

WHITE PAPER ON THE IMPACT OF COVID 19 ON HUMAN RIGHTS DEFENDERS



DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

TABLE OF CONTENTS

Acronyms	3
Background	4
Introduction	5
Freedom of expression	6
Freedom of peaceful assembly and association	8
Access to justice	9
Marginalised community	11
Digitisation of activism	13
Wellbeing	15
Conclusion	15
Recommendations	16

ACRONYMS

Covid - 19	Coronavirus disease 2019
CSOs	Civil society organisation
GBV	Gender-based violence
HRD	Human rights defender
PCR	Polymerase chain reaction
PWD	Person with (a) disability(ies)
SOGIE	Sexual Orientation and Gender Identity and Expression
SOP	Standard operating procedure
TCRA	Tanzania Communication Regulatory Authority
WHRD	Woman Human Rights Defender

BACKGROUND

The coronavirus disease 2019 (Covid-19) pandemic is a serious global health crisis that has caused over six million deaths worldwide and continues to threaten many people's health and livelihoods.¹

The pandemic revealed fundamental cracks in national and global health systems. It has brought inequality within and between countries into sharp relief and tested our resilience as individuals and as members of communities. Considerable disparities in access to vaccines and vaccination rates persist, with 85% of people living in low-income countries still waiting to receive the first dose. However, some of them, especially in Africa, are unwilling to receive and vaccine hesitancy remains high. In contrast, in the most developed countries, people have been able to receive three or even four doses of the vaccine.²

Additionally, the pandemic exacerbated poverty and growing inequalities, structural discrimination, and highlighted other gaps in human rights protection globally. The voices of HRDs were therefore crucial during this period. Unfortunately, since the start of the pandemic, attacks against human rights defenders (HRDs) have continued, and in many parts of the world, have even risen. According to Frontline Defenders, at least 331 HRDs were killed in 2020; an increase of 8.8% compared to 2019.³

Now in the third year of the pandemic, the world has transitioned from a crisis phase to a recovery phase. Despite cases rising in some countries,⁴ several states, including those in the East and Horn of Africa, have eased Covid-19-related restrictions by lifting curfew measures, mask mandates, and other standard operating procedures (SOPs), and by allowing fully vaccinated travelers to board flights without evidence of a negative polymerase chain reaction (PCR) or antigen test. The recovery period entails states adjusting to a "new normal," as eliminating Covid-19 is an unrealistic goal. In epidemiological terms, Covid-19 joins other seasonal diseases humankind lives and deals with without public health measures of the kind that were put in place in most countries between 2020 and 2022.

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¹ World Health Organization, "WHO Covid-19 Dashboard", 2022, <https://covid19.who.int/>, Accessed 17 March 2022. The figure is likely to be an under-estimate as in several countries, for a few reasons, Covid-19-related deaths are under-reported.

² Human Rights Watch, "Two Years On, What Has Covid-19 Taught Us?", 11 March 2022, <https://www.hrw.org/news/2022/03/11/two-years-what-has-covid-19-taught-us>, Accessed 17 March 2022.

³ Front Line Defenders, Global Analysis 2020, 9 February 2021, <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2020>, Accessed 8 August 2022.

⁴ Voice of America, "As COVID-19 Cases Rise, New Variant Poses Major Challenge", 8 July 2022, <https://www.voanews.com/a/as-covid-19-cases-rise-new-variant-poses-major-challenge-/6650129.html>, Accessed 8 August 2022.

INTRODUCTION

An HRD is anyone who individually, or in association with others, promotes or strives for the protection and realisation of human rights and fundamental freedoms at the national, regional, or international levels, using peaceful means.⁵ By virtue of their work, HRDs are often at the frontline, speaking truth to power and as a result face challenges including harassment, intimidation, arbitrary arrest and detention, torture, and death.⁶

The Covid-19 outbreak exacerbated the existing challenges for HRDs.⁷ During the pandemic, states imposed and enforced broad restrictions on freedoms of movement and peaceful assembly. Although some restrictions and physical distancing measures were necessary for the containment of the virus, several governments in the East and Horn of Africa sub-region used Covid-19 restrictions to infringe on and unduly restrict fundamental freedoms and human rights. These include the rights to freedom of opinion and expression, freedom of peaceful assembly, and freedom of movement.⁸ Free movement restrictions and travel bans, working from home directives, and the absence of protective measures made the work of HRDs more difficult.

