in third countries due to detentions and forced deportations from Algeria or eastern Africa, thus heightening the risk of an increase in human trafficking.tràfic de persones.

3.2. Impacts on women’s rights

The incidence of the pandemic and the measures implemented by governments to reduce its effects, designed without taking the gender perspective into account, have had significant specific impacts on the lives, health and finances of women. These impacts on the rights of women and girls are commonly found at times of sudden stress, such as the Ebola crisis in 2014-2016. The mobility and lockdown restrictions decreed under the states of alarm have exponentially increased the situations and level of vulnerability of women and girls.

The financial impacts are also very important. The continent’s women represent up to 89% of the workforce linked to the inappropriately named informal economy [40], which includes jobs such as street selling [41], providing services—including illegal cross-border trade—, domestic work and agricultural, industrial or seasonal work. These occupational alternatives represent their livelihood, especially in urban settings, and to a high degree the financial security of their family units. Similarly, the service sector employs a high percentage of women. Activity in these sectors has fallen significantly—the ILO calculates that the income of informal workers fell by up to 81% in the region in the first month of the health crisis alone [42]—due to the strict response to COVID-19 with lockdowns and border closures between countries in all the continent’s subregions, especially those in the east and south, preventing women from carrying out their economic activity and, in most cases, without an alternative plan that meets their needs. We must remember that these are the most precarious jobs, with no guarantees and offering no opportunity to save money, as well as with the least social coverage in broad terms (absence of protection from labour laws, access to social benefits such as a pension, medical insurance or a right to take time off work), and having greater exposure to sexual harassment. Therefore, the effects of these measures have not only entailed a temporary loss of income, but will have long term effects, contributing to a setback in economic equality and an increase in the feminisation of poverty. Forecasts made by the ILO show an increase in poverty rates from 21% to 83%.

Since the beginning of the pandemic, feminist activists on the continent, as in the rest of the world, have warned of the danger of a very significant increase in domestic and gender-based violence, as well as sexual violence and the violation of the reproductive rights of women and girls, due to the strict lockdown measures and quarantines. Subsequent figures have shown that this is a general trend. For example, Kenyan justice institutions reported a peak in complaints about sexual violence, and South Africa and Uganda also registered significant increases of complaints about gender-based violence (GBV) [44]. Likewise, pre-existing restrictions on access to contraception have been exacerbated, as have, in general, the restrictions on access to sexual and reproductive health services.

Furthermore, the focus on the response to the pandemic has placed the health systems in the region under significant stress, affecting access to health services in general and to those related to maternal and child health. Moreover, in the case of girls, the closure of schools has increased their vulnerability to suffering GBV, being victims of FGM or child marriages, early pregnancy or HIV and other infections. Similarly, the increased precariousness of family finances has increased their risk of being a victim of child labour, as well as exploitation, including sexual exploitation.

Of course, the impact of these types of violence is higher among women in especially vulnerable situations, such as those in war zones, women with disabilities and those who have been displaced or are refugees. The organisation *Strategic Initiative for Women in the Horn of Africa* (SIHA), for example, reported that cases of sexual violence in Darfur, mainly in the internal displaced people's camps in the north, increased by 50% between March and June with the implementation of the COVID-19 measures. The organisation called for the transitional government to establish mechanisms for the prevention, justice and protection of civilians, especially women.

3.3. Repression and violence when implementing extraordinary measures

Although state responses to contain the COVID-19 pandemic have been diverse, in general governments have been forced to take extraordinary measures which, as we saw earlier, in some cases have included a disproportionate restriction of the right to peaceful assembly and freedom of expression. In situations where state-society relationships are weak and the social contract is fragile or broken, confidence in the state's implementing of extraordinary measures is low and the repercussions in terms of the state resorting to violence have been high. [44]. We must remember that in Africa, according to data from the Afrobarometer, between 2016 and 2018, only 46% of citizens said they "trust their elected leaders 'somewhat' or 'a lot'" [45]. Adding to the mistrust of institutions is the fact that different regimes have tried to politically exploit the extraordinary situation to suppress social protest and contain opposition movements, as can be seen in several places. AI has reported that in many places, the authorities have taken advantage of the extraordinary framework to adopt punitive and coercive measures that have led to human rights violations, while also dividing societies and not helping to tackle the health crisis [46]. Thus, it was reported that the police forces in different countries used excessive and

unnecessary force when implementing restrictions to impose closures and curfews, repressing peaceful protests and dissidence. In some countries, thousands of people were arrested for offences related to the pandemic, or placed in inhumane locations or unhealthy quarantine centres managed by the state. The police forces have interviewed or arrested journalists, bloggers, human rights defenders, political activists and social network users for questioning the health measures or sharing information.

