



SOUTHERN AFRICA REGIONAL OFFICE QUARTERLY REPORT: APRIL – JUNE 2005

I. Executive Summary

During this reporting period the human rights landscape did not change much, especially on issues around drought, hunger and poverty, as they are still rampant in most parts of the region. Challenges relating to good governance, democracy and human rights still remain. Improvements relating to constitutional reform have been seen in some of the countries in the region. King Mswati signed the kingdom's very first Constitution, which has been applauded in some quarters as it recognises human rights and in particular women's human rights. Despite these positive strides that have been made, some disturbing occurrences have also been experienced in some parts of the region. Scores of Zimbabweans have been forced to live in squalor by their own government -- through what is known as "Operation Cleanup." This government-led campaign left hundreds of thousands of Zimbabweans without proper housing, nutrition and many other critical amenities of life.

During this period the Regional office continued to provide support to its beneficiaries, the UN Country Team, National governments, National Human Rights Institutions and Civil Society. In this regard, the office was engaged in various activities including training workshops and attending to various missions. The office also focused on strengthening its internal capacity by embarking on temporary staff recruitment process for some of its positions.

II. Human Rights Situation, Developments and Concerns

II.1 Civil and Political Rights:

Issues around good governance still plague most communities in Southern Africa. Most parts of the region are seeing installation of democratically elected governments. There has also been a move in many countries to develop national Constitutions which are hoped would be instrumental in ensuring good governance and transparency. In cases where national

Constitutions are already in place moves are being made to make sure that they are in line with contemporary human rights norms and standards.

Botswana

Early in April Parliament began to discuss the Constitutional Bill No. 34 of 2005, which aims to amend sections 77 – 79 of the Botswana Constitution. The implicated sections only recognise the main ethnic group (the Tswana) and give them automatic admission to the House of Chiefs. The Constitution and the sections in the Bill are considered discriminatory in that they recognise Tswana speaking people to the exclusion of minority groups such as the Basarwa and San. In essence, the Bill maintains the status quo and it is most likely to be passed given that parliament is dominated by the ruling party, which has already endorsed the Bill. The current reporting period saw the deportation of an Australian born professor from Botswana. The High Court ruled that President Mogae had not overstepped his presidential authority when he declared the Professor a prohibited immigrant. The final test of the constitutionality or legality of the deportation will be judged by the African Commission on Human and People's Rights, which is the next forum where the case will be referred to.

South Africa

On 27 April 2005 South Africa celebrated its eleventh (11th) year of democratic rule. The democracy and accountability of government officials was tested when an official in the second highest office (the Deputy President) was implicated in a corruption case involving his erstwhile financial advisor. On this occasion, the President did not bow to the political pressure as he dismissed his Deputy from office and relieved him of his duties as the Vice President of the ruling party. This was after the financial advisor was found guilty of corruption emanating from what the judgement qualifies as a 'generally corrupt relationship' he had with the Deputy President.

Swaziland

After a long period of debating constitutional reform Swaziland celebrated the signing of its first Constitution by King Mswati in May 2005. It is hoped that the King will finally approve the draft Constitution in October 2005. Although there is unhappiness about the retention by the monarch of its powers positive strides have also been made, especially with regards to the inclusion of human rights in the Constitution's Bill of Rights. Among the rights and freedoms recognised in the draft Constitution there is: a) respect for life, liberty, security of a person and equality before the law, and equal protection of the law; b) freedom of conscience and expression, and peaceful assembly and association; c) protection of the privacy of the home and other property of the individual, and d) protection from deprivation of property without compensation except where the law allows it. Another positive step in context of the cultural values in the kingdom is that the Constitution recognises the rights of women.

Zimbabwe

The newly adopted NGO Bill remained a source of controversy as most players saw it as a way to curtail the work done by many NGO's. On the political front the situation continued to be volatile as MDC believed that the elections that were held in the first quarter of the year were not free and fair. These assertions are countered to the observations made by official observers that were present during the elections, namely the representatives from SADC and

from the government of South Africa. SADC representatives found that the elections complied with the SADC Charter of rules and election guidelines.

Furthermore, having achieved a two-thirds majority of seats in parliament President Mugabe has somehow indicated his intentions to amend the Constitution and introduce a second chamber of traditional leaders, retired politicians and other prominent Zimbabweans. Some fear that the new Senate would be dominated by loyalists ahead of his retirement and that the President is likely to alter the laws allowing him to pick a successor without having to hold fresh elections.

Comoros

Political analysts and rights activists in the Comoros have applauded the withdrawal of a draft law allowing Union President Azali Assoumani to compete for a second four-year term in elections next year. Political analysts say that by abandoning the legislation, Assoumani has shown the importance of respecting the Constitution. Under the archipelago's Constitution adopted in 2001 the federal presidency rotates every four years among elected presidents of the three islands in the Union: Grande Comore, Anjouan and Moheli.

II.2 Economic and Social Rights

The Triple threat HIV/AIDS, food security and good governance continued to be a major concern in the Southern Africa sub-region. Another major concern as the world approaches 2015 is whether some parts of Africa, especially in the Sub-Saharan Africa, will be in a position to fulfil and achieve the Millennium Development Goals (MDG's). Some of these problems may be associated with or caused by the instability in most parts of the region.

