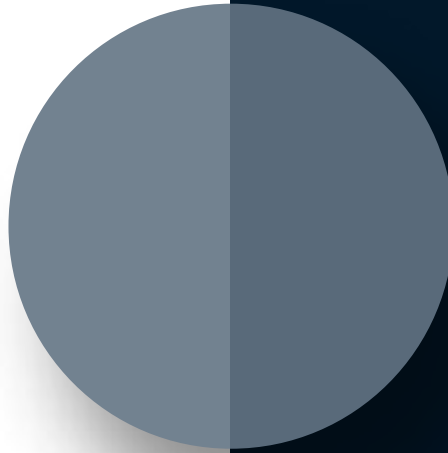


PROGRAMMES

Human Rights, Justice & Rule of Law





This programme addresses key questions on how rights are enjoyed by people across Southern Africa. Consistent with the 2019-2022 OSISA strategy, the programme focus will be on marginalised and vulnerable groups in society.

1. Human Rights Programme

Human Rights remains pivotal to all the areas of work that OSISA is seized with. While all the countries where OSISA operates have constitutions that have Bills of Rights there continues to be challenges in rolling out the full bouquet of rights for citizens to enjoy. Democracy deficits in our countries continue to amplify the governance challenges which in turn places those who are calling for changes in direct conflict with their governments. Those who place themselves in positions where they are agitating for or protecting the rights of others are killed, harassed, jailed and assaulted leading to some of them seeking refuge outside their countries. OSISA's Human Rights Programme has prioritised the support of in-country human rights defenders (HRDs) as its primary focus. This has the proactive component which includes the provision of the necessary security training for these

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institutions. The reactive strand includes provision of the necessary legal protection and mental and psychosocial support among others. The other component of the Human Rights Programme is focussed on giving support to HRDs' networks at a regional level that complement and amplify in-country HRDs' protective and advocacy initiatives.

2. Human Rights, Justice and Rule of Law Programme – DRC

The Democratic Republic of Congo's Human Rights and Access to Justice programme operates in political and social space that has been worsened by the elections that were supposed to take place in December 2016 as required by the Constitution of the country and also, as proposed by the by the New Year's Eve Agreement of December 2017. The country's lack of democratic elections has fuelled political debates, public demonstrations that are violent in nature in nature and at times, followed by death threats and systematic human rights violations. The conflict persist more in the Eastern DRC and Grand Kasai were many serious human rights violations are perpetrated against civilians. The perpetrators are the security defence forces and militia.

3. Human Rights, Justice & Rule of Law - Angola

The OSISA Human Rights Programme in Angola

focused on two major issues that has dominated the Angolan political and social context as far as human rights are concerned. On one hand the programme established a Human Rights Defenders Fund and extended its support to the Human Rights monitoring Group. On the other, OSISA made a significant step in the effort of integrating Human Rights Education in the university curriculum.

- The need of strong human rights protection mechanisms. Angola is known for being on the list of top countries ruined by corruption, which in itself enables the establishment of endemic practices. In other words, the country inherited poorly built institutions that function with total disregard to fundamental rights. The absence of accountability along the years enabled the normalization of Human Rights abuses which englobes poor and illegal treatment of the population by the police, verbal and physical abuse of street vendors on a daily basis, systemization of excessive pre-trial detention, poor access to justice and other violations that went unregistered and unmonitored for several years.

The support provided by the OSISA Human Rights Programme in Angola to the Human Rights Monitoring and Working Group (GTMDH) is a strong contribution to the necessity of solid investigation and supervision mechanism in the sense that it drafts parallel human rights reports and engage with national and international

human rights entities such as the Ministry of Justice and Ombudsman Office, the African Commission on Human and People's Rights (ACOHRS) and United Nations Human Rights Periodic Reviews and actively participate in advocacy and lobbying activities.

In addition to the GTMDH, the programme established a Human Rights Defenders fund, which serves the purpose of supporting endangered Human Rights defenders in the country and connects them to a regional network of activists. Given the history of the country and despite the effort the Ministry of justice is demonstrating in setting Human Rights institutions for a more efficient supervision and cooperation with social society, it remains clear that the programme equips Human Rights defenders, not only with funds but also technical tools of self-defence given the hazardous activities they engage in. Through this fund, OSISA will be able to rapidly respond to violations that human rights and political activists and journalists undergo because of their work in promoting democracy and open society values

- Strengthening education and grounding Human Rights into the Angolan system
As mentioned above, the country has lived under a period that was characterized by absence of interest in the issues regarding human rights. In that spirit, there is no registry of any university curriculum aiming at engraining universal values into the students. With the exception of certain specific subjects in the courses of international relations and international public law delivered by certain Angolan universities, there is no trace of a formal and actual curriculum devoted to human rights. It is in this regard that the OSISA Human Rights programme supported the integration of Human Rights Education in the Faculty of Law of the Catholic University of Angola to promote knowledge, information, enhance culture, values and principles in the academia particularly among law students and others.

