

Socio-Economic Rights Watch



2017

MARCH EDITION



Participants pose for a group photo after a workshop under the DRL Programme in Gaborone-Botswana.

Introduction

THE Board of Trustees of the Southern African Parliamentary Support Trust (SAPST), at its inception in 2007, set its sights on a regional foothold for the organisation to ensure that its successes at home would cascade into the Southern African Development Community (SADC) region.

SAPST broke new ground when, in 2016, it secured a two-year grant from the US Department of State, Bureau on Democracy, Human Rights and Labour (DRL) for a programme to be undertaken in Botswana, Lesotho and Malawi. The programme seeks to enhance the recognition, promotion, protection and fulfilment of

Social, Economic and Cultural Rights (SECR) in both the SADC region generally and in the target countries in particular. The programme aims to enhance the capacity of parliamentary committees and Members of Parliament (MPs), Civil Society Organisations (CSOs) and the public in terms of parliament-stakeholder engagement.

It will also build the capacity of parliamentary committees in holding elected officials accountable to the people through Parliament. The overall goal of the programme is to strengthen parliamentary committees and promote parliament — CSO engagement.

>> CONT. PAGE TWO

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Introduction

>> CONT. FROM PAGE ONE

SAPST will achieve this through a number of initiatives that include training seminars, live radio programmes, direct mentoring and public hearings. Amnesty International (AI) Southern Africa, the International Commission of Jurists (ICJ) and other CSOs in the targeted countries will partner SAPST on the programme. It is anticipated that the initiative will positively impact on the legislative processes in the region, with the enactment of appropriate rights-sensitive legislation and policy programmes. The programme will also enhance executive accountability and help create a responsive citizenry. The programme represents SAPST's most serious entry into the region. It deepens previous initiatives in which the Trust only conducted periodic activities in regional countries. Now it has an every-day presence, with offices in the countries under this programme. SAPST has already rolled out initiatives in the three countries. The Trust has also successfully established links with a wide range of CSOs in the target countries.



SAPST Executive Director John Makamure, left, meets Lesotho Deputy Speaker after a workshop

Lesotho

SAPST conducted a training workshop for civil society organizations (CSOs) in Lesotho on 21 – 22 February 2017 under its regional Programme. The training workshop was meant to enhance the capacity of CSOs in effectively engaging Parliament on economic, social and cultural rights (ESCRs) as espoused in the International Covenant on Economic Social and Cultural Rights (ICESCR). Key topics of the training covered the following:

- A Situational Analysis of Economic, Social and Cultural Rights in the SADC Region
- The State of the of Economic, Social and Cultural Rights in Lesotho
- The Role of Parliament in the Protection, Respect and Fulfilment of Economic, Social and Cultural Rights
- Introduction to the Social Accountability Monitoring Framework

The CSOs training workshop was graced by the presence of Dan Kobiyashi, representing the American Embassy in Lesotho.

Initially the plan had been to also have a

separate workshop for Members of Parliament. However, this could not be done due to the fact that Parliament had been adjourned sine die because of the political instability in the country. Be that as it may, the training workshop for CSOs brought to light important highlights that will shape the programme going forward. It was noted that the economic, social and cultural rights were not expressly stated in the Constitution the same way as civil and political rights were stated in the Bill of Rights under Chapter 2 of the Constitution. The economic, social and cultural rights are rather implied in Chapter 3 of the Constitution, which deals with “Principles of State Policies”. Section 25 of the Constitution categorically states that “these principles shall not be enforceable by any court”. Most participants strongly felt that this made it difficult for citizens to demand accountability from government. By this constitutional provision, government is shielded from any liability and potential litigation for failure to respect, protect and fulfil these rights. The workshop observed that the trend nowadays in quite a number of

countries was to equate the economic, social and cultural rights the same status as civil and political rights in their constitutions, for example; South Africa and Zimbabwe.

CSOs participating at the afore-mentioned workshop, therefore, resolved to push for the elevation of the economic, social and cultural rights to the Bill of Rights during the unfolding constitution review process. As part of this initiative, SAPST is in the process of commissioning a research paper on the constitution review process, which paper will guide advocacy efforts by CSOs in this regard.

