



SOUTHERN AFRICA REGIONAL OFFICE QUARTERLY REPORT: DECEMBER 2004 – MARCH 2005

I. Executive Summary

Issues of democratic governance continued to feature in Southern Africa during this reporting period. Mozambique and Zimbabwe held elections respectively in December 2004 and March 2005.

Various countries in the region commemorated 16 days of activism on violence against women, which culminated on the 10th of December, the International Human Rights Day. Workshops and sensitisation campaigns were among the main activities organised by governments and civil society organisation with the support of the OHCHR. Governments were lobbied to ratify the Protocol to the African charter on the rights of women in Africa.

The office was engaged in various activities including, a review and evaluation of its activities for 2004. The Regional Office submitted to the Headquarters its project document for extension of the project and received approval of the project document and extension. During the period of December 2004 to March 2005, the Regional Representative carried out several missions within the framework of the office mandate.

II. Human Rights Situation, Developments and Concerns

II.1 Civil and Political Rights:

On the 10th of December, International Human Rights Day, various countries in the region concluded the 16 Days Activism Against Gender Violence, which was launch on the 26 of November. Various countries in the region - Mauritius, South Africa and Tanzania - participated in the campaign to highlight issues of violence against women and children. A high level workshop was organised for judges in Mauritius with the support of the OHCHR. The workshop was part of the activities organised in commemoration of the 16 Days of Activism.

Indian Ocean

Last December 2004, the Indonesian island of Aceh was hit by the Tsunami - along with 13 other countries in the Indian Ocean - leaving more than 200 000 people dead. Mauritius and Seychelles were affected by the Tsunami. This disaster raised major concern amongst these affected African Indian Ocean countries with respect to their capacity to handle natural disasters of the scale to the tsunami.

Angola

In Angola, the main opposition party UNITA continued to push for greater representation of the opposition, the civil society and the church in the countries proposed National Electoral Commission. The Electoral Commission has a mandate to oversee preparations for the general elections expected to take place in 2006. As it stands, the composition of the National Electoral Commission would be largely at the discretion of the president Eduardo Dos Santos. UNITA's call for greater representation in the Electoral Commission is to ensure that there is equal representation of the opposition, the civil society and the church. The Commission is set to have 11 members.

Botswana

In Botswana, the legal debate over the reform of discriminating laws continues. The objective is to eradicate ethnic groups discrimination as reflected in some domestic laws such as the Chieftainship Act, the Tribal Territories Act and even the Constitution which recognises only Tswana speaking tribes to the exclusion of others such as the Basarwa and San people. The discriminated groups continue to suffer from cultural, social, economic and political exclusion. In early April, the parliament will begin discussion of the Constitutional Bill No. 34 of 2005, which aims to amend sections 77 – 79 of the Botswana Constitution. These sections recognise only the Tswana speaking tribes and gives them automatic admission to the House of Chiefs. 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.

Also, in Botswana where Corporal Punishment continues to be imposed as part of sentence for some crimes, the Parliament approved the Customary Court Amendment Bill. The Bill broadened the age limit for which corporal punishment may be imposed and rationalised the sections of the law dealing with related punishment. It abolished corporal punishment for women and men over the age of 40. However, some government officials are opposing the Bill, holding that it was time Botswana abolished all forms of inhumane and degrading treatment in line with international norms and standards.

Mozambique

Presidential elections were held in Mozambique on the 1st and 2nd of December 2004. After 18 years in power as president, Joachim Chissano stepped down and the ruling party, the FRELINO, chose Armando Guebuza to run for presidency.

Due to allegations of irregularities in the election made by the opposition party RENAMO, election results were delayed and only released on the 21st December 2004 by the National Electoral Commission. Mr Armondo Guebuza won by 63.74% against 31.74% for RENAMO

Party. The stepping down from office by Joachim Chissamo after several years in power and the holding of peaceful elections are signs of political maturity in Mozambique.

Zambia

In Zambia, the main opposition party, the United Party for National Development, demonstrated against the government's decision to delay a new Constitution until after elections are held in 2006. The protest was held on the 20th of December, and resulted in the arrest of 68 protestors, who have subsequently been released on bail. Recently the President agreed to step down at the next presidential elections, and to allow for the constitutional amendment process to continue. This will be the fourth constitutional review since independence in 1964 and it is expected that the review would provide for greater inclusiveness and political participation as well as strengthen the democratic process.

Zimbabwe

In Zimbabwe, the NGO Bill was passed through parliament on the 9th of December. By the new legislation, foreign NGOs concerned principally with "issues of governance", and NGOs receiving foreign funding for "promotion and protection of human rights and political governance issues" will be denied. While this continues to cause some concern, other NGOs believe that it will be 'business as usual' with limited government interference in their activities.