In the sub-Saharan region there are numerous examples of cases of abuse, torture and rape (such as in Zimbabwe and the Ivory Coast) and an excessive use of force with fatal victims while imposing restrictive measures (such as in Angola, Ethiopia, Guinea, Kenya, Niger, Nigeria, Sierra Leone, South Africa, Zambia and Uganda, mainly). In Ethiopia, at least 16 people were executed by the security forces in the Wolaita area in August following protests against the arrest of local leaders and activists for supposedly holding meetings that contravened the restrictions for the pandemic. In Kenya, an excessive use of force was used when imposing the restrictions to limit the spread of the pandemic, with numerous cases of abuse and police brutality being registered, which led to the deaths of dozens of people. These have been set out in different reports by HRW [47] and the *Kenya National Commission on Human Rights* [48], among others. As a result, there were several lawsuits against the government for alleged murders and human rights violations, as well as numerous demonstrations in several cities to protest against police brutality, which were once again repressed by using force. Information in the press suggested that businessmen and government officials had misappropriated $400 million earmarked to deal with the COVID-19 pandemic, which led to further demonstrations. [49].

In Uganda, HRW accused the government of militarising the pandemic restrictions, using them to contain political demonstrations and restrict opposition meetings ahead of the presidential elections in January 2021. [50]. In one of the numerous episodes reported, on 18 November, the police arrested the main opposition leader, Bobi Wine, on the pretext of violating the health restrictions by encouraging thousands of people to attend his events. His arrest led to several demonstrations, which were strongly repressed by the security forces with tear gas and live ammunition, killing at least 16 people. However, in parallel, the party in power in the country, the *National Resistance Movement* (NRM), organised several mass campaign rallies with no trouble at all.

> In the sub-Saharan region there are numerous examples of cases of abuse, torture and rape and an excessive use of force with fatal victims while imposing restrictive measures. In Ethiopia, at least 16 people were executed by the security forces following protests against the arrest of local leaders for supposedly holding meetings that contravened the restrictions for the pandemic

Numerous cases were also reported in the western region of Africa. In Guinea, six people,

including a pregnant woman, were murdered on 12 May as a result of protests about how the restrictive measures linked to the pandemic were being applied, which included installing barriers to limit free movement. In Niger, the government banned all demonstrations that could bring together more than 1,000 people after members of civil organisations called for a demonstration against the alleged corruption in the Ministry of Defence following the leaking of an audit. According to police figures, 274 people were arrested in the country between 17 and 21 April following a demonstration against the enforcement of the curfew. In Nigeria there was a surge in demonstrations which was coupled with a wave of violence as a result of the imposing of coercive measures, which increased as a result of the pandemic. The security forces were accused of committing numerous human rights violations and of using excessive force when implementing extraordinary measures. The National Commission for Human Rights received 209 complaints of human rights violations committed by the security forces, including at least 29 extrajudicial executions that took place between 30 March and 4 May. Lastly, in Sierra Leone, in April, the guards of the central prison in Freetown used live ammunition to break up a riot, killing 31 people and leaving dozens injured. According to reports, prisoners were complaining about overcrowding and the measures to tackle the pandemic.

5. Proposals to eradicate political repression

Sub-Saharan Africa has made significant progress in recent decades on a regulatory and institutional level in terms of extending human rights guarantees, thanks to the tireless work of their defenders on the continent. The gradual creation and adoption of frameworks, treaties and other regional and national legal bodies in accordance with the protection needs of the public and specially vulnerable groups over the past decade point the way ahead, although there is still a need to overcome the challenges that stand in the way so that the commitments and obligations adopted in relation to human rights do not just remain on paper and in speeches. The monitoring and accountability tools still need to be improved, as do those for filing complaints, information and redress. In the specific case of the rights of women and girls and those of the LGBTIQ communities, strongly linked to tradition by religion or culture, and therefore also part of the social fabric, it is essential for legislative progress to be coupled with other initiatives that seek to change attitudes on a social and community level.