The region continues to have the highest rates of HIV/AIDS in Sub-Saharan Africa. South Africa released its annual antenatal survey for 2004, which reveals that around 6 million South African are infected with HIV/AIDS. This is quite a leap from the prevalence of 4.5 million recorded for the 2003 antenatal survey. The recent evictions in Zimbabwe are said to have an impact on people living with HIV/AIDS, especially those on ARV's. Their displacement has meant that many will not be able to access their treatment at the centres where they were initially enrolled. Although the AIDS epidemic has reached unparalleled proportions this has not left people in total despair. For example, Lesotho has during this period adopted the Child Protection and Welfare Bill, which seek to protect Orphaned and Vulnerable Children (OVC). This would go a long way in ensuring that those that are most vulnerable to the scourge of epidemic are provided with adequate government support to take care of their most immediate needs. The Government of Lesotho has also shown its willingness to tackle the issue of sexual abuse of children employed as domestic workers recognizing their vulnerability and the need to inform them about HIV/AIDS.

Discrimination and stigmatization of people living with HIV/AIDS remains a concern in the region. In Botswana, the Botswana Federation of Trade Unions (BFTU) and the Public Service Workers Association (PWSA) demonstrated in May to press the government for labour legislation to protect workers from general victimization, unfair dismissals and discrimination on the grounds of their HIV/AIDS status.

Food shortages and reliance on food aid still have a crippling effect on some parts of the sub-region. Drought and the scourge of HIV/AIDS have exacerbated this. The WHO has pointed out at the decline in maize production in countries like Malawi and Swaziland. Some governments are beginning to find solutions to these kinds of problems. For example, in light of the impending drought and in seeking a solution to dependency on food aid the Swazi government has called upon farmers to diversify their farming activities. On the other hand there is a prediction that the internal instability in Zimbabwe will lead to food shortages in the very near future. This is so because the displacement of people through the “clean-up” operation has made the situation of many Zimbabweans worse off as many households’ livelihoods were abruptly destroyed.

Lastly, people’s socio economic rights become increasingly compromised in some urban areas in Zimbabwe where the government’s actions has led to serious violations of people’s rights to shelter or housing, right to health care services, right to food and other associated rights. In June 2005 the government of Zimbabwe embarked on what is known as ...or the ‘cleanup operation. The government’s intention with this operation is to rid cities of slums, and illicit financial operations, which have become a problem in most cities everywhere else. This operation led to the internal displacement of hundreds of thousands of Zimbabweans. In response to this catastrophe the UN Secretary General appointed a Special Envoy to look into the problems caused by the operation and determine the role that the UN could play in assisting those affected.

III. Activities Carried out by the OHCHR, Regional Office

III.1 Regional Activities

1. The Regional Representative attended upon invitation from the NEPAD Secretariat, an expert meeting to launch the tended Forum for Retired African Leaders on the 6-7 April 2005
2. Provided capacity building support to the Voluntary Fund for Technical Corporation (VFTC) in the 1st week of June.
3. Provided technical support at a training workshop on CCA/UNDAF programming organised by UNFPA-CST for Francophone countries in Dakar on 2-6 May 2005. The presentations and group exercises were on operationalising the Human Rights Based Approach to programming.
4. Regional Representative attended the launch of the UNDP Regional Service Centre and had meetings with the Manager of the Centre to discuss collaboration with OHCHR and capacity building of the regional advisers on human rights.

III.2 National Activities

1. The office continued to provide technical support to the process of establishing a Human Rights Commission in the Comoros

2. The office provided technical assistance to UNCT in Mozambique through organising a training workshop on human rights and development to address a variety of issues and specifically focusing on the rights approach. Workshop held from 18-20 May 2005. The Regional representative took the opportunity of her stay to meet with the newly appointed Minister of Justice. The latter requested the office's assistance, following the government decision to initiate the process of creating a national human rights commission.
3. The Regional representative participated in and contributed in the launch of the Governance Project in Seychelles organised by the Centre for Rights and Development (CEFRAD) during the Citizenship Week from the 7-12 of April 2005.

III. Up-coming Activities for the Next Quarter

In addition to the technical advisory services provided by the OHCHR, the office will:

Support to UNCTs

1. Conduct a training workshop for UNCT on CCA/UNDAF and the HRBA during the second week of October 2005 in Pretoria, South Africa.
2. Conduct a training workshop for UNCTs in Madagascar from 28 to 30 September 2005 involving Comoros, Mauritius and Seychelles on mainstreaming human rights into development programming.

Advocacy and Information Dissemination

1. Finalise and distribute the OHCHR's, Regional Office Newsletter.
2. Finalise the workshops' report compilation in order to better disseminate the capacity building work done by the office since 2002
3. Reinitiate the process of developing the regional OHCHR to host its own website.

Support to National Human Rights Institution, government processes and Regional initiatives

1. Provide support to the government of South Africa on monitoring of treaties and submission of reports as well as in preparation for a conference on Durban + 5, in partnership with the SAHRC and other stakeholders
2. Support the NEPAD Gender and Civil society Unit in preparation of the launching of the Gender Taskforce.
3. Provide support to the government of Lesotho in setting up its NHRI.
4. Provide support to the Comoros in finalising the setting up of its NHRI.