On the 31st of March, legislative elections were held in Zimbabwe. Final results showed Mugabe's ZANU-PF winning two thirds of the seats i.e. 78 of 120 contested seats against 41 for the Movement for Democratic Change (MDC). The opposition lead by the Movement for Democratic Change rejected the result as being marred with fraud and election irregularities. The international community however had conflicting opinion as to whether or not the elections were free and fair. While Britain, America and some human rights groups have said the elections were not free and fair, the Southern African Development Community (SADC), which postponed its report on the validity of the results while it investigated "major queries over a quarter of the polling stations", and the South African government's observer mission, held that the polls "reflected the will of the people". The electoral climate preceding the March 2005 elections were generally free of violence in comparison to the violence that characterised the parliamentary polls in 2000 and Mugabe's re-election in 2002. The peaceful climate observed during this year's election seems to indicate progress and hopefully, will create a more conducive environment for the country to take up current socio-economic challenges.

II.2 Economic and Social Rights

HIV/AIDS and food shortage continued to be a major concern in the Southern Africa sub-region.

The region continues to have the highest rates of HIV/AIDS in Sub-Saharan Africa. However, majority of governments in the region have strong commitment to fight the HIV/AIDS epidemic. The World Health Organisation (WHO) identified Botswana together with Brazil as leading countries in the global anti-retroviral drugs rollout. On the other hand, WHO also identified South Africa as one of the countries behind in the global anti-retroviral

rollout. The South African government continue to face numerous challenges in meeting its promise of providing free anti-retroviral drugs to 53 000 HIV positive people which it sought to reach by March 2004 but extended the deadline to March 2005.

Another health concern in the region is the high levels of Tuberculosis (TB), which has been compounded by the HIV/AIDS pandemic. Namibia is one of the countries most affected by TB, having the highest recorded cases in the world. According to WHO, an average of 676 cases of TB are recorded for every 100 000 Namibians. This March, the Namibian government announced a five-year plan to combat the disease. In South Africa, HIV has completely changed the face of the TB epidemic with young people dying of the disease.

Food shortage and reliance on food aid continued to be an issue for concern in the sub-region, a situation that continues to be worsened by re-current drought. Zambia has been added to the list of countries (Lesotho, Malawi and Swaziland) earlier identified by World Health Organisation as needing emergency food aid. The development agency, CARE also called for an urgent assessment of food security in Zambia amid warnings of serious drought-related fall in maize production. This problem of food shortage is exacerbated by poverty, HIV/AIDS, and poor access to land and production means.

In Angola, at least 160 people have been declared deceased from the deadly Ebola-like Marburg virus, which continues to be a key problem affecting the country. The Angolan government assisted by several international aid agencies namely the World Health Organisation, Médecins sans Frontières (MSF) and the Atlanta-based Centres for Disease Control (CDC) are fighting the deadly virus, which has affected predominantly Angolan's northern town of Uige. Neighbouring countries starting with Namibia have begun raising concerns on the possible spread of the virus.

In Namibia, access to land continued to be a major problem. In an attempt to continue looking for ways to address the land problem, the Namibia Emerging Farmers Association (NEFA) has committed itself to work together with the government to compliment its land reform programme. The NEFA would work with the ministries of Agriculture, lands and the National Planning Commission to solicit funds and materials to train resettled and small-scale farmers to productively cultivate the pieces of land provided to them by the government.

III. Activities Carried out by the OHCHR, Regional Office

III.1 Regional Activities

1. The Regional Representative was instrumental in ensuring civil society, Parliamentary and Judiciary participation in the region to the African Dialogue III. She participated in the African Dialogue III, which was held in Addis Ababa from the 5th to the 8th of December. The theme of the African dialogue III was "Strengthening Human Rights Protection Systems: The Role of the Judiciary and Parliaments"
2. The Regional Representative was on SABC Africa on Human Rights Day, 10th of December, highlighting the achievements and challenges of the OHCHR and the UN.
3. The Office participated in the Commemoration of Anti-Corruption Day on the 9th of December, organised by UNODC.

4. The Regional Representative participated in the opening of the UNDP Regional Service Centre (RSC) in Sunninghill, Johannesburg. Mr. Mark Malloch Brown and Mr. Abdoullie Janneh of UNDP officially opened the Office. The Regional Representative subsequently met with Mr. Nyambi Francis, Regional Manager of the RSC. During the meeting, they reviewed the mandate of the two offices and noted the need to strengthen collaboration.

5. The Regional Representative attended on the 27th of January 2005 the UNCT Heads of Agency meeting, whereby each agency was given an opportunity to present a brief summary of its activities. The meeting was followed by updates on the South African development context, the MDG process, the Triple Threat in the context of the Simplification and Harmonisation agenda, and the next round of CCA/UNDAF training.