Moreover, in the sub-region, states' decision to enforce Covid-19 related measures using the military and police led to a general disregard for human rights. As a result, citizens experienced instances of violence and other human rights violations by security and law enforcement officials.⁹ These include arbitrary arrests and detention, physical assault, beatings, extortion, and even killings of those not complying with curfew laws in Kenya and Rwanda particularly.¹⁰ The overly restrictive measures and undue restrictions to freedoms will have long-term, debilitating consequences for HRDs.¹¹

While there is literature on the impact of Covid-19 including on HRDs,¹² this paper aims to explore three key issues.

1 It will examine the challenges HRDs faced in relation to Covid-19.

2 It will examine civic space violations reported.

3 It will also aim to identify any silver linings or positive changes attributable or related to the pandemic, including during its crisis and recovery periods.

5 UN OHCHR, 'About human rights defenders', <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders#:~:text=To%20be%20a%20human%20rights,economic%2C%20social%20and%20cultural%20rights.>, Accessed 13 September 2022.

6 UN OHCHR, 'Challenges faced by human rights defenders', <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/challenges-faced-human-rights-defenders#:~:text=They%20have%20been%20the%20target,and%20unfair%20trial%20and%20conviction.>, Accessed 13 September 2022.

7 Front Line Defenders, 'CRISIS: COVID-19 & IMPACT ON HUMAN RIGHTS DEFENDERS', 17 April 2020, <https://www.frontlinedefenders.org/en/statement-report/defending-rights-during-pandemic-impact-covid-19-safety-and-work-human-rights>, Accessed 17 March 2022.

8 DefendDefenders, Bi-annual report April- October 2021, 31 October 2021,

<https://defenddefenders.org/bi-annual-report-april-october-2021-2/>, Accessed 17 March 2022.

9 IDEES, 'The Human Rights Situation in Sub-Saharan Africa: Progress, Violations and Remaining Challenges in Times of Pandemic', 10 March 2021, <https://revistaidees.cat/en/the-human-rights-situation-in-sub-saharan-africa-progress-violations-and-remaining-challenges-in-times-of-pandemic/#note-021>, Accessed 26 July 2022.

10 DefendDefenders, 'Overview of the human rights situation in the East and Horn of Africa- Report submitted to the 67th ordinary session of the African Commission on Human and Peoples' Rights Banjul, The Gambia November 2020', 7 December 2020, <https://defenddefenders.org/achpr67-updates-from-the-east-and-horn-of-africa-may-2020-november-2020/>, Accessed 8 August 2022.

11 Article 19, 'Kenya: Court judgment threatens free expression of protesters', 18 February 2022, <https://www.article19.org/resources/kenya-court-judgment-threatens-free-protests/>, Accessed 15 June 2022.

12 Front Line Defenders, 'CRISIS: COVID-19 & IMPACT ON HUMAN RIGHTS DEFENDERS', 17 April 2020, <https://www.frontlinedefenders.org/en/statement-report/defending-rights-during-pandemic-impact-covid-19-safety-and-work-human-rights>, Accessed 17 March 2022.

FREEDOM OF EXPRESSION

Limiting the spread of respiratory diseases like Covid-19 requires reliable and easily accessible science-based information about the virus and its transmission. Nevertheless, some countries in the East and Horn of Africa resisted efforts to provide and exchange information. Some governments went as far as denying the existence of the virus or its deadly impact. For instance, the former President of Tanzania, John Magufuli, downplayed the severity of the virus and refused to promote basic measures such as wearing a mask in public places. Similarly, former President Pierre Nkurunziza of Burundi claimed that his country had been spared from the virus and refused to promote basic protection measures.

The Tanzanian authorities used restrictive laws to censor media outlets reporting on the pandemic. The Electronic and Postal Communications (Online Content) Regulations (2020)¹³ banned content on "the outbreak of deadly or contagious diseases in the country or elsewhere without the approval of the respective authorities."¹⁴ The government de facto banned people from speaking about Covid-19 freely and imposed an official, government-approved narrative about the virus. Media outlets and journalists were unable to report freely on and enhance awareness of Covid-19. For instance, in April 2020, the Tanzania Communication Regulatory Authority (TCRA) suspended the Mwananchi daily newspaper's online content license and issued a fine of five million Tanzanian shillings (2,250 USD) for alleged violation of the Electronic and Postal (Online content) Regulations (as amended in 2020).¹⁵ The newspaper had published

a picture of Magufuli breaking physical distancing guidelines, which sparked online conversations. Three media outlets were also fined and instructed to apologise for "transmission of false and misleading information."¹⁶ In July 2020, the TCRA suspended Kwanza Online TV, a privately owned local broadcaster.¹⁷ As grounds for its decision, the regulator mentioned a recent Instagram post by Kwanza TV that republished a health advisory from the US embassy in Tanzania, warning of an "elevated" risk of Covid-19. The regulator stated that the post was "misleading" and "violated professional standards," and suspended the broadcaster for 11 months. This is a clear example of undue interference in journalistic freedom.

