



SOUTHERN AFRICA REGIONAL OFFICE QUARTERLY REPORT: JULY – SEPTEMBER 2005

I. Executive Summary

During the reporting period, lives and livelihoods of millions of people still continue to be threatened in Southern Africa. Besides issues such as internal displacements, conflict and burden of diseases such as HIV/AIDS and malaria, communities had to deal with calamitous situations like food shortages or famine. International efforts to alleviate food shortages through food aid are only short-term measures and a lot more still needs to be done on a sustainable basis.

During this period the Special Envoy on Zimbabwe released a critical report relating to the clean-up campaign that was conducted by the government of Zimbabwe (GoZ) around May 2005, which led to a situation where hundreds of thousands of Zimbabweans were internally displaced leaving them in conditions of squalor.

The Southern Africa Regional Office (SARO) continued to provide technical support to its partners and worked in collaboration with the UN Country Teams (UNCTs), Special Rapporteurs, specialised working groups, National governments, National Human Rights Institutions and Civil Society. The Regional Representative undertook various missions such as attending and participating at a training workshop on Internally Displaced Peoples in Botswana. During the same period the Regional Representative conducted various workshops within the region that were aimed at strengthening the human rights based approach in all UNCT country programmes. Attempts were also made to work closely with regional institutions such as New Partnership for Africa's Development (NEPAD), Pan African Parliament (PAP) and Southern Africa Development Community (SADC) with a view to strengthening relations and defining areas of common collaboration. With regard to the technical and logistical support to Special Rapporteurs the office supported the missions that were undertaken by the Special Rapporteur on Indigenous people and the Working Group on Arbitrary Detentions to South Africa.

II. Human Rights Situation, Developments and Concerns

II.1 Civil and Political Rights:

Issues of democracy and governance are still a cause for concern as most governments are still grappling with striking a balance on these issues. Some countries are in the process of putting in place mechanisms of transparency and good governance while others institute legislative or constitutional or political changes to maintain political advantage.

Botswana

As a follow to an earlier expulsion of an Australian Professor who was based at the University of Botswana (who was classified as a prohibited immigrant) the government has also cancelled work permits of two Zimbabwean journalists without any reasonable explanation. During this period the government of Botswana worked very hard in its attempts to relocate the San people from the Kalahari. These moves have been accompanied by a promise of a better life in the relocation camps. These relocation attempts have been viewed by the San people as a violation of their indigenous rights to protect and promote the economic interest of Botswana.

Malawi

The political situation remained volatile with the political bickering among political parties almost leading to the impeachment of President Bingu wa Muthari. Although the impeachment did not happen the situation is still regarded as fragile and political stability is a critical issue for the development of Malawi. During the reporting period President Muthari conducted a cabinet reshuffle in terms of which appointments were seen as not being based on merit but were politically motivated — to strengthen his political base.

Mozambique:

The government has developed a draft Freedom of Information Bill, which is regarded by journalists as a positive step that will ensure easy access to government information. The Bill has also been welcomed as a tool that will promote transparency and accountability and at the same time assist in strengthening democracy in Mozambique. This development follows allegations by the media that the government is hampering access to official information.

South Africa

The South African government continues to carry out measures aimed at rooting out corruption in the country especially within government. The President dismissed the Deputy President following allegations of fraud and corruption.

Swaziland

The current reporting period saw the signing by King Mswati of the long awaited constitution of the country. Even though the constitution maintains the status quo, in that the ultimate power still remains with the King, there is hope as it attempts to protect the fundamental rights of Swazi's. Some groups see this as an achievement, especially women, whose rights have been specifically protected in the new constitution.

Zimbabwe

During the current reporting period, the UN, through a Special Envoy who was appointed to investigate the situation in Zimbabwe, issued its report about the clean up operation undertaken by the government from May 2005. One of the issues that the Envoy emphasised in her recommendations was the need for political dialogue. The recommendations made in the report still have to be implemented as part of the coordinated effort to assist those Zimbabweans who were internally displaced as a result of the operation. Efforts have also been made by the African Union (AU) to assist in dealing with the problems associated with the "clean up" operation. In this regard the AU chairperson appointed the former Mozambican President, Mr. Chissano as the "special representative" to Zimbabwe. The role of the Representative would be that of mediating between the ruling ZANU PF and the opposing MDC. During this period President Mugabe proposed a constitutional amendment whose effect is viewed by many as having a consequence of stripping landowners of their right of appeal against government land expropriation.

