

# A Reflection on Security Agents' Human Rights Violations in the Enforcement of Covid-19 Measures

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## Abstract

This paper reflects on security agents' response efforts throughout the Covid-19 period across the world. The aim of the paper is to draw the human rights excesses perpetrated by security forces across the world to stimulate rethinking of States' security, securitization, and policing policies as well as strategies in times of emergencies and pandemics. Data informing the discussion in the paper were drawn from secondary sources such as journal articles and online news portals. The discussion shows that various regimes of securitization characterized the pandemic period. The contention of the paper is that the enforcement of Covid-19 restrictions by security forces in some countries resulted in violations of several human rights. The way the enforcement of the pandemic measures was carried out impaired people's rights and their dignity. Hence, trauma may be one of the major challenging issues to deal with in the post-Covid-19 era. The paper contributes to the understanding of the interaction between security and human rights.

**Keywords:** Security Agents, Human Rights, Violation, Covid-19, Enforcement

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## Introduction

This paper is an opinion piece. The paper highlights the violation of some basic human rights standards by security agents in some countries in their efforts to enforce the Covid-19 pandemic measures. The Covid-19 virus which broke out in the Wuhan city of China, spread throughout the world resulting in millions of deaths. The pandemic has changed the world and all spheres of life (Sutinga & Nangwele, 2022) and proven how interconnected the world has become. The virus has also revealed that whatever one's race, gender, status, etc., everyone remains vulnerable. The consequences of Covid-19 have been very dire.

Economies crashed, businesses collapsed, people lost their jobs (Jackson et al., 2020; Ozili & Arun, 2020), religious activities have been seriously impacted (Sutinga & Nangwele, 2022; Kowalczyk, et al., 2020; Pillay, 2020; Sulkowski & Ignatowski, 2020; Yasin, et al., 2020; Shibambu & Egunjobi, 2020), human lives have been lost (WHO, 2020), and livelihoods have been threatened. Fear, panic, suspicion, mistrust, and apprehension grew among populations, and many countries became more vulnerable to security breaches.

Governments and States across the world responded to the spread of the virus through several restrictive measures, including lockdowns, quarantines, stay-at-home orders, social distancing directives, closing of borders, *inter alia*. To ensure the effectiveness of these covid-19 restrictive measures, governments deployed security agents to enforce the measures. Meanwhile, it is argued that our ability to fight and conquer the virus and recover from it is dependent on our respect for human rights (OHCHR, 2020) and fundamental freedoms. Response efforts need to be legal, proportionate, strictly necessary, driven by scientific evidence, not arbitrary or nondiscriminatory, respectful of human dignity, as well as subject to review, and tailored to achieve the pandemic objective (UNAIDS, 2020; UN, 2020; Human Rights Watch, 2020).

Thus, the questions to be asked include: Were security agents' response efforts during the pandemic period legal, proportionate, non arbitrary or discriminatory, driven by scientific evidence and meant to achieve the pandemic objective? Did security agents' response efforts respect human rights? We need human rights to fight and overcome the pandemic. Their observance – providing people with good food, water and shelter; accessible and affordable healthcare; timely, accurate and accessible information; and respecting people's dignity, is not only important but also necessary if we want to overcome the virus and to come out from it successfully, stronger and prepared for the future.

The United Nations indicated that “response efforts that are shaped or informed by human rights put people at the center and yields better outcomes” and that in this pandemic period, every human right matters and is needed to navigate the crisis (UN, 2020, p. 2). This paper believes that the promotion or protection of people's health unfolds from and enfolds in the respect, promotion and protection of human rights. The promotion of people's health and human rights are mutually reinforcing and supportive of each other. The observance of human rights is the promotion of the health of people and the promotion of people's health is the observance of

human rights.

Yet, concerns emerging about security agents' Covid-19 response efforts are grave and worrying (Human Rights Watch, 2020; Amnesty International, 2020; WHO, 2020; Aduku, 2020; Amdasun, 2020; Omega Risks Solutions, 2020; Odigbo, Eze & Odigbo, 2020; Deutsche Welle, 2020). Research on the human rights dimensions of Covid-19 responses is growing (Bonavero Institute of Human Rights, 2020; The Global Fund, 2020; Human Rights Watch, 2020; OHCHR, 2020; UNAIDS, 2020; WHO, 2020; Weerth, 2020; UNICEF, 2020). Although consensus on what human rights are is yet to be reached (Dembour, 2006; Cushman, 2012; Bufacchi, 2017; Dembour, 2010; Walters, 1995; Valen-Sendstad, 2010), this paper maintains human rights as entitlements that are deserved by everyone because of one's being, without distinction of any kind (Kuupiel, 2019).

