



**REPORT OF THE SADC-PF STANDING COMMITTEE ON
DEMOCRATISATION, GOVERNANCE AND HUMAN RIGHTS (DGHR) TO
THE 52ND PLENARY ASSEMBLY SESSION**

**THEME: “CONSOLIDATING DEMOCRACY BY BRINGING PARLIAMENT TO
THE PEOPLE”**

Mr. President, I beg to move that this Plenary Assembly do adopt the Report of the Standing Committee on Democratisation, Governance and Human Rights to the 52nd Plenary Assembly Session of the SADC Parliamentary Forum, laid on the table on 5th December 2022.

TABLE OF CONTENTS

1.0 COMPOSITION OF THE COMMITTEE	3
2.0 TERMS OF REFERENCE	3
3.0 NUMBER OF MEETINGS HELD AND MEETING DATES	3
4.0 BACKGROUND	3
5.0 SUMMARY OF PRESENTATIONS	4
5.1 ARE SOCIO-ECONOMIC HUMAN RIGHTS SUFFICIENTLY PROTECTED (IN PARTICULAR THE RIGHT TO EDUCATION AND THE RIGHT TO HOUSING)?	4
5.2 DO CITIZENS HAVE A SAY IN THE ORGANIZATION OF ELECTION PROCESSES TO ENSURE FAIRNESS?	6
5.3 IS THERE FREEDOM TO ACCESS INFORMATION ABOUT GOVERNMENT AFFAIRS FOR ACCOUNTABILITY PURPOSES?	6
5.4 ARE ACCESS TO CITIZEN SERVICES HAMPERED BY THE NEED TO BRIBE PUBLIC OFFICIALS?	7
6.0 RECOMMENDATIONS	7
7.0 CONCLUSION	9
8.0 APPENDICES	11
APPENDIX I – LIST OF OFFICIALS	11
SADC Parliamentary Forum Secretariat	11
APPENDIX II – STAKEHOLDER PARTICIPANTS IN PUBLIC HEARINGS	11

1.0 COMPOSITION OF THE COMMITTEE

The Committee consisted of the following Members:

1.	Hon. Dought Ndiweni, Chairperson	Zimbabwe
2.	To be advised Vice Chairperson	Lesotho
3.	Hon. Pedro Sebastiao	Angola
4.	Hon. Leepeetswe Lesedi	Botswana
5.	To be advised	DRC
6.	Hon. Mduduzi Matsebula	Eswatini
7.	Hon. Tsiliva Didiot Chistophe	Madagascar
8.	Hon. Hon. Leonard Mwalwanda	Malawi
9.	Hon. Ashley Ittoo	Mauritius
10.	Hon. Jerónima Agostinho MP	Mozambique
11.	Hon. Utaara Mootu	Namibia
12.	Hon. Richard Labrosse	Seychelles
13.	Hon. Darren Bergman	South Africa
14.	Hon. Selemani Jumanne Zedi	Tanzania
15.	Hon. Victor Lumayi	Zambia

The designation of MPs for Angola and Lesotho was still pending following elections held in the two countries in August and October, 2022, respectively.

2.0 TERMS OF REFERENCE

The Terms of Reference of the Standing Committee on Democratisation, Governance and Human Rights (DGHR) are articulated in Rule 42 (d) of the SADC PF Rules of Procedure.

3.0 NUMBER OF MEETINGS HELD AND MEETING DATES

The Standing Committee on Democratisation, Governance and Human Rights (DGHR) convened virtually on 25th November 2022 under the theme, “Consolidating Democracy by Bringing Parliament to the People”.

4.0 BACKGROUND

From inception, the SADC Parliamentary Forum has worked to promote cooperation between Parliaments of SADC Member States. Over and above the furtherance of regional integration, cooperation and diplomacy, SADC-PF has sought to harmonise the national interests of individual SADC Member States and the collective interests of the region. With the objective of “putting people first” and striving to address the needs and interests of SADC citizens, the SADC-PF has over the years introduced various initiatives which promote citizen participation and engagement.

Over the years, the Forum has promoted continuous engagement between MPs and the citizenry at national level. For instance, the SADC-PF has successfully collaborated with its Member Parliaments to create National Working Groups to bridge the communication gap between the citizenry and

Parliament and provide a platform for citizens to share their concerns with MPs. In addition, the Forum has always promoted citizen participation through an open-door policy at the regional level to ensure that the voice of the SADC citizenry is heard either directly or through the representatives of the citizens. Furthermore, all Model Laws developed by the Forum are adopted following a consistent methodology which involves consultation with diverse stakeholders, including SADC citizens. The Forum has also consistently promoted the SADC identity, which refers to the identity of citizens as part of a geographical grouping with common interests and shared values. This is in line both with the foundational principle of a democracy which hinge on the will of the people expressed through a representative body such as Parliament.

