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66TH Ordinary Session of the African Commission of Human and People's Rights 13 July – 7 August 2020 Virtual Session via Webinar

Agenda Item 3 – Human Rights Situation in Africa with focus on Human and People's Rights and
COVID19

The duty of the state to promote and protect life is safeguarded in the African Charter on Human and People's Right (Art 4 & 16 (2) of the African Charter). This right is enshrined as non derogable in most national constitutions of our region, including not to subject anyone to torture, inhumane and degrading treatment. However, the past 113 days of curbing COVID19 have shown inordinate disregard of states obligations under the African Charter on Human and People's Rights. It has raised grave concern in deployment of excessively armed military to assist maintain law and order, especially in enforcing COVID19 regulations. This is mainly visibility in marginalized and undeveloped communities which the states have duty to ensure enjoyment of this right as stipulated under Article 22 (1) & (2) of the African Charter. COVID19 measures aggravates livelihoods of vulnerable communities experiencing overcrowding, no safe water, sanitation and need food or means to procure. ACHPR /Res 347 (LX) 2017 recalls right to food as inherent right in the African Charter with freedom from hunger in times of natural and other disasters

COVID19 present an opportunity to invoke AU values of solidarity, unity and compassion to help the needy and vulnerable communities survive the pandemic. They await the long overdue delivery of land as they live in health risk environments and densely populated areas, which conflict with measures to prevent COVID 19 pandemic. In the post colonization and era of liberated African continent, it is heartening that most people occupy lands which are not surveyed or developed with infrastructure for housing and title deeds. Their right to express their views about the ongoing exploitation of natural resources is met with reprisals which breach provisions of the African Charter

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(Article 21 (5)). It is these cries of citizens, dissents, associations and opposition that seek a platform with leaders to be part of a solution in combating COVID 19 rather than be seen as a problem.

It is these unbearable circumstances lead people to the streets to protests, notwithstanding confrontation of brutal law enforcement and for that matter using lethal weapons for maintaining law and order. This violent situation has resulted in grave injuries, tragic deaths and unnecessary arbitrary arrests, torture, abductions, intimidation, harassment conducted under the pretext of preventing the spread of COVID19.

As the AU dedicated the Year 2020 to Silencing of the Guns, we request the African Commission to do the following;

- Urge Member State abstain from increasing the guns with excessive ammunitions to law enforcement resulting in murder, inhumane and degrading treatment, assault, harassment, intimidation and arbitrary arrests of citizens and impeding enjoyment of their safeguarded human and people's rights. (Article 4 & 5 of the African Charter)
- To immediately and unconditionally release detained citizens, human rights defenders, members of opposition for exercising their freedom of expression, information and protests against hunger, housing, shelter and exposing exploitation of natural resources as well as corruption (Article 6 of the African Charter)
- Prosecute law enforcement officers for breaking the law, such as murder, assaults and arbitrary arrests
- Implement ACHP/Res 347 to free citizens from hunger with food security in times of natural and other disasters such as COVID19
- Reallocation of the needed budget to combat COVID19, such as PPE's, wages and humanitarian aid. (Article 16 (2) & Article 15 of the African Charter)
- To do better in fighting COVID19 pandemic, ensuring enjoyment of safeguarded rights and participation of diverse groupings in the society without discrimination, including civil society, community based organisations, interfaith organisations, traditional, academia, unions, private sector, dissents, opposition, journalists, migrants, refugees, people with disabilities among others (Art 2 of the African Charter).
- To recognise their crucial roles more than ever during this time of public crisis and consider them as essential service providers to reach diverse communities and support them in driving the awareness initiatives for deeper understanding in prevention of COVID19 pandemic spread. (Article 13 (1) & 17 (2))

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