Equality, non-discrimination, indivisibility, inclusion, universality, participation, rule of law, and accountability are key standards that guide the observance of human rights. They are key human rights standards or principles that everyone, including security forces ought to observe and respect in our interactions in order that we can live life as dignified and flourishing persons. Did security agents' response efforts adhere to these human rights standards? Evidence introduced in this paper suggests that some of these human rights standards have been largely, either violated, subordinated, ignored or swept under the carpet by security agents across the world and under the watch of governments during the enforcement of Covid-19 restrictive measures.

With evidence from Ghana and elsewhere, I claim that, security agents have visited harm on people, undermined their dignity, well-being and freedom, and ignored or subordinated basic human rights standards in their enforcement of Covid-19 measures under the watch and/or supervision of state governments. The paper contributes to the security discourse and feeds into the understanding of the interaction of human rights and security. The paper hopes to offer entry-points for reforms in the approach to security and policing, training of security forces and response to emergencies.

### **Methodology**

This paper is a qualitative piece. The paper relied on secondary data including journal articles and online news reports. Thematic content analysis was employed to inform the reflection in the paper.

### **Human Rights Violations by the Security Forces in the Covid-19 Period**

In this section, I discuss how security forces violated the dignity and worth of the human person during their enforcement of Covid-19 measures across the world. The responses of security forces during the pandemic period have raised a number of human rights concerns. The methodologies security forces employed and the manner in which those methodologies were applied as well as how they behaved or acted during the enforcement process of the Covid-19 measures are the worries and concerns of this paper, in terms of people's ability and freedom to live in dignity and flourishing lives. I argued that the extent to which security agents violated human rights in their Covid-19 response efforts is evident in the manner of enforcement and methods employed to enforce response measures.

### **Methods used by Security Forces have Implicated Range of Human Rights**

In their efforts to ensure that citizens and every individual adheres to the Covid-19 restrictive measures imposed by governments, security agents deployed a number of strategies to aid effectiveness and rapidness in enforcing the restrictive measures and to fight the pandemic. Various territories across the world resorted to their security forces used certain technologies and information and communication gadgets to enforce pandemic measures. However, the use of some of those technologies and information and communication tools has been found to have had strong implications on people's rights and freedoms and their enjoyment and realization.

Human Rights Watch (2020) observes that the use of digital surveillance in contact tracing, enforcement of quarantines, assessing the general trend of the spread of the virus or the effectiveness of social distancing have violated human rights. Countries such as China, Russia and Iran's usage of digital surveillance in their pandemic responses have threatened people's right to privacy, freedom of expression and association (Human Rights Watch, 2020).

In Israel and Armenia, people's phone call histories and location data were being turned over to authorities, while South Korea was sending anonymous information about people's movement to the public (Human Rights Watch, 2020). All these response efforts have threatened people's privacy and left many concerned and worried about their private lives being exposed. A concern of this paper is that information obtained may not remain only with government departments but could be used by the security for broader and vested political purposes.

Australia's usage of drones and mobile phone data to monitor social distancing equally threatened the right to privacy and peaceful assembly and freedom of expression (Bonavero Institute of Human Rights, 2020). The use of technologies such as artificial intelligence and big data for tracking and surveillance posed high risks to the enjoyment of human rights. Powerful as they are, they could cause "discrimination, be intrusive, infringe on

privacy or deployed against people or groups for purposes beyond the pandemic response” (UN, 2020, p. 16). It is noteworthy that some of the methods adopted were coercive (Amnesty International, 2020) both in nature and application. Therefore, methodologies employed by security agents to trace contacts and enforce restrictive measures resulted in severe human rights implications. According to Weber et al. (2020),

“...experts warn that some regimes could exploit the virus to more permanently entrench invasive systems of digital surveillance for purposes of political repression...and governments that already engage in widespread domestic surveillance efforts, such as China, may see the pandemic as useful in justifying the continuation or expansion of these efforts.” (p. 8)

Thus, it can be argued that some of the methodologies used to enforce the pandemic measures violated and impaired people’s rights and basic human rights standards as well as shrink the space for the enjoyment and exercise of human rights.

