

COVID-19 Response in Africa: Together for Reliable Information

Glossary of relevant human rights terms

Human rights violations are acts or omissions performed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State which fail to respect the rights of individuals. These include acts such as arbitrary arrests and detentions, as well as excessive and unnecessary use of force by agents of the state. Violations may also come about as a result of the state failing to prevent others from depriving individuals of their rights or to remedy such deprivation of rights (including through investigating, providing information, holding those responsible through a trial).

During the pandemic, journalists have been beaten by the police, arbitrary arrested and/or detained and had other rights violated. ARTICLE 19 has documented cases of such violations in the target countries. The organisation has also developed a glossary of terms to enable better understanding of the violations journalists have experienced.

- **Arrests and Detentions**



These are violations of the right to liberty and/or fair trial rights, defined here.

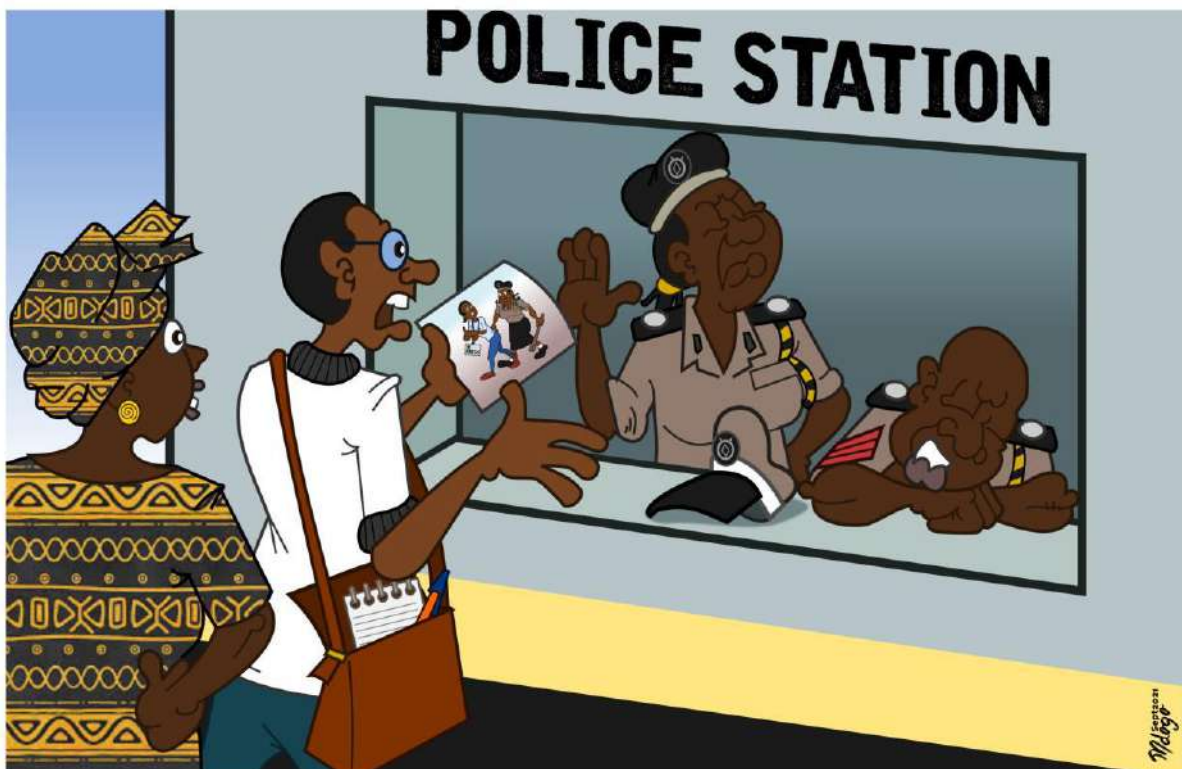
An **arbitrary arrest** is one which falls into one of the following categories, among others:

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1. When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.
2. When it is carried out without due regard to the international norms relating to the right to a fair trial, such as the right of presumption of innocence and right to a lawyer
3. When detention is used in response to the legitimate exercise of human rights, such as arresting peaceful protesters for the mere exercise of their rights to freedom of opinion and expression, freedom of assembly and freedom of association.

Arbitrary detention - where an arrest is arbitrary, the detention will also be arbitrary. Arrest may not be arbitrary, but detention will be arbitrary if continued detention falls within one of the categories.

