



Africa Criminal Justice Reform
Organisation pour la Réforme de la Justice Pénale en Afrique
Organização para a Reforma da Justiça Criminal em África



COVID-19 restrictions and the impact on criminal justice and human rights

Kenya, Malawi, Mozambique, South Africa & Zambia

The socio-economic consequences of COVID-19 measures

Janelle Mangwanda
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UNIVERSITY of the
WESTERN CAPE



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Introduction

- The five governments instituted various restrictive measures. Many were **problematic, irrational** and **counterproductive** as they did not contribute to stopping the spread of the virus.
- Curfews, lockdowns, movement and gathering restrictions limited citizens' rights.
- There was an impact on **livelihoods, businesses, education systems, household income, access to health and social care, transportation and food security.**

What governments did NOT do vs What governments did do

- The general view was that governments did not consider the socio-economic condition of their population when imposing COVID-19 measures.
- Lack of public participation and meaningful stakeholder engagement.
- Civil society organisations in Malawi challenged the government in court for failing to provide a means to cushion the impact of an intended lockdown on the generally poor population.
- As a knee-jerk reaction - some initiatives taken:
 - Tax and financial concessions (Kenya, South Africa)
 - Food relief packages to some informal settlements (Mozambique)
 - Relief fund in the form of cash transfers or grants for low-income earners (Kenya, Malawi, Mozambique, South Africa, Zambia). The distribution of cash transfers/grants was riddled by corruption due to unclear eligibility criteria and the misappropriation of funds.

Business and Commerce

REDUCED HOUSEHOLD INCOME

Limited working hours due to curfews resulted in lower household income (Kenya, Malawi, Mozambique, South Africa, Zambia)

UNEMPLOYMENT

- High levels of poverty and unemployment due to job losses.
- South Africa unemployment rates from March 2020 to June 2020, increased from 14.1 million to 16.4 million – a drop of 2.2 million jobs.

TRANSPORTATION

- Curfews, travel bans and movement restrictions caused a sharp increase in transportation fares by up to 100% and 150% in Kenya, Malawi and Mozambique.

FOOD INSECURITY

- Food import challenges for landlocked countries like Malawi. Resulting in food insecurity and price gouging, especially in rural areas.
- County-specific permits and extra administration for farmers.

School Closures

- School closures for **at least 9 months**, resulting not only in loss of education, but also in the **deprivation of food to millions of poor learners** who rely on school feeding schemes.
- While some learners were able to continue to study 'online' at home during the pandemic, a greater number of learners were challenged as **limited access to internet connectivity** and computer resources, especially in rural areas in Kenya, Malawi, South Africa and Zambia, rendered online studies impossible.
- Moreover, in Kenya, school-going girls were particularly impacted by school closures. Within the first three months of the school shut-down, at least **5 000 teen-girl reportedly became pregnant**. By the time schools reopened some ten months later, many of these girls had **dropped out** of school.

Access to healthcare and social services

- Limited access to social services, mental and reproductive healthcare at the start of the pandemic created issues in all five countries.
- Moreover, gender-based violence became a prominent issue with spikes of domestic violence cases recorded in Kenya, South Africa and Mozambique.
- In Mozambique, women had challenges receiving appropriate reproductive healthcare.
- In Kenya, a rise in mental health issues against the backdrop of an under-resourced system characterized by inaccessible services, an acute shortage of mental health workers and limited funding.
- COVID-19 tests were a prerequisite for accessing health facilities: physiotherapy, family planning, and diabetic clinics at the peak of the pandemic.

Arts and culture

- Closure of training camps and clubs to curb the spread of the virus resulted in reduced contributions to household expenses through earnings made from sports. Some children became hawkers to support their families.
- The art and cultural sector was also impacted by the pandemic as many performing artists faced a reduction of events due to the curfew and restrictions on gatherings.

Dissemination of information

- The dissemination of updated COVID-19 related information was done through **mainstream and social media**.
- Kenya, even village chiefs were educated on the dangers of the virus so as to relay this information in local dialects.
- Some **segments of society were left out**: i.e., persons of disability sector felt that the information was not relayed in a disabled-friendly format, and therefore people with hearing and sight disabilities were excluded. In Kenya – letter was written to government concerning this.
- **Doubts on accuracy** of some COVID-19 information due to limited resources and capacity in e.g., Malawi.
- **Public misconceptions** about the gravity of the virus and vaccine.
- **Limited public participation** and stakeholder engagement at start of pandemic.
- A general **lack of parliamentary oversight** and clouded stakeholder engagements.

Conclusion

- Most countries within southern and east Africa already suffer from inequalities and high levels of poverty and unemployment.
- The pandemic and accompanying measures have created further socio-economic challenges which will take years to recover from.
- The recommendation for future pandemics or public health crisis is that state responses and measures should consider the socio-economic realities of its citizens.
- Measures must be necessary, proportional, reasonable, lawful, non-discriminatory and time bound while at the same time upholding the human rights of citizens.

Thank you