### **The Manner of Enforcement of Covid-19 Measures Implicated Human Rights**

Also, how security agents across the world enforced the Covid-19 pandemic measures have also been sources of human rights concern. The human rights concerns about the manner in which Covid-19 measures were enforced are significantly huge (Amnesty International, 2020). The paper discovered that security forces have largely used force and strength to enforce the pandemic measures. Bonavero Institute of Human Rights (2020) assessed 11 jurisdictions’ responses to the Covid-19 pandemic and unearthed that security agents violated human rights and their basic principles as well as excessively used force and strength to enforce measures. Hence, Bonavero Institute of Human Rights (2020, p. 13) insists that “the source of the greatest human rights concerns rests in the way in which Covid-19 measures have been enforced by police and military.” People’s right to freedom of movement has been violated by security agents across the world. Governments imposed lockdowns which limited the movement of people to particular geographies. At the same time, the responses of security agents appear to evidence different interpretation of restricted movement. Security personnel employed force and strength to prevent people from moving out completely in some cases, and chased or arrested people found outside.

Although international law allows states to procure steps in times of emergencies, such measures need to be necessary, proportionate, non-discriminatory, scientific, and geared towards addressing the emergency objective. Human Rights Watch (2020) reports how police abused people in DR Congo, Kenya, South Africa, Uganda, France and the Philippines for violating lockdowns. For instance, in Uganda, a woman was forced to undress, while in South African the police injured children and shot a man in front of his home (Human Rights Watch, 2020). These derogations corrode human rights norms and disregard the dignity and wellbeing of the human person.

Rights respecting Covid-19 response require that security agents observe basic principles of legality, rule of law and non-discrimination. Yet, their enforcement of restrictive measures across the world raised human rights concerns. Concerns have been raised about some authorities, through security agents, taking advantage of the crisis to pursue targeted surveillance or political opponents. For instance, Bonavero Institute of Human Rights (2020) indicated that police in Hong Kong took advantage of the pandemic to exercise excessive force and pursue political objectives.

Violations of people’s rights in the pandemic were increasing in Africa (Amadasun, 2020). According to a publication by Olewe (2020) in BBC News, “Armed variously with guns, whips and tear gas canisters, security officers in several African countries have been beating, harassing and, in some cases, killing people as they enforce measures aimed at preventing the spread of Covid-19.” In Ghana, security agents were using force and strength at border communities to enforce the closure of borders. They have also been reported to have not confined their operations at the borders but have also been moving in the towns and homes around the borders heavily armed, thereby creating fear, panic, intimidation and apprehension among the local border population. Public opinion held that the sudden heavy security (police, military, immigration, etc.) presence in these border communities was riding on the back of Covid-19 to cause intimidation and fear and further achieve political objectives.

Further, security forces in Ghana visited violence, beatings, slaps, and various degrading and inhumane treatment on people during lockdown. For example, African News Agency (2020, April 1) reported accusations of Ghanaian police using fan belts and horsewhips on journalist during Covid-19 lockdown. GhanaWeb (2020, April 1) also reported brutalities visited on citizens by the Ghana Armed Forces during lockdown. In addition, Boateng (2022) acknowledged police violence in response to citizens’ defiance of lockdown measures in Ghana. Fear, discrimination and breach of people’s privacy were reported in Ghana (WANEP, 2020). There was general brutality by security agents, especially in Accra, Kumasi, Tamale, leaving many Ghanaians with injuries. For instance, some Journalists in Ghana were attacked by security forces (Committee to Protect Journalists, 2020). The fear created by the virus worsened with security forces’ usage of force and strength to enforce Covid-19 measures. Thus, people were not only afraid of dying from the virus but also lived in fear due to security agents’

brutalities.

Omega Risk Solutions (2020) grieved how about 200 soldier and police officers on 18 April, 2020 visited violence on residence of Changli in the Northern Region in retaliation for an assaulted colleague. Videos circulated on social media captured security personnel in Ghana demonstrating wanton disregard of basic human rights norms and arresting and detaining people arbitrarily. The vulnerable and less powerful population seemed to have suffered most from security forces excesses in Ghana.