In Ethiopia, the authorities used the Hate Speech and Disinformation Law (2020) to prosecute those accused of spreading disinformation or misinformation about the pandemic.¹⁸ On 27 March 2020, police officers arrested and charged Yayasaw Shemelis, journalist and producer of a political programme on Tigray TV, for spreading false news by commenting on the government's response to Covid-19.¹⁹

In Kenya, the authorities used the Computer Misuse and Cybercrimes Act (2018) to prosecute HRDs. Robert Alai, a blogger, was arrested and charged for publishing "alarming and false information" about Covid-19.²⁰ Alai posted on his Twitter feed that two people had died of Covid-19 in Mombasa. On 27 March 2020, police officers arrested blogger Cyprian Nyakundi for claiming that a senior Kenya Revenue Authority official had travelled out of the coun-

¹³ Tanzanian authorities of regulations, "Subsidiary legislation", 17 July 2020, [https://www.tcra.go.tz/uploads/documents/sw-1619088125-The%20Electronic%20and%20Postal%20Communications%20\(Online%20Content\)%20Regulations,%202020.pdf](https://www.tcra.go.tz/uploads/documents/sw-1619088125-The%20Electronic%20and%20Postal%20Communications%20(Online%20Content)%20Regulations,%202020.pdf), Accessed 19 May 2022.

¹⁴ CIVICUS Monitor, "Authorities embark on major crackdown on expression Amid Covid-19 and ahead of elections", 8 September 2020, <https://monitor.civicus.org/updates/2020/09/08/authorities-embark-major-crackdown-expression-amid-covid-19-and-ahead-elections/>, Accessed 19 May 2022.

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Human Rights Watch, "Ethiopia: Free Speech at Risk Amid Covid-19," 6 May 2020, <https://www.hrw.org/news/2020/05/06/ethiopia-free-speech-risk-amid-covid-19> Accessed 19 May 2022.

¹⁹ Ibid

²⁰ Nation, "Blogger Alai to be charged over 'alarming coronavirus post,'" 24 March 2020, <https://nation.africa/kenya/news/blogger-alai-to-be-charged-over-alarming-coronavirus-post--280580>, Accessed 2 June 2022.

try and failed to self-isolate after returning home.²¹

In Rwanda, six journalists were arrested for allegedly breaching Covid-19 measures. On 15 April 2020, police officers detained Dieudonné Niyonsenga, a journalist, who runs the Youtube news channel Ishema TV, and Fidèle Komezuseng, the news channel's driver, for violating lockdown measures, even though they were wearing passes identifying them as journalists.²²

The right to freedom of opinion and expression, including the right to receive and impart information is crucial during a public health crisis. Censorship impedes realisation of the right to health as individuals need to be fully informed, and to be able to discuss pandemic-related issues freely, to make choices about their health. The use of draconian laws to unduly restrict reporting on Covid-19 prevented full effectiveness in containing the spread of the virus. The crackdown on journalists and media outlets during the pandemic silenced critical voices, forcing some HRDs and media outlets to self-censor due to the fear of arbitrary arrests or the possibility of being shut down.

Moreover, as we transition to a recovery phase and states ease restrictions, there are limited or no discussions on repealing the restrictive laws enacted during the crisis period. Such restrictions continue to threaten freedom of expression and access to information.

21 Nation, 'Police hold blogger Nyakundi over Covid-19 Twitter post', 27 March 2020, <https://nation.africa/kenya/news/police-hold-blogger-nyakundi-over-covid-19-twitter-post-281064>, Accessed 2 June 2022.

22 CIVICUS Monitor, 'Multiple journalists arrested throughout Covid-19 lockdown period', 9 September 2020, <https://monitor.civicus.org/updates/2020/09/09/multiple-journalists-arrested-throughout-covid-19-lockdown-period/>, Accessed 2 June 2022.