4. Access to Justice (ATJ) Pillar

At the heart of the Access to justice (ATJ) program is grant making support to partners and communities that seek to enhance the ability of people to access and obtain legal remedies through formal or informal institutions of law and justice, as part of a broader strategy to enhance the enjoyment of rights by all. Through this program OSISA seeks to empower citizens, communities and activists facing discrimination, injustice and human rights abuse because of their identity, beliefs and opinions to use the law as an instrument to push back

OSISA understands that the most marginalised persons and vulnerable groups tend to bear the greatest brunt of human rights violations and are generally excluded from protection of the law. For this reason the ATJ pillar deliberately targets support for key vulnerable groups that include the poor communities, sexual minorities (mainly the LGBTIQ community and sex workers), women, persons living with disabilities, indigenous groups, migrants and mining communities, informal traders, human rights and political activists that are targeted for their identities, opinions, beliefs, socio-economic and other status and prison populations.

Previous body of work that has been done under this pillar has included supporting advocacy initiatives in the sphere of legal reforms related to discriminatory laws in countries (Malawi, Zambia, Namibia and DRC); Support for litigation and advocacy work for various marginalised groups- people with Disabilities, LGBTI and Indigenous groups, people with albinism; Investment in supporting legal clinics and universities; Supporting community Justice systems; and investment in legal empowerment strengthening initiatives.

5. Disability Rights Programme

The OSISA's Disability Rights Programme has prioritised issues of people with Mental and Psychosocial Disability and People with Albinism. These have been noted to be issues that are marginal in the disability movement yet their effect



is far reaching. In relation to people with Mental and Psychosocial Disability for instance, various national laws and even constitutions continue to perpetuate discrimination through the language that is used in the laws which include imbeciles, lunatics, and people of unsound mind among others. The extent of exclusion of people with mental and psychosocial disability permeates various spheres of their being. This includes an exclusion from giving testimony in matters that involve them whether in the civil or criminal realm. It also includes exclusion from political processes such as elections among others. The response by those seeking to support people with mental and psychosocial disability is often times wanting since it emphasises doing things on their behalf rather than including them. Even purported interventions to help them tend to be an exclusive medical model that confines them to institutions rather than a model that is inclusive of the communities in which they reside. OSISA is supporting most of the nascent organisations of people with mental and psychosocial disability in the region. We are also supporting interventions that promote taking into account the real voices of people with mental and psychosocial disability such as communications particularly in criminal proceedings. Worth mentioning is that we are not happy with

supporting interventions that seek to found or amend the Mental Health Laws since these have been found to be delimiters in the realisation of rights of people with mental and psychosocial disability.

With regards to People with Albinism, OSISA regards Southern Africa to be the epicentre of the attacks and killings with inordinately high numbers of people who have thus far been killed ostensibly for their body parts which are believed by some to possess some super natural powers. The prosecution record on the other hand is woefully low with countries such as Malawi having failed in the past two years to conclude even one of the 24 matters that are currently before the national courts. National programmes for engaging this epidemic are either not there or are inadequately resourced. SADC's reaction to what is becoming a big problem is also severely challenged. OSISA has been working at addressing these issues from a multi-pronged were. On the one hand we are supporting the many nascent organisations of people with Albinism. On the other we are supporting regional interventions which are seeking to elicit a more robust regional intervention that assists countries to support each other in mastering a response.

6. LGBTI Programme

The LGBT continue operating on four strands which are a) Strengthening the LGBTI movement across Southern Africa to be resilient and responsive to the current climate where the spaces to engage are being challenged; b) Raising the voices of the most marginalised within the movement, looking in particular at lesbian women, trans and intersex populations; c) Change the narrative around LGBTI and religion; d) Challenge most marginalising laws and practises that impact the lives of LGBTI persons and communities. The cluster recognise that the strands are all key to obtaining equality and inclusion of LGBTI communities across Angola, Botswana, the DRC, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe. Part of achieving this will be investing in regional (and maybe even global) organisations that can drive this agenda forward. As the rights of women are eroded across our region, lesbian women pay the heaviest price. An increase in violence and other forms of violations is being witnessed. The LGBTI Programme wants to look at developing a portfolio of work that proactively look at this matter.

6. Indigenous People's Rights

Discrimination, racism, social and economic deprivation and exclusion continue to marr the lives of far too many citizens of southern Africa. In the case of indigenous, this tragic reality is a continuation of centuries of domination and dispossession. To respond to these challenges, OSISA established the Indigenous Rights Programme, which serves as a platform for the Foundation to effectively advocate for the rights of indigenous and local peoples, Low levels of capacity within civil society, the lack of resources directed towards a response, and the low priority given to these issues by governments and regional and international institutions have been identified as three areas where OSISA can make a critical and valuable contribution. As a southern African, and African, foundation, the Programme works towards strengthening the African human rights system with a view to enhancing its commitment to protecting the rights of indigenous peoples, and building its capacity to effectively do so.