According to Amadasun (2020, p. 1), “violations of the rights of the vulnerable by law enforcement officials are on the increase” as governments try their bid to fight the covid-19 pandemic. Yet, the 1992 constitution of the republic of Ghana prohibits acts such as torture and other inhumane and degrading treatment that disrespect the dignity of any Ghanaian. For instance, article 15 of the 1992 constitution of Ghana states:

(1) The dignity of all persons shall be inviolable. (2) No person shall, whether or not he is arrested, restricted or retained, be subjected to - (a) torture or other cruel, inhuman or degrading treatment or punishment; (b) any other condition that detracts or is likely to detract from his dignity and worth as a human being (Republic of Ghana, 1992).

Equally, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the African Charter on Human and People’s Rights, *inter alia*, in article 5, 7 and 5 respectively, which Ghana and many other African countries are signatories to abhor acts such as torture and other degrading treatment that disregard the dignity of the human person. Many other African countries experienced cases of security forces visiting brutalities on people in enforcing the pandemic measures. Deutsche Welle (2020) reported brutalities by security forces in the territories of South Africa, Nigeria, Kenya and Uganda. According to Deutsche Welle (2020), the actions of security forces “contradicted some of the measures put in place that allow people to go out only for essential purposes, such as buying food and medication.” People’s right to food was limited in Nigeria (Aduku, 2020).

Deutsche Welle (2020) further indicated that people were arbitrarily arrested and detained and killed during enforcement of covid-19 measures. Aduku (2020) acknowledged Deutsche Welle’s claims when he indicated that both the police and army of the Federal Republic of Nigeria administered brutalities on populations of the country. The dignity of people appeared to be gambled with and international human rights instruments which some of these countries are signatories to, were disregarded during the enforcement of Covid-19 measures. Odigbo et al. (2020) argued that the enforcement of Covid-19 restrictive measures largely disrespected the lives and dignities of the human beings. The pandemic period is “characterized by excessive use of force by the police and insufficient inbuilt mechanisms for oversight” (Bonavero Institute of Human Rights, 2020, p. 13).

There has been “lack of accountability regarding allegations of unlawful use of force by law enforcement officials” (Amnesty International, 2020, p. 4). It is contradictory and hypocritical to protect human rights through strength. Protecting human rights through strength or force erodes human rights norms and further jeopardizes the fight against the virus. Heavy-handed security responses undermine the health responses (UN, 2020; Weerth, 2020).

Security forces also crackdown on the flow of information and freedom of expression and of the press. They have engaged in the arrest, detention, intimidation or persecution of political opponents, journalists, doctors and healthcare workers, activists and others for expressing opinions on the virus which has allegedly been labeled as “fake” (UN, 2020). There were aggressive cyber-policing, increased online surveillance and suppression of dissent. Force and strength were largely used by security agents across the world to enforce the pandemic measures (Amnesty International, 2020; Human Rights Watch, 2020).

It is argued that most of the violations of the rights and freedoms of people were recorded “within the first month” of the enforcement of Covid-19 measures by the security (Odigbo et al., 2020, p. 1). In many cases, the use of force was not blessed by law (Amnesty International, 2020). Rather, they were “overt and immoderate” (Odigbo et al., 2020, p. 1). Thus, human rights standards have been disregarded. One learning in this paper is that the manner in which Covid-19 measures were enforced by security forces limited the space for people to exercise their rights. The result is that people are losing faith, confidence and trust in security agents.

### **Disregard of Human Rights Standards**

Everyone has the right to be treated fairly; to be free from unlawful attack, arbitrary arrest and detention, torture, inhumane and degrading treatment and is innocent until proven guilty. However, security forces responses and enforcement of Covid-19 measures have been largely arbitrary, discriminatory, not proportionate, and unnecessary in most occasions, and with little regard for people’s dignity. Amnesty International (2020) observed that the enforcement of Covid-19 measures was “disproportionate and discriminatory” in many territories of Europe. Many people have been discriminated against in Ghana (WANEP, 2020).