FREEDOM OF PEACEFUL ASSEMBLY

Governments have used the pretext of containing the spread of Covid-19 to suspend peaceful protests in the sub-region. While temporarily limiting contacts between citizens, including banning gatherings, made sense as a public health strategy, in some cases, governments imposed arbitrary restrictions on peaceful assembly. These restrictions were enforced in a manner that did not guarantee equality before the law.

In Uganda, attacks on opposition members and supporters spiked between November 2020 and January 2021.²³ Opposition leaders and supporters faced attacks, arbitrary arrests and detentions, abduction, while others were subjected to acts of torture. Authorities used Covid-19 restrictions to suppress opposition gatherings. They dispersed opposition rallies and arrested party leaders and journalists for violating Covid-19 SOPs. The ruling party, however, freely held political rallies with large crowds during the same period.²⁴ In Somalia, on 19 February 2021, political opposition demonstrated against the delayed elections. Prior to the protest, officials banned public gatherings using the pretext of curbing the spread of Covid-19.²⁵

In some countries, increased government control, militarism, and police presence became the new normal at the peak of the pandemic. For instance, in Kenya, law enforcement bodies used excessive and lethal force, including live ammunition, to enforce curfew restrictions – a clearly disproportionate measure given the asserted goal of curfew measures, which was to save lives. In June 2020, reports indicated that police officers killed at least 15 people and injured 31 others while enforcing curfew restrictions.²⁶

While limitations were necessary to curb the spread of Covid-19, some restrictions targeted political opposition under the guise of preserving public health. These restrictions denied open and pluralistic dialogue, suppressing one of civil society's key avenues for speaking out against government policies. As a result, the ability to hold those in power to account was seriously curtailed. Additionally, the limitation of movement severely restricted the work of CSOs and HRDs, who need to move freely to deliver services.

23 UN News, 'Uganda: "Deteriorating" human rights situation in run-up to elections next week', 8 January 2021, <https://news.un.org/en/story/2021/01/1081662>, Accessed 2 June 2022.

24 Human Rights Watch, 'Uganda: Authorities Weaponize Covid-19 for Repression', 20 November 2020, <https://www.hrw.org/news/2020/11/20/uganda-authorities-weaponize-covid-19-repression>, Accessed 8 August 2022.

25 CIVICUS Monitor, 'Delayed elections and political crisis: at least eight killed in opposition protests and clashes', 6 April 2021, <https://monitor.civicus.org/updates/2021/04/06/delayed-elections-political-crisis-eight-killed-in-opposition-protests-and-clashes/>, Accessed 15 June 2022.

26 Anadolu Agency, '15 killed by Kenyan police enforcing COVID-19 curfew', 2 June 2020, <https://www.aa.com.tr/en/africa/15-killed-by-kenyan-police-enforcing-covid-19-curfew/1862803>, Accessed 19 May 2022.

ACCESS TO JUSTICE

Access to justice is defined as the ability of a person to seek and secure a remedy through formal or informal institutions of justice for complaints in accordance with human rights standards.²⁷ There is no access to justice where people, especially those from marginalised groups, fear the system; where the justice system is financially inaccessible; where people lack access to lawyers; where they are unaware of their legal rights; or where the justice system is ineffective.²⁸

In a bid to decongest prisons, Covid-19 led to the freeing of several prisoners across the region. Presidents in countries like Burundi,²⁹ Somalia,³⁰ and Uganda, granted pardon to prisoners convicted for minor offences.³¹ HRDs and political prisoners, however, were rarely included. On 25 March 2020, Michelle Bachelet, the UN High Commissioner for Human Rights, urged states to safeguard the health and well-being of those detained. In her statement, she emphasised that "now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views."³²

In fact, in some cases, Covid-19 was used as an excuse to make detention conditions tougher for HRDs and to disregard due process guarantees. Lawyers and family members were denied access to detained HRDs, and some hearings were postponed until further notice. For instance, in Uganda, the prohibition on

all visits to Uganda prisons facilities restricted people who had been arrested from contacting their lawyers, personal doctors, or family members. They were effectively denied access to legal counsel and representation and were sentenced to lengthy detentions.³³



In Tanzania, most cases were adjourned because of the pandemic.

Most cases were held virtually but, most magistrates and judges lacked digital expertise.

Some cases were adjourned due to technical difficulties including network problems"

- Tanzanian HRD.