II.2 Economic and Social Rights

Millions face food shortages in many parts of the region, caused by failed crops and in some cases, deforestation. It is estimated that by year end almost 10 million people in the region will be without food. In Malawi alone the WFP estimates that around four million people will be without food by the end of 2005. It is reported that in Zambia, food aid is not reaching the village populations who need it the most. Mozambique is also experiencing food and nutritional insecurity. The situation in the affected countries is exacerbated by factors such as high levels of illiteracy, poor hygiene and sanitation conditions, poor water supply and diseases such as HIV and AIDS. There have been calls to increase food aid especially for the countries that are worst affected, but whether that will reach the expected targets is debatable.

HIV and AIDS still remains one of the greatest threats to a number of countries in SADC. There has been a view held by those working in the field that infection rates are levelling off but that seems not to be the case. The World Bank's report for 2004 indicates a drastic increase in infection rates in the Region. The prevalence survey conducted by the Department of Health in South Africa in 2004, illustrates a huge increase in HIV infectivity. The Department of health has stated in the survey that there are more than 6 million people living with HIV in the country. Also of concern in the context of HIV and AIDS, is the rise in maternal death rates, which calls for a closer look at women's health issues. However some countries are showing their renewed commitment to dealing with the epidemic. Namibia has drafted its first national Policy on HIV and AIDS. This Policy will address issues such as prevention and care and support of people living with HIV and AIDS, creating an enabling environment, conducting impact litigation and managing and monitoring of the disease. The

National Policy will be applied in conjunction with the National Strategic Plan on HIV and AIDS that is already in place.

Another highlight during this period was the visit to Botswana by the Special Rapporteur on the Right to Education. The purpose of the mission was to consider how Botswana has progressed in its endeavours to implement the right to education, the measures taken for its successful realization and the obstacles encountered, both at the national and international level. Several key issues were addressed during the course of the mission, including HIV/AIDS as the major health challenge in Botswana, and its social consequences and impact, especially on the education of orphaned children; the foreseen re-introduction of school fees; access to education of pregnant girls and adolescent mothers, the intercultural challenge for the educational system in Botswana, including education provided to people living in remote areas and indigenous populations such as the Basarwa/San. The Special Rapporteur commended the Government for the country's achievements in the field of education since its independence. He noted, however, the lack of a rights-based approach to education, which led to uneven education indicators within Botswana. He also noted with great concern the intention of the Government to re-introduce school fees for those entering junior secondary school.

III. Activities Carried out by the OHCHR, Regional Office

III.1 Regional Activities and visits of Special rapporteurs

1. Regional Representative participated in a Seminar held in Botswana from 24-26 August 2005 on Internally Displaced People (IDPs) in the SADC Region. At the Seminar the Regional Representative made a presentation on OHCHR's role and challenges associated with return and integration as well as human rights protection of IDPs.
2. The Independent Expert on economic reform policies and foreign debt visited **Mozambique**, from 25 to 29 July to study the impact of debt relief on the enjoyment of human rights.
3. SARO in collaboration with Department of Foreign Affairs provided technical and logistic support to the Special Rapporteur on the human rights of indigenous people Mr. Rodolfo Stavenhagen during his visit to **South Africa** from 28 July to 8 August 2005. The purpose of the visit was to better understand the situation of indigenous peoples in South Africa and to learn about the Government's policies to promote and protect indigenous peoples' rights. The Special Rapporteur had conversations with the Government authorities at the national and provincial level, organizations of civil society, the United Nations country team and members of the donor community on the ways and means to strengthen the nation's responses to the needs and demands of indigenous communities. The Special Rapporteur will elaborate upon the findings of his mission in a report to the Commission on Human Rights in April 2006, that will also include recommendations and proposals intended to strengthen the full enjoyment of all their human rights by the indigenous peoples of South Africa. He will also share the findings of his mission with the major human rights, humanitarian and development organizations of the United Nations system. Mr. Stavenhagen has been the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people since the position was created by the Commission on

Human Rights in 2001. This was the first official visit of the Special Rapporteur to South Africa.