Prior to the 52nd Plenary Assembly, the Standing Committee on Democracy, Governance and Human Rights of the Forum had arranged to hear citizen representations according to the thematic content of its mandate.

5.0 SUMMARY OF PRESENTATIONS

The Standing Committee on Democratisation, Governance and Human Rights (DGHR) received presentations from various citizen representatives and partners on the four key thematic areas of focus of the DGHR. The list of citizen representatives and partners is at Appendix I of the Report, The key issues raised in the presentations and ensuring deliberations are highlighted under the four key thematic areas are presented below.

5.1 ARE SOCIO-ECONOMIC HUMAN RIGHTS SUFFICIENTLY PROTECTED (IN PARTICULAR THE RIGHT TO EDUCATION AND THE RIGHT TO HOUSING)?

- (a) On the theme of socio – economic rights there was consensus around the need to adopt a human rights approach while ensuring state authority, rule of law, reconciliation and transitional objectives. Governments were encouraged to increase their efforts to respect, protect and fulfil the human rights of all groups and individuals under their jurisdiction while ratifying the human rights treaties and fully engaging with their related mechanisms.
- (b) Since the adverse effects of climate change may often have implications for citizens’ enjoyment of human rights, it was underscored that there was need to address these adverse effects through a holistic approach encompassing economic, social, cultural and political dimensions so as to empower the most affected groups.
- (c) The Committee learnt that the average age of MPs in the SADC region stood at 54 years, while the average age of the general population in the region was currently 19 years. There was, therefore, a need for more young people to be encouraged to run for political office. To achieve this, it was necessary for governments to create a conducive environment for young

people's active participation and contribution. This could be done through the introduction of youth quota systems, youth Parliaments, legislation encouraging youth absorption into positions of leadership, youth indices for data driven decision making, accompanied by mentoring, among others.

- (d) The Committee was informed that people with albinism in the region had been confronted with serious challenges regarding access to health care, security and education, but also accountability, access to justice and discrimination issues. Furthermore, the Committee was informed about the commendable work that countries such as Malawi and the United Republic of Tanzania were doing in advocating for the protection of the rights of people living with albinism. Member States were thus implored to emulate the example set by these countries.
- (e) It was proposed that legislation aimed at protecting people with albinism be introduced to ensure protection of people with albinism. At the same time, there was a call for the development of National Action Plans on albinism to ensure that there were equal opportunities and an environment that allowed people with albinism to participate fully since albinism was not inability. The proposed Regional and National Action Plans on Albinism would then need to be aligned to the African Union Action Plan on Albinism. This would ensure a unified response in the African region in the protection of the rights of persons with albinism. Governments were also encouraged to consider manufacturing and provision of skin care products to their citizens with albinism, to protect them from skin cancer.
- (f) The Committee was informed that the international community and SADC Member States had repeatedly acknowledged that the protection and promotion of human rights for all was important in the building of resilient, inclusive societies which were essential for achieving lasting and sustainable peace and development. It was noted that sustainable peace and development were often interlinked and mutually reinforcing.
- (g) The Committee further noted that as the global community slowly recovered from the socio economic impacts of the COVID-19 pandemic, many countries were highly indebted or already in a debt crisis and were experiencing rising levels of inflation and unemployment. Additionally, most of the countries had been severely impacted by the rising cost of basic items due to the conflict between Ukraine and Russia. This sometimes led to popular discontent and paved the way for protests over civil and political issues.
- (h) Some governments responded to such protests with excessive use of force and violence and by closing the democratic space, in particular by restricting freedoms of assembly, information and expression both online and offline.
- (i) It was further stated that elections, especially those that are highly contested, were often sensitive events, which might act as

triggers of tensions, unrest and violence. Moreover, poverty, food insecurity and climate change were putting a strain on social cohesion in several SADC countries. There were increasing levels of xenophobia and hate speech linked to the presence of foreigners, and also high levels of gender based violence.

- (j) Furthermore, the Committee heard that human rights issues, if left unaddressed, were likely to become a risk to peace and security at the national, but also regional levels. In this respect, the international human rights framework, which focused on the prohibition of discrimination and the progressive realization of economic social and cultural rights, represented a critical foundation for systemic peace.