27 United Nations Development Programme, "Strengthening Judicial Integrity through Enhanced Access to Justice", 2013, <https://www.undp.org/sites/g/files/zskgke326/files/migration/eurasia/Access-to-justice.pdf>, Accessed 26 July 2022.

28 Ibid

29 The East African, "Ndayishimiye's New Year gift to political prisoners in Burundi", 4 January 2022, <https://www.theeastafrican.co.ke/tea/news/east-africa/ndayishimiye-new-year-gift-to-political-prisoners-burundi-3672008>, Accessed 15 June 2022.

30 World stage, "COVID-19: Somali president pardons 148 prisoners to contain spread", 2 April 2020, <https://worldstagenews.com/covid-19-somali-president-pardons-148-prisoners-to-contain-spread/>, Accessed 15 June 2022. See also Somaliland.com, "Somaliland President Pardons Prisoners to Curb COVID-19", 1 April 2020, <https://www.somaliland.com/news/somaliland/somaliland-president-pardons-prisoners-to-curb-covid-19/>, Accessed 15 June 2022.

31 The Observer, "COVID-19: Museveni pardons 833 prisoners", 28 April 2020, <https://observer.ug/news/headlines/64506-covid-19-museveni-pardons-833-prisoners>, Accessed 15 June 2022.

32 United Nations Human Rights Council, "Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet", 25 March 2020, <https://www.ohchr.org/en/statements/2020/03/urgent-action-needed-prevent-covid-19-rampaging-through-places-detention>, Accessed 15 June 2022.

33 Human Rights Awareness and Promotion Forum, "The impact of Covid-19 related restrictions on access to justice for key populations in Uganda: A Case Study of LGBT Persons and Sex Workers in Kampala and Wakiso Districts, June 2021", <https://www.hrapf.org/index.php/resources/research-reports/202-report-on-the-impact-of-covid-19-restrictions-on-access-to-justice-for-key-populations-in-uganda-a-case-study-of-lgbt-persons-and-sex-workers-in-kampala-and-wakiso-districts/file>, Accessed 15 June 2022.

Furthermore, people who were arrested had limited access to courts of law due to the partial shutdown of courts of law.³⁴ Quarantine measures also made it challenging for HRDs who faced threats to contact the police and seek redress.

Some states continue to use punitive judgements to crack down on HRDs even during the recovery phase of the pandemic. For instance, on 4 February 2022, the Chief Magistrate's Court in Mombasa found six activists guilty of "engaging in a prohibited gathering" and "failing to maintain physical distance" of not less than one meter from another person in a public place, as required by Kenya's Covid-19 SOPs.³⁵ These activists were arrested in August 2020 for protesting the misappropriation of Covid-19 funds.³⁶

Moreover, in some countries in the sub-region, HRDs and civilians who faced human rights violations at the hands of security authorities during the pandemic are yet to receive justice. For instance, in Kenya, multiple cases of killings were reported during the enforcement of the coronavirus curfew yet very few officers have been charged or convicted for those violations.³⁷

Courts are responsible for upholding human rights and guaranteeing access to justice. They should be committed to preventing government and security officials from abusing their expanded powers during the pandemic or using them in an arbitrary manner.

34 International Bar Association, "Access to justice: lawyers fight to be recognised as "essential" workers in Covid-hit East Africa", 9 November 2020, <https://www.ibanet.org/article/46EA57E0-6A2B-43A1-8194-1C0868B8AEF0>, Accessed 26 July 2022.

35 Article 19, "Kenya: Court judgment threatens free expression of protesters", 18 February 2022, <https://www.article19.org/resources/kenya-court-judgment-threatens-free-protests/>, Accessed 15 June 2022.

36 Ibid

37 See: All Africa, "Kenya: Court Remands Six Officers Charged with Murder of Embu Brothers", 2 September 2021, <https://allafrica.com/stories/202109030080.html>, Accessed 15 June 2022.