4. SARO in collaboration with Department of Foreign Affairs provided technical and logistic support to the Working Group on Arbitrary Detention when they visited **South Africa** from 5 to 19 September 2005. The group, led by the Chairperson, Ms Leila Zerroughi, conducted interviews with detainees in several prison, correctional institutes, young offenders' centres, immigration holding facilities, psychiatric hospitals and police stations in the cities of Pretoria, Johannesburg, Polokwane, Musina, Bloemfontein and Cape Town.
5. The Special Rapporteur on the Right to Education, M. Vernor Muñoz, conducted a visit to **Botswana** from to 4 October 2005.

III.2 Support to UNCTs

1. Conducted a training workshop for UNCT in Madagascar from 27- 29 September 2005 involving Comoros, Mauritius and Seychelles on mainstreaming human rights into development programming. The beneficiaries of the workshop in Madagascar were UN programme staff working in different agencies in Comoros, Mauritius, Seychelles and Madagascar. The purpose was to provide them with a human rights background that would assist them to integrate human rights in development programmes. The themes presented on were: UN Reform, HR Treaties, Treaties Bodies, HRBA, HR and CCA/UNDAF, HR and MDGs, HR and economic social and cultural rights.
2. SARO continues to participate in the SA Technical working Group on HIV and AIDS, which assists the government of South Africa in implementing its programmes on HIV and AIDS. SARO's role is to ensure that there is rights based approach in those programmes.
3. SARO continues to participate in the steering committee for the CCA/UNDAF, which is developing a new UNDAF for South Africa.

III.3 National Activities

Support to National Human Rights Institutions and civil society

1. National Programme Officer and the acting Regional Programme Officer paid courtesy visits to SA NHRI (The SAHRC and the Gender Commission) to discuss areas of collaboration. Meetings were held on 22 July 2005.
2. At the invitation of the Centre for Human Rights, University of Pretoria, SA, the Regional Representative attended the launch of the African Moot court competition held at the University of Johannesburg

3. Prior to the UNCTs training human Rights workshop in Madagascar, the Regional Representative undertook a mission on 25 & 26 September 2005, mainly to engage with government officials. She met with two cabinet members (Minister of Justice and Minister of Foreign Affairs) as well as Secretary General of the National Human Rights Commission. Among other areas of collaboration, the government requested the assistance of OHCHR in reactivating the Human Rights Commission that has been suspended since 2002

III. Up-coming Activities for the Next Quarter

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

Support to UNCTs

1. Conduct a HR and Gender training workshop for UNCT on CCA/UNDAF and the HRBA on 13 & 14 October 2005 in Pretoria, South Africa.
2. Regional Representative to go on Mission to Zimbabwe in 6-9 October 2005 to assess the human rights situation as a result of the GoZ's clean-up Operation and discuss with the Resident Coordinator's office the scaling up of OHCHR's support to the UNCT.
3. The Regional Representative will participate in CCA workshop to be held at the Seychelles October/November 2005 with the view of mainstreaming the Human Rights Based Approach (HRBA) in the process.
4. The Regional Representative will go on mission to Mauritius to conduct capacity building for government partners (parliamentarians, religious leaders and the Minister of Justice) and also to facilitate workshops organised by the UNDP for the campaign on 16 days against violence against women and children on 26 November to 2 December 2005.
5. SARO continues to provide support to the SA UNCT (and the government) in the development of the CCA/UNDAF 2007-2011.
6. SARO will assist the UNCT in Mozambique with the recruitment of the Human Rights consultant.

Advocacy and Information Dissemination

1. Finalise and distribute the OHCHR's, Regional Office Newsletter.
2. Finalise the report compilation of workshops conducted by SARO between 2002 and 2005.
3. Development of the Regional Office's website.

Support to national Human Rights Institutions and processes

1. Provide ongoing support to the government of SA, SAHRC and other stakeholders in preparation for a conference on Durban + 5.
2. Provide ongoing support to the government of Lesotho in setting up its NHRI.
3. Provide support to the Comoros in finalising the setting up of its NHRI.
4. Continue to work closely with NEPAD, PAP and SADC to define areas of common collaboration.