Security forces in Ghana engaged in discriminatory enforcement of Covid-19 measures. They arrested, prosecuted and sent some people to jail for violating Covid-19 protocols under the Imposition of Restrictions Act. Yet, the same security forces offered protection to people who engaged in gatherings and celebrations that

violate Covid-19 protocols in Ghana. For instance, when some people of Christ Embassy (a religious organization) organized an event that defied Covid-19 protocols, the police in Ghana charged the organizers for violating Covid-19 protocols under the Imposition of Restrictions Act (Graphic Online, 2021, June 7). Also, when many Ghanaians under the '#FixTheCountry', decided to organize protest to drum home the sufferings of the citizens, the police resorted to court injunctions to stop the people from protesting under the same Imposition of Restrictions Act.

Yet, the same police did not only allow the organization of the mass celebration of the funeral of the late Chief Executive Officer of the Forestry Commission and the former general secretary of the ruling government – Kwadwo Owusu Afriyie popularly known as Sir John (Ankrah, 2021; Nyabor, 2021; Graphic Online, 2021; Amoyaw, 2021), but also offered protection for the people who attended the funeral. Interestingly, the president and his vice who supervised the passage of the Imposition of Restrictions Act, and other government functionaries participated in violating the very Act they passed. However, although calls have been made for the organizers of the funeral to be dealt with (Nyabor, 2021), the police have not yet arrested nor charged anyone in connection with the organization of the funeral.

As such, the security forces' enforcement of the Covid-19 measures in Ghana is discriminatory. It appears everyone in Ghana is equal but 'some are more equal than others.' Perhaps, some Ghanaians 'can be touched' while others 'cannot be touched' when they violate Covid-19 protocols. Such discriminatory application of Covid-19 laws and enforcement of protocols caused noncooperation from the population and caused people to lose confidence and trust in the security services.

Therefore, the claim of this paper is that the government of Ghana has watched and supervised security agents discriminatorily enforcing Covid-19 protocols. Meanwhile, as part of their human rights standards and practice, the police are to ensure that their "action[s] respect the principles of legality, necessity, non-discrimination, proportionality and humanity" and the rights and freedoms of everyone (Office of the United Nations High Commissioner for Human Rights, 2004, p. 2). You cannot be seeking to protect people's lives and health and at the same time sacrificing other human rights. We need human rights more than ever to navigate the Covid-19 crisis (UN, 2020). Yet, security agents across the world were in breach of basic human rights standards, undermining people's dignity, wellbeing and freedom. Given the concern about the increase violations of the rights of vulnerable people's (Amadasun, 2020), I agree that countries should take steps to ensure that their pandemic measures "do not visit disproportionate harm on the vulnerable" (Lebret, 2020, p. 1).

## Conclusion

Trauma may be one of the biggest things to deal with when we succeed in combating the corona virus pandemic. Security agents across the world visited harm on people, undermined people's dignity, wellbeing and freedom, and ignored or subordinated basic human rights standards in their enforcement of Covid-19 response measures under the watch and/or supervision of state governments. Various regimes of securitization characterized the pandemic period. Security forces' responses largely, did not adhere to the basic principles of equality, non-discrimination, rule of law neither were they proportionate, or necessary. The paper contends that security forces across the world were violating people's rights and freedoms in the way they policed and securitized things or issues while enforcing the pandemic measures.

There appears to be a misinterpretation of restrictive measures by security forces. Security forces' understanding of restrictive measures are useful determinants of how they enforce those measures. The vulnerable population appears to have been at the suffering end of security forces excesses in the pandemic. There is a need to ensure that security training and curricula as well as professional development activities and programs are interwoven with human rights orientation in order that the Force that comes out of such training would conduct their work in a manner that respects the rights, freedoms and dignity of the human person.

Under no circumstance should security agencies disregard, subordinate and undermine a person's worth and sense of being. Nothing is worth protecting than what gives the human their sense of being. We need to also be concerned about whether countries are reporting human rights violations and abuses or are hiding them. Security agencies must always endeavor to ensure that their actions and enforcement of the state powers are informed by a human rights paradigm. Observing and protecting people's rights is ensuring their security. Allowing security forces actions to be informed by a human rights paradigm would engender cooperation and support from the public, rebuild confidence, faith and trust in security forces and cause people to be confident that their dignity has the potential of renewing and seeing upliftment.

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