IMPACT ON SPECIFIC AND MARGINALISED GROUPS

Marginalised groups can be defined as "populations outside of 'mainstream society'"³⁸ and highly vulnerable populations that are systemically excluded or ostracized due to their geographical location, cultural identity, gender, or sexual orientation.³⁹

The pandemic has had a gendered impact, including on women human rights defenders (WHRDs). Women in general, and WHRDs continue to experience increased burdens, in particular care/house-related work, as well as pre-existing obstacles to accessing sexual and reproductive health services. This leaves women disproportionately vulnerable to economic shocks, and gender-based violence (GBV), particularly domestic violence because of prolonged lockdowns, stay-at-home requirements, unemployment, and economic hardship.⁴⁰ Civil society organisations (CSOs) reported alarming rates of domestic violence and other forms of violence against women and girls as a direct outcome of Covid-19-related measures.⁴¹

WHRDs not only face the risk of domestic and intimate partner violence, but also face risks and threats because of their work. WHRDs who defend women's and girls' rights, including sexual and reproductive health rights reported an upsurge in attacks and online violence in retaliation for their work.⁴²

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An exiled WHRD living in Uganda noted that Covid-19 negatively impacted her work and her livelihood, and those of others. She expressed that

the suspension on all activities, including businesses caught exiled WHRDs and many other people unaware. This resulted in economic hardships for many people, including WHRDs, who were breadwinners for their families.

The financial restraints also affected the abilities of WHRDs to do their work. One of the main components of their work is to empower other women economically, and this was not possible due to the restrictions of movements.

Moreover, WHRDs faced challenges when accessing information. For example, some exiled HRDs living in Kampala relied on DefendDefenders-Floribert Chebeya Resource Centre to access information and document violations. However, this was closed during the peak of the pandemic, and because they could not afford data to access the internet, it hindered their work.

– Exiled WHRD.

Additionally, the Covid-19 pandemic affected groups who were already facing stigma and exclusion. These include persons with disabilities (PWDs) and HRDs working on sexual orientation and gender identity (SOGIE). PWDs were affected by the lack of accessible information. PWDs including

38 Siddiqui FR, 'Annotated bibliography on participatory consultations to help aid the inclusion of marginalized perspectives in setting policy agendas', Int J Equity Health, 2014;13(1):1. Accessed 26 July 2022.

39 DefendDefenders, 'To them, we're not even human, Marginalised Human Rights Defenders in Uganda, Kenya, and Tanzania', August 2018, https://defenddefenders.org/wp-content/uploads/2018/12/FINAL-REPORT_pdf-3-1.pdf, Accessed 26 July 2022.

40 UN Women, 'Impact of covid-19 on violence against women and girls through the lens of civil society and women's rights organizations', 2020, https://untf.unwomen.org/sites/default/files/Field%20Office%20UNTF/Publications/2020/External%20brief/External%20brief%20for%20publication%206%2019/impact%20of%20covid-19_v08_single%20page-compressed.pdf, Accessed 17 March 2022.

41 Ibid

42 Office of the United Nations High Commissioner for Human Rights, 'On the frontlines: defending rights in the time of Covid-19', December 2020, <https://www.ohchr.org/sites/default/files/DefendingRightsinthetimeofCovid-19.pdf>, Accessed 26 July 2022.

HRDs with disabilities in Ethiopia, Somalia, and South Sudan noted that governments were not accommodative of them in their efforts to disseminate Covid-19-related information.⁴³ Sign language was rarely used in communicating SOPs to cater for persons with hearing impairments, while those with visual impairments had limited to no access to braille copies of the SOPs. As a result, PWDs had no choice but to take matters into their own hands to limit the spread of Covid-19.⁴⁴

Defenders working to support the sexual minority community faced specific challenges. For example, in Uganda, police officers raided a shelter, arrested and charged 44 people with a "negligent act likely to spread an infectious disease."⁴⁵ They were released on bail a week later. Although the members were complying with the Covid-19 measures by staying indoors, homosexuality remains illegal in Uganda, which was likely the real reason for their arrest.

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A SOGI HRD noted that Covid-19 impacted the queer community negatively. They faced several challenges, including raids of some organisations, homophobic attacks, and deterioration in mental health. Additionally, the loss of income for many SOGI HRDs resulted in increased homelessness, which meant that they lost a sense of community.

"Due to the living conditions, many queer HRDs relocated or moved in with people, either family, or friends, or to a different location where the rent was cheaper, and many of them experienced forced outing and insecurities."

-SOGI HRD.

43 See DefendDefenders, 'Overlooked and Unseen: Human rights defenders living with disabilities in conflict countries. Ethiopia, Somalia, and South Sudan', April 2022, <https://defenddefenders.org/overlooked-and-unseen/>, Accessed 19 May 2022.