CLUSTER STAFF

Franck Kamunga

Team Leader

Franck KAMUNGA hails from the DRC and is a Human Rights lawyer, Stanford University Fellow on Democracy, Development and Rule of Law, Continental Conference: and Oxford University (Refugee Studies Centre) Fellow on International Humanitarian Law. With over 15 years experience in human rights and rule of law, governance, gender equality at global and continental levels, Franck has previously held several key positions including serving as Coordinator of the African Democracy Forum in Nairobi; Legal Advisor to the Electoral Commission in Kinshasa; Communication and Fundraising Specialist of the UN Women Country Office in the DRC, Country Manager for Girl-Rising (USAID) , Senior Legal Advisor to the Office of the Representative of the President of the DRC on

Sexual Violence and Child Recruitment. Franck has played a strong role in promoting democracy , Human Rights and Good governance in Africa through the World Movement for Democracy (NED Washington DC), African Democracy Forum, Affiliated Network for Social Accountability (ANSA Africa? World Bank), Coalition for International Criminal Court, Pan-African Lawyers Network, Freedom House, Global Rights, Human Rights Council Advocacy Network, and International Coalition for the Responsibility to Protect. He holds awards from IDASA and New School University of New York, and 2008 Justice Makers Honour Award from the International Bridge to Justice in Geneva, Switzerland.

CLUSTER STAFF

Maulo Nfinda Dombaxi

Maulo Nfinda Dombaxi has been working with OSISA as a Consultant in both Human Rights, Access to Justice & Rule of Law as well as Democracy and Good Governance clusters. Maulo holds a first Degree in Public Law, administration and International Politics from the Pierre Mendès France University in Grenoble, France, a second degree in Modern Languages from the Stendhal

University, in Grenoble France and a Maîtrise (First year of Masters) in International and European Law and Human Rights from the Montesquieu University in Bordeaux France. His past experiences include education, as a Civic Education and languages teacher, legal assistance in corporate law as a junior associate and an International Interpreter and translator.

Roger Mvita

Justice and Human Rights Programme Manager, Open Society Initiative for Southern Africa (OSISA)

Roger Mvita is a human rights defender with extensive experience in justice and human rights. He holds a master's degree in international public law from the University of Kinshasa in the DRC. He was previously coordinator of OSISA's AfriMAP project in the DRC, for which he contributed to the publication of various studies on the governance of justice, democracy and political participation, education and military justice. From 2005 to 2007, he contributed to the monitoring and analysis of human rights violations within the United Nations

Observer Mission for Peace in DR. Congo, MONUC, as a Human Rights Officer. From 2002 to 2005, he was in charge of the program to support the democratic transition through legislative advocacy and the fight against impunity in DRC within the American international organization GLOBAL RIGHTS. From 2000 to 2002, he contributed to the training of Congolese paralegals at the Belgian non-governmental organization, RESEAU CITIZENS NETWORK, RCN Justice et démocratie. From 1999 to 2002, he was legal director of the Congolese Observatory for Human Rights. Before coming Human Rights defender, he was a judge at the Court of Appeal

Dzimbabwe Chimbga

Dzimbabwe Chimbga is the Access to justice and rule of law manager. He is an expert in International Human rights law. He holds a bachelor of Laws degree from the University of Zimbabwe (2003) and a master's degree in International human rights law from Notre Dame University (USA, 2011). He has more than 12 years working experience doing NGO

work in the field of human rights and has specific knowledge and experience in domestic and regional litigation and advocacy work. He has litigated before the African Commission on Human and Peoples Rights and done advocacy work within the United Nations human rights systems.

CLUSTER STAFF

Muzi Masuku

Muzi Masuku is a law graduate from the University of Swaziland. He has previously worked as a prosecutor in the Directorate of Public Prosecutions and also as the Head of the Justice Programme at the Council of Swaziland Churches before joining OSISA initially as the Swaziland Programme Manager. He has recently served as the Programme Manager Rule of Law, Access to

Justice and Human Rights before assuming his current title as the Programme Manager Human Rights which is a Programme that incorporates Disability Rights. He is a strong defender of human rights working tirelessly to ensure that civil society and other sectors of human rights are sufficiently enabled to defend same in Southern Africa.

Nomahlubi Rasmeni

Nomahlubi Rasmeni is black gifted, organised and dedicated woman, who works for Human Rights Access to Justice and Rule of Law Cluster as Programme Associate.

Brenda Madisha

Brenda Madisha joined OSISA after gaining experience in both National and International Non-Governmental Organisations. She joined OSISA in 2016 as a Programme Associate for the

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