6. In March, the Regional Representative participated in and contributed to the UNFPA-CST regional training workshop organised for Anglophone countries in Zambia. At the training, she made a presentation on human rights based approach to programming.

7. The Regional Representative participated in the Eastern and Southern Africa cluster meeting of UNDP Resident Representatives in Nairobi from the 2-4 March 2005.

III.2 National Activities

Support to UN Country Teams

8. The Office participated in the South Africa UNCT commemoration of World AIDS Day on 1st December 2004.

9. While the Office was not able to be physically present in Mauritius for the end of the 16 Days of Activism campaign, due to conflicting agendas, the office provided input into the programme and activities that were undertaken during the campaign. The office also collaborated with UNIFEM Regional Office to identify a woman judge from Zimbabwe to facilitate a one-day training of high-level judges in Mauritius on the 26 November 2004.

10. The Regional Representative participated in the finalisation of the CCA and UNDAF documents for Lesotho, Swaziland and Namibia.

11. The Office participated in the Zambia UNCT annual retreat and gave a presentation on HRBA in programming on 12 of January 2005.

12. The Office continued to provide assistance to UNDP Comoros in the framework of its support to the Government efforts in view of the creation of National Human Rights Commission and the reform of the judicial and penal system in Comoros.

13. On January 20th 2005, the Regional Representative made a presentation on the Action 2 Reform of the S-G and on integrating human rights based approach in the CCA/UNDAF processes at a training workshop organised for the South African UNCT.

14. The Associate Human Rights Expert attended the CCA/UNDAF training for the South Africa UNCT from the 9th to 11th February 2005.

15. The office participated in the UNCT retreat meeting for Mauritius and Seychelles in Mauritius on the 21 and 22 of February. The objective of the meeting was to review the impact and response on the tsunami on Seychelles, and the UNCT concerted efforts to assist in the rehabilitation/reconstruction process. It also aimed at reviewing 2004 accomplishments and approving 2005 UNCT work plan and budget for Seychelles and Mauritius as well as define priorities for UNCT support in 2005 based on the outcome of the UN Conference on Sustainable Development of Small Island Developing States (SIDS) and the MDGs.

16. The office participated in and made contribution to the South Africa National Consultative Forum for Human Rights on the 23 and 24 February 2005. The theme of the forum was “The use and development of human rights indicators and monitoring in the South Africa environment.” On this occasion, the Regional Representative made a presentation on “Essential guidelines recommended for human rights monitoring in South Africa”

Support to Government and Civil Society Partners

17. The Regional Representative attended the Opening of the South African Parliament on the 10th of February 2005 and took that opportunity to interact with cabinet members, parliamentarians and bilateral partners.

18. The Office has been involved in the follow-up to the workshop on Human Rights Promotion and Protection held in Lesotho in November 2004, specifically on finalising the workshop report. The report was disseminated to all relevant stakeholders and participants at the workshop for comments. It was then finalised and submitted to the Minister of Justice in February 2005.

19. The Regional Representative was invited and attended the Human Rights Awards held in Johannesburg on the 10th of December. The Temporary Programme Officer attended the graduation ceremony of the LLM students at the Centre for Human Rights, University of Pretoria on the same evening.

20. The office was invited to the African Human Rights Camp organised by the Human Rights Institute for South Africa (HURISA). The Associate Human Rights Expert honoured the invitation and on the 21st of February and gave a lecture on “International Human Rights Law: the UN and its Mechanisms”, on behalf of the Regional Representative.

Support to Regional Institutions

21. On the 16th of February, the Regional Representative together with Ms. Olatokunbo Ige, African Team Coordinator attended a meeting at the NEPAD Secretariat. The aim of the meeting was to discuss, share ideas and identify areas of possible support and or collaboration.

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. Participate in and contribute to 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
2. Provide technical assistance to UNCT in Mozambique through organising a training workshop on human rights and development to address a variety of issues.
3. Hold a training workshop for UNCTs in Madagascar involving Comoros and Seychelles on mainstreaming human rights into development programming.
4. On the 2-6 May provide support at a training workshop on CCA/UNDAF programming organised by UNFPA – CST for Francophone countries in Dakar.
5. Provide capacity building support to Voluntary Fund for Technical Corporation (VFTC) in the 1st week of June.

Advocacy and Information Dissemination

6. Complete and distribute the OHCHR's, Regional Office second quarterly newsletter.
7. Finalise, publish and distribute report compilation to relevant stakeholders and partners.

Support to Regional Institutions

8. Attend upon invitation from the NEPAD Secretariat, an expert meeting to launch the Forum for Retired African Leaders on the 6-7 April