44 Ibid

45 CIVICUS Monitor. Attack on freedom of expression and 44 people arrested for attending LGBTQI engagement, 22 July 2021, <https://monitor.civicus.org/updates/2021/07/22/attack-freedom-expression-and-44-people-arrested-attending-lgbtqi-engagement/>, Accessed 19 May 2022.

DIGITISATION OF ACTIVISM

The concept of social/physical distancing forced fundamental changes in how HRDs operate. HRDs needed to be innovative in the way they do their work since physical interactions were limited. As a result, HRDs shifted most of their work online utilising digital platforms to sustain their activism and learn new digital communication skills.⁴⁶ Nonetheless, this transition was only seamless for some. HRDs with limited or no access to digital tools and the internet, especially grassroots ones, struggled to adapt their work and activism to the new work realities.

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One of the biggest lessons learnt during the pandemic was that it is relatively easier and cheaper to conduct advocacy activities digitally with the right skills and tools. Therefore, the biggest support needed now by HRDs is capacity building and support with digital infrastructures such as laptops, smartphones, and internet data. This will lead to HRDs fully embracing digital activism.

- Ugandan HRD.

HRDs in the sub-region remained active throughout the pandemic, conducting research, advocacy, and trainings online.⁴⁷ When physical meetings became unsafe or illegal, HRDs' efforts to monitor, report and create new online spaces or strengthen pre-existing ones, were invaluable for their communities.

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Covid-19 taught me that human rights violations do not stop because of a pandemic; they can sometimes increase. As HRDs, we must adapt and change our approaches to address, monitor, and report these violations, and the digital space allowed for this

- Tanzanian WHRD.

As a result, HRDs learned new and valuable digital and information technology-related skills, becoming familiar not just with online platforms such as Skype and Zoom, but also with a range of online tools and digital safety devices and methods. Although, in areas with poor connectivity, the pandemic exacerbated the digital gap, leading to a negative impact on grassroots organisations and activists. Overall, the pandemic has positively impacted collaboration among CSOs. The digitisation of activism has increased partnerships between organisations⁴⁸ and technology has enabled wider cooperation and engagement in regions with decent connectivity.⁴⁹

46 African Defenders, 'State of African protest movements 2021: the quest for lessons and best practices', May 2021, Accessed 13 September 2022.

47 APC, 'Unwanted Witness: Internet barriers constrain the work of Ugandan human rights defenders amidst COVID-19 pandemic', 20 April 2020, <https://www.apc.org/en/node/36256/>, Accessed 17 March 2022.

48 Brookings, 'Digitizing civic spaces amid the COVID-19 pandemic and beyond', 9 March 2021, <https://www.brookings.edu/blog/up-front/2021/03/09/digitizing-civic-spaces-amid-the-covid-19-pandemic-and-beyond/>, Accessed 15 June 2022.

49 Carnegie, 'Is the Coronavirus Catalyzing New Civic Collaborations for Open Government?', 23 November 2020, <https://carnegieendowment.org/2020/11/23/is-coronavirus-catalyzing-new-civic-collaborations-for-open-government-pub-83289>, Accessed 15 June 2022.



One of the positive impacts of digitalisation was the increased integration among HRDs globally. However, this made some HRDs more visible, which increased cyber harassment, trolling, and bullying.

- Tanzanian WHRD.

under international human rights law regarding the rights to privacy, data protection, freedom of expression, and access to information.⁵⁴

During the pandemic, HRDs significantly relied on online platforms to do their work, and now, more than two years since the crisis began, they are aware of the psychological challenges involved with excessive screen time.⁵⁰ One of the challenges that several HRDs now face in the recovery phase is "Zoom fatigue," a term used to describe the exhaustion, anxiety, or stress brought on by overusing virtual platforms.⁵¹

The shift to digital operations brought with it new challenges, especially surveillance. HRDs are better aware of and more concerned about the long-term effects of heightened digital surveillance. For instance, on 23 March 2022, it was revealed that Pegasus project, the spyware of Israel's NSO Group was employed against leaders of state, activists, and journalists.⁵² While this incident was unrelated to Covid-19, it validates HRDs concerns regarding heightened digital surveillance.

Furthermore, human rights organisations raised concerns over the breach of data protection. According to a report published by Article 19, the rights to privacy, data protection and freedom of expression were violated in Kenya and Uganda.⁵³ The report found that surveillance measures and practices do not comply with the requirements of legality, necessity, and proportionality

50 National Geographic, "Zoom fatigue" is taxing the brain. Here's why that happens", 24 April 2020, <https://www.nationalgeographic.com/science/article/coronavirus-zoom-fatigue-is-taxing-the-brain-here-is-why-that-happens?loggedin=true>, Accessed 15 June 2022.