5.2 DO CITIZENS HAVE A SAY IN THE ORGANIZATION OF ELECTION PROCESSES TO ENSURE FAIRNESS?

- (a) It was emphasised that Parliamentarians, as the elected representatives of the people, ought to continually interact with their constituents over the period of their electoral mandate in order to harmonise parliamentary action with citizens' aspirations. Parliamentarians were thus implored to pledge their allegiance to the people rather than to their parties in order for them to be held accountable.
- (b) In furtherance of the objectives of democracy and in the context of elections, SADC Member States were encouraged to facilitate the independent scrutiny of voting and counting, including providing access to places of voting and tabulation of results.
- (c) The need for Electoral Management Bodies (EMBs) to be able to function independently and impartially, irrespective of their composition was also emphasized.
- (d) It was also suggested that governments develop Civics curricula to be taught to both in and outside school learners and the general public.

5.3 IS THERE FREEDOM TO ACCESS INFORMATION ABOUT GOVERNMENT AFFAIRS FOR ACCOUNTABILITY PURPOSES?

- (a) The Committee learnt that although "impressive progress has been made in mobile connectivity" in Africa, investment in information technology systems was still lagging behind as more than 4 billion people still did not have access to the Internet. Of these, 90% were in the developing world, including Africa. Africa was thus yet to have universal, equitable, affordable and meaningful access to the internet.
- (b) This lack of access could be attributed to the exorbitant cost of data, challenges faced by vulnerable groups: persons with disabilities, women, children and older persons, socially excluded and geographically isolated communities and challenges of misinformation and disinformation.

- (c) Against this backdrop, the SADC-PF Secretariat was urged to develop a comprehensive strategy for the development of a SADC Model Law on data. The above proposals were made on the basis that development decisions should be informed by data. Furthermore, this data should be turned into information that is easy to understand and useful to end users.

5.4 ARE ACCESS TO CITIZEN SERVICES HAMPERED BY THE NEED TO BRIBE PUBLIC OFFICIALS?

- (a) The Committee noted with concern that there was an escalation of corruption and impunity in SADC Member States. As such, Members of Parliament were urged to use their mandate to hold the various institutions such as the Police, Prosecuting Authorities, Auditors-General, Ombudsman and Anti-Corruption Agencies to account to Parliament on the measures they were taking to curb this trend.
- (b) The Committee heard that corruption could be reduced by making government activities more transparent. This required a safe and enabling environment and civic space within which people could, online and offline, express their views freely and without fear, assemble peacefully, form associations and engage in the decision-making processes.
- (c) In this regard, SADC Member States were implored to rein in their technocrats who worked closely with politicians and who were often the engineers of corruption. Further calls were made for the elimination of existing weaknesses around the establishment of independent oversight mechanisms, and inadequate safeguards to protect whistle-blowers. SADC Member States were urged to prioritise the adoption of laws for the protection of human rights defenders and whistle-blowers as an anti-corruption tool. These laws should also ensure the engendering of a culture of whistle blowing as well as the protection of former whistle-blowers and potential whistle blowers.

6.0 RECOMMENDATIONS

In the ensuing deliberations from the public hearings with citizen representatives and partners, the SADC-PF Standing Committee on Democratisation, Governance and Human Rights:

COGNISANT of the need for Parliamentarians, as the elected representatives of the people, to continually interact with their constituents over the period of their electoral mandate, failing which there could be an asymmetry between citizen's aspirations and parliamentary action;

EMPHASISING the need for Parliamentarians to remain accessible to the electorate and to pledge allegiance to the people rather than their political

parties in order for them to be held accountable and avoid popular discontent which would pose a threat to peace, law, and social order;

REAFFIRMING the need for SADC Member States to facilitate the independent scrutiny of voting and counting, including providing access to places of voting and tabulation of results and for Electoral Management Bodies to function independently and impartially, irrespective of their composition, in furtherance of the objectives of democracy;

NOTING WITH DEEP CONCERN that the voices of the youth and children are not particularly taken into consideration, worsened by inefficient implementation of related policies, legislation, laws and structures;

FURTHER CONCERNED that although impressive progress has been made in mobile connectivity in Africa, investment in information technology systems is still lagging and Africa was yet to have universal, equitable, affordable and meaningful access to the internet;

NOW THEREFORE, the Committee recommends to the 52nd Plenary Assembly to:

- i) **URGE** SADC Member States to keep or increase their efforts to respect, protect and fulfil all human rights for all groups and individuals within their jurisdictions and in particular to progressively recognize socio-economic rights. To this end, all SADC Member States are encouraged to ratify the United Nations Human Rights Treaty and fully engage with its related mechanisms.
- ii) **IMPLORE** SADC Member States to address the adverse effects of climate change by putting human rights at the centre of their actions and adopting a holistic approach encompassing economic, social, cultural and political dimensions so as to empower the most affected groups and peoples.
- iii) **CALL** upon SADC Member States to adopt more transparent systems as a way of reducing the incidence of corruption including the creation of a safe and enabling environment and civic space within which people can express their views freely and without fear, online and offline, assemble peacefully, form associations and engage in the decision-making processes.
- iv) **ENCOURAGE** SADC Member States to put mechanisms in place to ensure that technocrats who work closely with politicians and who are often the engineers of corruption are kept accountable in order to nip the problem in the bud.
- v) **URGE** Members of Parliament to use their mandate to hold the various institutions such as the Police, Prosecuting Authorities, Auditors-

General, Ombudsman and Anti-Corruption Agencies to account on the measures they are taking to curb the trend of escalation of corruption and impunity in SADC Member States.

- vi) **URGE** SADC Member States to prioritise the adoption of laws for the protection of human rights defenders and whistle blowers as an anti-corruption tool.
- vii) **ENCOURAGE** SADC Member States to implement measures to facilitate the inclusion and leadership of young people in sectors such as Information Technology, Tourism and Sports and to address the high levels of youth unemployment which worsens youth exclusion.
- viii) **IMPLORE** SADC Member States to adopt legislated Youth Quotas in institutions of governance including Parliament in order to increase youth political participation and representation in governance processes.
- ix) **DRAW ATTENTION** of SADC Member States to the increasing cases of gross violation of the human rights of persons with albinism in some countries of the region including ritual killings and discrimination.
- x) **CALL UPON** Member States to formulate and implement National Action Plans on albinism in line with the AU Action Plan on Albinism in order to create a conducive environment for the protection of the rights of people with albinism and equal access to economic opportunities.
- xi) **URGE** SADC PF to consult with persons with albinism and other stakeholders with a view to formulate a Model Law designed to protect the rights of people with albinism.
- xii) **URGE** SADC PF to engage in the process of developing a SADC Model Law on the Data Revolution to mainstream youth engagement in data-driven decision-making and youth policy development as well as supporting a demographic dividend through the production, accessibility and use of data in democracy and development.

7.0 CONCLUSION

The convening of public hearings is a major milestone worthy of commendation as it presented citizens across the region with an opportunity to voice out their concerns and interests outside the electoral cycle. Furthermore, the opportunity to interact with MPs from across the region was a rare opportunity which ensured that citizen's voices are infused into regional policy frameworks. Consequently, the SADC-PF will emerge as a true regional representative body reflecting the position of ordinary citizens from across the region.

The Committee commended the impressive turnout of citizens for the public hearings. Appreciation was also extended to the Secretariat, led by Secretary General, for successfully facilitating the public hearing session.

8.0 APPENDICES

APPENDIX I – LIST OF OFFICIALS

SADC Parliamentary Forum Secretariat

Boemo M. Sekgoma	Secretary General
Sheuneni Kurasha	DGHR Committee Secretary
Paulina Kanguatjivi	Assistant Programme Officer
Mr Ernest Moloji	Moderator
Dr Gabriel Malebang	Rapporteur

APPENDIX II – STAKEHOLDER PARTICIPANTS IN PUBLIC HEARINGS

- Laurence Andre, Office of the High Commissioner for Human Rights Southern Africa
- Boniface Massah (Malawi), Rights violations for Persons with albinism, coordinated by Amnesty International Regional Office for Eastern and Southern Africa
- Mpho Tjope, Rights violations for Persons with Albinism, coordinated by Amnesty International Regional Office for Eastern and Southern Africa
- Joseph Dube, Director Disarmament and Arms Control (DAC)
Promoting the Domestication of the Treaty on the Prohibition of Nuclear Weapons (TPNW)
- Letlhogonolo Letshele, Electoral Systems Researcher, My Vote Counts-South Africa
- Dean Mutata (Zimbabwe) – Youth Representative under SAT *YOUTH INCLUSION IN GOVERNANCE (WHY ARE YOU ALL SO OLD? – MPs: 55 – 19 citizens)*
- Visto Samisa, Pamoja Project Namibia
- Hlengiwe Dube, Centre for Human Rights-University of Pretoria
- Raymond Mazhambe (Zimbabwe) – Youth Representative under SAT *Why SADC needs to ride the data revolution & how young people can help*
- Chantelle De Sousa, Coordinator, Southern Africa Anti-Corruption Network
- Pusetso Morapedi, Director Platform to Protect Whistle Blowers in Africa, Southern Africa Office
- Andrianianina Ramanantoanina, Rary Aro Heroes
- Lukhanyo Sonyamba, Commissioner for Children, Western Cape Provincial Government