It also came to light that Lesotho was lagging far behind in its reporting obligations to the Universal Periodic Review (UPR) at the United Nations reporting bodies and to the African Commission on Human and People's Rights (ACHPR) on a number of international and regional instruments, respectively. It was also observed that Parliament and civil society organizations have not been playing

>> CONT. ON PAGE FOUR

Malawi

WE have opened an office in Lilongwe, Malawi and recruited a Programme Officer and a Monitoring and Evaluation Officer. The programme officer is a former Clerk of the Parliament of Malawi.

SAPST has also held meetings with the Speaker of Parliament, chairpersons of committees and CSOs. SAPST was on air with the first radio programme on Zodiak Broadcasting Station on the 25th of November 2016. The organisation is currently identifying issues to pursue in Malawi on social, economic and cultural rights and have so far identified issues around gender and health.

When the SAPST delegation visited Malawi, they had the privilege to sit in through a lively National Assembly Plenary that was tackling issues dealing with Economic, Social and Cultural Rights (ESC) in the SADC Region and Malawi in particular. The programme also considered the role of Parliament in Malawi. They also had occasion to pay a courtesy call on the Speaker of the Malawi National Assembly, Honourable Richard Msowoya, MP. The Speaker reiterated his support for the DRL initiative and facilitated the meeting with Parliamentary Committee Chairpersons.

In January, Monitoring and Evaluation Officer Ms Judith Sikaloka secured an attachment with Parliament in the committee section, in order to have her familiarized with committee work as it is essential in her operations. The Malawi team also attended a joint meeting between the agricultural and public accounts committee to appreciate whether the deliberations are ESCR grounded or not. This committee was carrying out an inquiry on the purchase of maize from Zambia by Malawi Government.

Another Committee, the Social and Community Affairs Committee met and SAPST were in attendance to find out the outcomes in respect of social rights issues of interest to the programme.

This Committee invited the Ministry of Gender so that they update them on early childhood development programs, social cash transfer programs and the restructuring of the ministry which saw the department of community development removed from the Ministry and a new Ministry (Ministry of Civic Education and Community Development created). The Ministry of Gender has new departments namely Department of the Elderly and the Department of Disabilities.

In February, Malawi Parliament reconvened in the capital Lilongwe from February 6, 2017 to March 2 for the mid-term budget review. The Nyasa Times reported that Members of Parliament had threatened to boycott the mid-year review sitting unless the National Assembly gives them K2 million allowance for each legislator in advance.

However, Parliament said allowances could only be disbursed after Legislators reported for duty. During the session, Minister of Education, Science and Technology Hon. Dr. Emmanuel Fabiano presented a Ministerial statement on access to education and quality of education in Malawi. He highlighted that his Ministry had been upgrading schools, reviewing primary and secondary school curriculum, establishing open distance learning programs, increasing number of qualified teachers and had established a National Council for Higher Education which monitors standards of higher education in Malawi.

Meanwhile, Minister of Finance, Economic Planning and Development Goodall Gondwe presented the 2016-17 Midyear Budget Review on 17 February. However, economists in Malawi criticized his statement saying the budget statement presented to Parliament in June 2016 that the budget was anchored on managing debt and the revised estimates did not seem to support that argument. They highlighted that Interest payments on public debt had shot up massively and there was need for Government to reign in on borrowing.

In an unrelated matter, Malawi Parliament passed a landmark bill to amend the Constitution and harmonise the age of the child with other relevant laws thereby securing the protection of children against early marriage.

Following the passing of the Constitution Amendment Bill, Malawi legislature is consistent with the African Charter and United Nations Convention on the Rights of the Child which provides that a child is aged 18 and below and must be accorded all the protection by the State and its instruments. Members of Parliament in Malawi, from the government and opposition were in full support of the bill.

SAPST sponsored a live radio program with Zodiak on the 19th of February which focused on the analysis on the budget statement that was presented by Minister of Finance. The programme also focused on the education allocation within the budget.

The Executive Director of Civil Society Education Coalition, Mr. Benedicto Kondowe and the Chairman of the Education Committee, Dr Elias Chakwera MP were panellists on the program. The program was in English and Chewa languages and public participated through open text messaging. The analysis showed that the education sector's allocation from treasury was not enough given its running costs.