Nonetheless, significant challenges still remain in some areas where progress has either stagnated or even suffered a setback. As we have shown, human rights violations in certain contexts continue with impunity, through the brutal repression of political dissent and opposition, as well as the restriction of the spaces in which to defend these and civil society. Scenarios of armed conflict, prolonged political crises, high levels of poverty and inequality, bad governance and institutional weakness, inadequate access to justice, the impact of economic policies and foreign debt and, in the past year, the impact of the COVID-19 pandemic, among other factors, represent significant obstacles preventing the full enjoyment of human rights in the region.

In order to eradicate human rights violations and political repression in sub-Saharan Africa, the following are observations and considerations that can be seen as measures to

implement:

- Urging the African governments to return to the path of the Agenda 2063 based on socio-economic development, culture, democratic governance and peace and security, while also emphasising the development of inclusive societies and the empowerment of women and young people. Specifically, focusing efforts on aspirations 3 and 4 on good governance, democracy, respect for human rights, justice and peace, and security.

- For all African states to ratify the basic regional treaties on human rights to ensure they are universally implemented across the continent.

- Complying with the established commitments to submit reports and be accountable for the implementation of the treaties and the application of the recommendations made by any bodies created under them.

- Ensuring compliance with the human rights regulations present in national legislation, and assigning sufficient resources and funding to the bodies in charge.

- Redirecting responses to non-military solutions during wars. In situations of armed conflict, it is essential to redirect strategies towards the non-military dimensions of constructing peace, and especially towards measures that prioritise human rights, gender equality and the welfare of African societies. Specifically, promoting inclusive peace negotiations and processes involving people from civil society that help find a peaceful solution to the conflict, as well as effectively incorporating the principle of local ownership by the communities suffering the violence.

- Placing the agenda for women, peace and security at the centre of public policies, as well as progressing with feminist policies. We need to work harder and obtain technical and financial support for the effective implementation of UN Resolution 1325 on Women, Peace and Security, ensuring the effective inclusion of women in all phases of the conflict and post-conflict era.

- Understanding that the COVID-19 pandemic must be treated as a public health crisis, and must be tackled using evidence-based public health measures that respect human rights. The Armed Forces are not the right people to be conducting law enforcement tasks and must not be deployed to deal with the pandemic except in extraordinary and temporary circumstances. Coercive measures when enforcing the law run the risk of undermining the effectiveness of the response and must only be used as a last resort. Public health guidelines must not be used as a way to unduly violate human rights or restrict people from exercising these. Police organisations and forces in charge of enforcing the law must act with restraint, balancing the interests at play and acting according to the principles of need and proportionality. Furthermore, they must ensure that protections against discrimination are built into all measures to enforce public health responses to COVID-19.

- In the context of COVID-19, implementing measures and action plans with the goals of long-term recovery, protection and stimulus, including redirecting public policies, as the effects of the pandemic are not only those of immediate death rates and these wider effects require policies to be redirected.

- Accountability must be an obligation. Establishing and following suitable monitoring and accountability mechanisms to pursue human rights violations committed by the security forces and others who play a role in law enforcement remains essential, even during a public health crisis.

- Supporting traditional justice programmes and measures aimed at ensuring the right to truth, justice, redress and guarantees of non-repetition for all victims of crimes committed by any parties involved in violent situations.

- Ensuring effective compliance with international legislation on the rights of refugees and people forcibly displaced by violence.

- Increasing support for policies that combat gender-based and sexual violence, and the technical backing that makes it possible to implement the appropriate measures so that states comply with the different commitments made in relation to CEDAW, the Maputo Protocol and all other frameworks and commitments, as well as supporting the development and improvement of national legal mechanisms for this. Creating or strengthening these mechanisms will improve the promotion and protection of women's rights in the long term and will strengthen the response mechanisms for unforeseen crises or stresses, such as the COVID-19 pandemic.

- Working to reform the criminal codes and other national frameworks, not only to decriminalise homosexual relationships and the diversity of gender identities, but to approve positive measures to protect these groups and their organisations, as well as criminal measures against hate crimes.

- Strengthening the mechanisms of the regional human rights bodies and of the AU and these bodies proactively supporting the defence of the rights of these groups, especially the African Committee of Human and Peoples' Rights.

- Guaranteeing the protection of human rights and environmental defenders, whistle-blowers and the press.

- Learning the lessons from the 2020 health crisis, which has led to a reduction in freedom of information and expression. Freedom of expression and information, plurality and the promotion of an independent media is essential for the development and consolidation of democratic political systems, in order for the people of sub-Saharan Africa to have reliable and critical information. This includes financial support for local media organisations, so they can fulfil their role as informers.

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