51 Psychology Today, "Virtual Platforms Are Helpful Tools but Can Add to Our Stress", 14 May 2020, <https://www.psychologytoday.com/za/blog/the-desk-the-mental-health-lawyer/202005/virtual-platforms-are-helpful-tools-can-add-our-stress>, Accessed 26 July 2022. Also see section on well-being below.

52 Amnesty international, "The Pegasus Project", 23 March 2022, <https://www.amnesty.org/en/latest/news/2022/03/the-pegasus-project-how-amnesty-tech-uncovered-the-spyware-scandal-new-video/>, Accessed 15 June 2022.

53 Article 19, "Kenya and Uganda: COVID-19 pandemic surveillance and threats to human rights", 21 April 2021, <https://www.article19.org/resources/kenya-and-uganda-covid-19-pandemic-surveillance-and-threats-to-human-rights/>, Accessed 15 June 2022.

54 Ibid

Wellbeing is the experience of health, happiness, and prosperity. It entails having a positive outlook on life, good mental health, feeling content, finding meaning or purpose in it, and being able to handle stress.⁵⁵ Self-care is any conscious action we take to maintain our physical, mental, and emotional well-being.⁵⁶ It encourages the ability to work on human rights issues without abandoning other significant aspects of one's life, and the capacity to remain optimistic about the work despite difficulties.

The Covid-19 pandemic has had a huge impact on people's mental health and well-being.⁵⁷ Although HRDs tend to neglect well-being, in Africa, there is a collective realisation that self-care, well-being, mental health, psychosocial support, and actively nurturing social and interpersonal relationships are critical to HRDs, resilience and long-term effectiveness.⁵⁸

The Covid-19 pandemic generated a long-overdue concern for mental health services and well-being. As a result of the pandemic, some HRDs and CSOs in the sub-region have integrated and provided wellbeing and mental health support for HRDs. In addition, they have become more aware of self and mutual care.

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I made a deliberate decision to take care of my mental health. Every time I notice that I am stressed, I do something to help me disengage. Very commonly, I go to the beach because I live near one.

-Kenyan HRD.

55 Psychology today, 'What Is Well-Being? Definition, Types, and Well-Being Skills', 2 January 2019, <https://www.psychologytoday.com/us/blog/click-here-happiness/201901/what-is-well-being-definition-types-and-well-being-skills>, Accessed 26 June 2022.

56 New Tactics, 'Self-Care for Activists: Sustaining Your Most Valuable Resource', 28 September 2010, <https://www.newtactics.org/conversation/self-care-activists-sustaining-your-most-valuable-resource>, Accessed 26 July 2022.

57 Keneilwe Molebatasi et al., 'Mental Health and Psychosocial Support During COVID-19: A Review of Health Guidelines in Sub-Saharan Africa', 20 May 2021, <https://www.frontiersin.org/articles/10.3389/fpsy.2021.571342/full>, Accessed 15 June 2022.

58 DefendDefenders, 'June 2020: Daily content on well-being & resilience for HRDs', 1 June 2020, <https://defenddefenders.org/june-2020-hrd-well-being/>, Accessed 17 March 2022.

RECOMMENDATIONS

To the governments of the East and Horn of Africa sub-region

- Prioritise and invest in free universal health care, education, care, and other public service;
- Create awareness and educate citizens on the benefits of vaccination;
- Guarantee that policies, laws, and actions do not unjustly infringe on fundamental rights and freedoms;
- Amend laws that stifle freedom of opinion and expression;
- Strengthen and improve mental healthcare policies;
- Investigate and hold those responsible for violations against HRDs accountable;
- Ensure accessibility of information for all, including persons with disabilities; and,
- Stop internet outages that prohibit people from getting vital information throughout the crisis.

To human rights defenders

- Work innovatively and collaboratively while engaging with the community;
- Train HRDs on digital and physical safety to minimise surveillance;
- Prioritise mental health and wellbeing.

Defenddefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the subregion by reducing their vulnerability to risks of persecution and by enhancing their capacity to efficiently defend human rights.

Defenddefenders is the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs human rights organisations, and national coalitions that envision a sub-region in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.

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