

## AFRICA COVID BRIEFER

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# Elections

### Issue Overview

COVID-19 has disrupted electoral processes in Sub-Saharan Africa. While very few elections scheduled for 2020 and the first half of 2021 got delayed as a result of the pandemic, the restrictions and measures put in place by governments to curb the spread of the coronavirus undermine civic freedoms, which are an essential prerequisite to free and fair elections.

To address this, some governments put measures in place to ensure that the pandemic does not have a negative impact on elections. Others, however, have proceeded to adopt disproportionate measures that affected participation and the fairness of electoral processes.

### Country Examples

#### ENABLING MEASURES

During the first half of 2021, **Ethiopia** and **Zambia** adopted several enabling and proactive measures to mitigate the negative impacts of the pandemic on the two countries' elections.

The National Election Board of **Ethiopia** (NEBE) adopted a number of measures to prevent the transmission of COVID during the elections. For example, it updated the training materials for election officials to include pandemic-related precautionary measures during the registration of voters and candidates. It also purchased personal protective equipment for trainers, as well as election and polling center officials. The Ethiopian general elections were originally scheduled for 2020, but they were delayed by officials, who cited the COVID-19 pandemic. They were held on June 21, 2021.

In **Zambia**, the Election Commission established a technical committee to streamline COVID prevention measures during the election, which was charged with looking "at modalities of holding the 2021 General Election amidst the COVID-19 pandemic." The committee includes representatives from government institutions, including the ministries of information and broadcasting, health, and local government, the Zambia National Public Health Institute, and the Disaster Management and Mitigation Unit. The nonprofit sector was also included, specifically the Zambia Centre for Inter Party

Dialogue and the Media Institute for Southern Africa - Zambia chapter. The committee developed [Standard Operating Procedures](#) for conducting the elections amidst the pandemic with specific COVID-19 procedures for different steps of the electoral process. For example, in the pre-processing of presidential nomination supporters stage, measures include allocating adequate time in-between the processing of supporters for each aspiring candidate and requiring political parties to come to the processing venue with only the required number of supporters (which is 100). When it comes to campaigning, political parties are “discouraged” from holding rallies and “urged to utilise alternative mediums of communication and information dissemination.” Additionally, they should assign “safety officers” to ensure their meetings adhere to COVID-19 measures and guidelines.

#### STATES OF EMERGENCIES AND DISPROPORTIONATE MEASURES

ICNL research identified several COVID-19 measures enacted or extended in the first half of 2021 that restricted the ability of candidates and voters to organize and join election gatherings and rallies or conduct election campaigning.

In **Kenya**, candidates in the Bonchari electoral constituency by-election held in May 2021, were unable to hold campaign rallies due to a ban on political gatherings imposed by President Uhuru Kenyatta to curtail the spread of the virus. The ban was first [imposed](#) on March 12, 2021 for 30 days, and it was last [extended](#) on May 30, 2021 for sixty days.

The second round of the presidential election in **Niger** in February 2021 was held under a [state of emergency](#), in place since March 2020, and a ban on large gatherings. Similarly, in the Republic of Congo, the presidential election was held on March 21, 2021 under [restrictions](#) on gatherings and other COVID measures.

In **Zambia**, the electoral commission [suspended](#) election rallies “with immediate effect” on June 3, 2021. In a speech, the Chief Election Officer said that the Commission “will continue to monitor and review the situation and provide updates to the stakeholders.” The decision did not provide a date as to when election rallies will resume, although campaigning can continue via other means such as digitally and through door-to-door campaigns. The general elections in Zambia are scheduled to take place on August 12, 2021.

Furthermore, in some cases, governments and those in power exploited COVID-19 measures to their advantage.

In **Uganda**, authorities have embraced a range of systemic tactics targeting freedom of speech and assembly during the 2021 election period. COVID-19 rules issued by the Election Commission gave President Museveni and his ruling party an advantage. These measures [included](#) a ban on election campaign meetings of more than 200

people. According to human rights groups and observers the measures were not equally enforced, with security forces disproportionately targeting opposition campaigns, while [turning](#) a blind eye to large rallies by Museveni's supporters that flouted the same measures.

In **Zimbabwe**, by-elections remain suspended. However, a number of election activities such as voter registration and field work related to boundary delimitation [resumed](#) in April of 2021 following the relaxation of COVID-19 measures on March 1, 2021. The Zimbabwe Election Commission [said](#) the decision to keep the suspension of by-election is due to "the danger posed by the COVID-19 pandemic and the need to uphold some health provisions of Statutory Instrument 10 of 2021 which is still in force."

In the meantime, the ruling ZANU-PF party [continues](#) to hold primary elections.

According to the [Zimbabwe Election Support Network](#) the ongoing suspension of by-elections "leaves citizens in Constituencies where elected leaders such as MPs and Councilors were recalled or died without representation," further adding that it "may result in some voters losing interest in elections, should they feel like their vote does not matter."

## Regional Norms

To assist governments in deciding whether to proceed with or postpone elections, on July 16, 2021 the African Court on Human and Peoples' Rights issued an [Advisory Opinion](#) on "The Right to Participate in the Government of One's County in the Context of an Election Held During a Public Health Emergency or a Pandemic, Such as the COVID-19 Crisis."

The African Commission on Human and Peoples' Rights (ACHPR) also released normative guidance on holding elections during the pandemic. A [statement](#) published on July 22, 2020 lists a number of human rights standards that governments should uphold, including principles of transparency, consultation, and non-discrimination in applying restrictions.

The ACHPR's [Resolution 449](#) emphasizes that human rights are a central pillar of successful response to and recovery from COVID-19. This includes provisions relating to elections and COVID-19. Governments must create avenues for consultation with, and participation of people in decision-making and implementation of public health measures, including working with community leaders, civil society organizations, women groups, and religious institutions. Decisions relating to the holding of elections must be made based on consultations, in compliance with the processes provided for in national Constitutions, and without creating conditions that lead to electoral disputes or endanger public health. Governments are also called on to ensure

that they take urgent measures to “avoid patterns of human rights violations, including violent restriction of freedom of assembly and association, manipulation of presidential term limits, and uncertainties relating to the conduct of elections, so that they do not descend into political instability and violent conflict...”