- **Enforced disappearance**



The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

- **Physical attacks/arbitrary and extrajudicial killings**



These are violations of the right to bodily integrity as defined here:

Excessive/disproportionate use of force: the use of force by law enforcement officers which is excessive or disproportionate to the legitimate objective to be achieved or to the threat posed in a particular situation.

Unnecessary use of force: the use of force by law enforcement officers which is used where the legitimate objective could be achieved without any use of force.

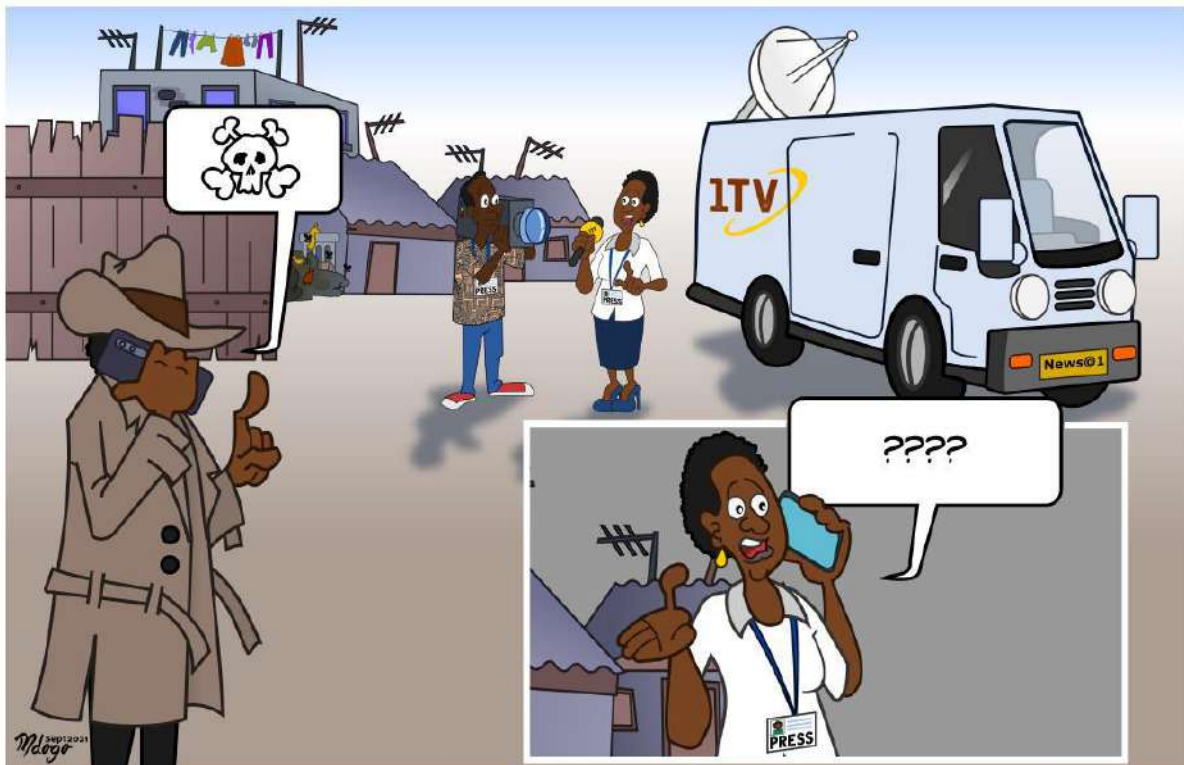
Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

The legal difference between torture and other forms of **ill-treatment** lies in the level of severity of pain or suffering imposed. In addition, torture requires the existence of a specific purpose behind the act.

Extrajudicial executions/killings: deaths caused intentionally by the attacks or killings by State security forces or paramilitary groups, death squads or other private forces cooperating with the State or tolerated by the state.

Arbitrary killing refers to the deaths caused by the excessive, disproportionate and illegitimate force by law enforcement officer.

- **Threats and verbal attacks**



These include threats of bodily harm, including death, may be direct, via third-parties, electronic or physical communications, and may be implicit as well as explicit, and encompass references to killing a journalist’s friends, family or sources. These kind of threats may include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, or other forms of pressure that can jeopardise the safety of journalists in pursuing their work.