As a follow up to the November 2016 workshop that introduced the DRL programme to Malawi, SAPST carried out a series of meetings with various stakeholders between 21 to 23 March in order to map the way forward for the programme. The main purpose of the meetings was to identify key ESCR

issues which Parliament should be handling as well as to identify strategic organisations to partner with in the implementation of specific activities on the key issues. In addition, the meetings carried out with Chairpersons of Parliamentary Committees took the form of a needs assessment to identify areas in which specific committees would benefit from SAPST support under the programme.

SAPST has identified a number of civil society organisations to work with in areas like education, health and gender. We will work with Civil Society Education Coalition (CSEC) on developing a paper that will offer recommendations for a new National Examination Policy which focuses on inclusiveness particularly for people living with disabilities.

The paper will be presented to the relevant Portfolio Committee at a workshop with stakeholders and will inform advocacy around this issue in Parliament. The two organisations will also collaborate on the review of the National Education Sector Plan. CSEC will assist in coordinating a public hearing for the Committee on Education after the presentation of the 2017-2018 Budget on 28 April. SAPST will train members of the committee on how to conduct proper public hearings before the hearings on the 2017/18 Budget.

During the workshop SAPST also identified the Human Rights Consultative Committee (HRCC) which will carry out research on the openness and accessibility of the Malawi Parliament building on the regional survey on parliamentary openness that SAPST carried out with support from the Open Society Initiative for Southern Africa. HRCC will carry out an audit of ratification and domestication of regional and international instruments by Malawi. Gender Coordination Network is another organisation that was identified to review the Citizenship Act particularly from a gender perspective. Results of this review will be presented to the Women's Caucus and the Portfolio Committee that deals with citizenship issues.

The Parliamentary Committee on Health is one of the committees that SAPST will work with as the committee will be assisted to conduct public consultations on the allocation of the Health budget in Lilongwe after the budget has been presented to Parliament on 28 April.

The Parliamentary Committee on Budget and Finance will hold a training workshop on the social accountability and rights based approaches to public resource management oversight, program based budgeting and gender budgeting. The committee will also conduct Post Budget Public Hearings in Lilongwe. Other organisations that will be supported by SAPST include UN Women Officer and Population and Development Caucus that will be looking at gender issues as well as access to education for young girls.

Lesotho

>> CONT. FROM PAGE TWO

their expected oversight roles with regard to the drafting of country UPR or ACHPR reports nor did they scrutinize recommendations from these monitoring bodies. On their part, CSOs resolved during the training workshop to begin playing an oversight role regarding the monitoring of ESCRs and compilation of shadow reports to the reporting bodies (UN / AU). As a pilot project, CSOs in Lesotho resolved to prepare a shadow report on the Convention of Rights of the Child (CRC), which will be presented at the next UPR round in Geneva this year in October. Amnesty International will provide technical support to this pilot project.

Participants strongly felt that there was an urgent need to capacitate MPs and parliamentary secretariat on the role of Parliament with respect to economic, social and cultural rights and obligations imposed on the state by the ICESCR.

Violation of women's rights also came to the fore during the training workshop, in particular gender-based violence (GBV) and sexual reproductive rights. It was alleged that HIV positive women were forced to undergo sterilization as a way of dealing with mother-to-child infec-

tion. A more focused stakeholder's roundtable discussion will be convened to interrogate these issues in greater detail with a view to addressing identified policy gaps and strengthening relevant legislation so as to protect the rights of the affected social sectors.

Meanwhile the political situation in Lesotho has had a negative impact on the sitting of Parliament. In November 2016, the Lesotho Parliament adjourned sine die only to reconvene on the 24th of February 2017. However, this was to be short-lived. On 1 March 2017 a coalition of Opposition Parties galvanized enough support and successfully moved a no-confidence vote motion against Lesotho Prime Minister Pakalitha Mosisili. This further plunged the country into another political crisis as the Opposition Coalition Parties and the Ruling Party Coalition differed on interpretations of the relevant constitutional provisions regarding the wayforward.

The opposition bloc, which consists of the All Basotho Convention (ABC), Alliance of Democrats (AD), Basotho National Party (BNP) and Reformed Congress of Lesotho boasted of 74 MPs in the 120-member National Assembly, which just required 61 seats to form a govern-

ment. The opposition coalition, therefore, preferred a hand-over of power to them given their newly acquired majority in Parliament.