- Restrictive regulations

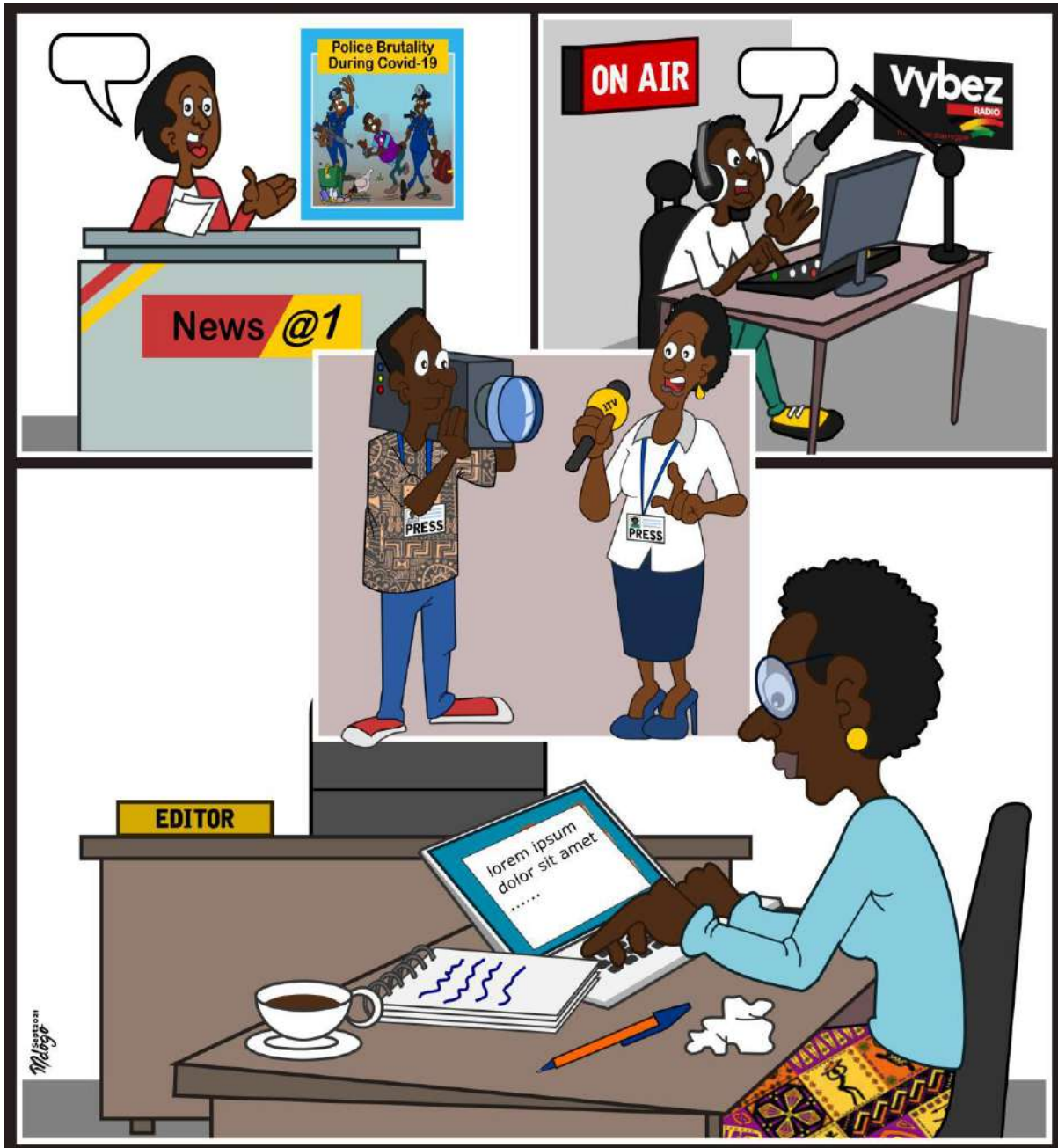


These are changes in legislation and/or emergency legislation, policies and government guidelines linked to COVID-19 Pandemic that restrict the right to freedom of expression and information



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- Journalists



Journalists are understood to be individuals who are dedicated to investigating, analysing and disseminating information, in a regular and specialized manner, through any type of written media, broadcast media (television or radio) or electronic media. With the advent of new forms of communication, journalism has extended into new areas, including citizen journalism.