However, the out-going ruling coalition pushed for new elections and thus advised the King to dissolve Parliament and call for new elections. King Letsie III released a statement accepting the Prime Minister's advice to dissolve parliament and hold elections in the "interest of unity and to avoid a constitutional crisis". This decision by the King did not go down well with the opposition coalition as they argued that the King was mandated by the Constitution to consult the Council of State on the wayforward. The Opposition had threatened to take the matter to court only to back-down later "out of respect for the integrity of the monarch".

As things stand, Lesotho is set to hold snap elections on 3 June 2017. This means that capacity building programme targeting Parliament / MPs will be kept at abeyance until a new Parliament has been inaugurated. However, in the meantime, SAPST will continue implementing programmes targeting civil society organizations and other interested stakeholders.

Botswana

SAPST facilitated a workshop on the Situational Analysis of ESCRs in the SADC Region and the Role of Parliament on 6 December 2016 in Botswana.

The workshop drew participants from the Civil Society Organisations and National Assembly of Botswana. SAPST Executive Director Mr John Makamure, outlined the key objectives of the DRL programme. He emphasised that the program would be two-pronged; providing support to CSOs to engage Parliament, while also providing support to MPs to engage its stakeholders.

The organisation has since recruited a programme officer and a good working relationship has been established with Duma FM, a private radio station in Gaborone. SAPST was on air in Gaborone on the 6th of December

2016 discussing the launch of the DRL programme as well as sensitising stakeholders on the nature of its work.

SAPST has identified access to education as problematic in the country. Botswana Secondary School Teachers Union-BOSETU Secretary General, Tobokani Rari was quoted blaming the decline of education standards on a number of socio-economic factors; mainly shortage of resources for schools in rural areas, an aspect he said is brought to the fore by the fact that the top 15 positions in ratings of Botswana schools are occupied by urban area schools.

He said government should prioritise education in its budget, while ensuring that the funds service the socio-economic needs of the sector. He advised Government to desist from pouring funds into temporary solutions to countering poverty, such as programmes that promote

handouts but rather invest in education. On 6 February, 2017 Finance and Economic Development Minister Kenneth Mathambo, delivered the 2017-2018 budget plans where he indicated that priority areas for the coming financial year included developing diversified sources of economic growth, human capital development, social development; sustainable use of natural resources. He highlighted that there was yet another budget deficit expected this year, and finding resources to invest in these areas would be critical.

A second radio programme was aired on 21 February, 2017 in the evening which focused on the 2017-2018 Budget Plan; Its implications for Education. The guest was Solomon Batsi-etswe, an Educator and Editor for Education Dialogue Botswana Newspaper.

>> CONT. FROM PAGE TWO

He advised Government to engage teachers and improve their welfare as well as the need to channel more funds to the education sector. Another programme was aired on Duma FM in March where the panellists from the ruling party and opposition focused on the Constituency Development Fund where each of the 57 constituencies would be allocated P10 million towards the Fund. The initiative was generally applauded by both parties as it demonstrates Government's effort to enhance economic growth at constituency level.

On Wednesday, 8 March, the world commemorated International Women's Day, and naturally, Botswana was among those countries that joined in the frenzy. The theme for this year was 'Be Bold For Change', in essence calling for concerted and brave efforts towards forging a better working world and a more gender inclusive

world. In her speech to mark this day, the assistant Minister for Local Government and Rural Development, who is also the Chairperson of the Parliamentary Women's Caucus, Bothogile Tshireletso, stressed the Government's commitment to strengthening women's economic empowerment programmes in Botswana, to facilitate their active participation in the affairs of the country.

In an unrelated matter, on 29 March an online publication Mmegi Online reported that Gaborone Central community members have rejected the Electronic Voting Machine (EVM) system

ahead of the Botswana 2019 general elections. Naledi Akambakamba of Gaborone Central spelt it out to the coordinator of the system Mr Gabriel Seeletso, saying she was not happy with the fact that the Independent Electoral Commission (IEC) and Government did not conduct a referendum to know how Botswana felt about the EVM before deciding to purchase it. Some argued that the system was prone to manipulation by the ruling party.

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SAPST programme officer Mr Roosevelt Gondwe making a presentation on improving Parliamentary processes.

Conclusion

SIX months into the DRL programme, it has managed to bring to the fore issues of ESC Rights, energise Civil Society Organisations to become more involved in CSO discourse, engage presiding officers with Parliament. The programme also proffered a platform for Parliament to engage with the public through live radio programmes via phone ins and SMS.



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