



REPORT OF THE 2021 SOUTHERN DEFENDERS SUMMIT



HELD AT

DECEMBER 02 - 03, 2021

CENTRO INTERNACIONAL DE CONFERÊNCIAS
JOAQUIM CHISSANO,
MAPUTO, MOZAMBIQUE

Compiled by Dr Musa Kika & Dr Justice Alfred Mavedzenge



INTRODUCTION

DEPROSE MUCHENA



"It was a most remarkable gathering of passionate HRDs discussing vital survival questions of the day. We have new forms of solidarity and approach to this vital work". [Deprose Muchena](#)

In a first for the Southern Africa Human Rights Defenders Network (Southern Defenders), the 2021 Southern Defenders two-day annual summit was hosted in a city outside its headquarters in Johannesburg, and was taken to the capital city of Mozambique, Maputo. The Southern Defenders in partnership with the Mozambican Human Rights Defenders Network (RMDDH), Advancing Human Rights In Southern Africa (ARISA), United Nations Office of the High Commissioner for Human Rights Regional Office for Southern Africa (OHCHR ROSA) and Amnesty International hosted the 2021 summit. This was symbolic in the growth and expansion of Southern Defenders. The 2021 summit was also the first to be held physically since the onset of the COVID-19 pandemic. Virtual facilities for attendance were available, making the summit hybrid.

The summit was held under the theme “Defending Rights and Protecting Democracies in the face of Rising Inequality and Authoritarianism”, reflecting the serious reality and unprecedented risks of persecution that HRDs face. The summit brought together human rights defenders (HRDs) and civil society organisations (CSOs) from Southern Africa to take stock of the ground-breaking gains as well as the challenges and risks faced by HRDs in the face of shrinking civic space in the region. Delegates were drawn from across Southern Africa, and the summit was graced by dignitaries to include the keynote speaker Her Excellency Graca Machel; Ms Mary Lawlor the UN Special Rapporteur on the Situation of Human Rights Defenders; Mr Clément Voule the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; the Ambassador of the Royal Kingdom of the Netherlands to Mozambique H.E. Henry de Vries; and the Deputy Minister of Information and Communication Technology of the Republic of Namibia Hon. Emma I Theofelus.

PROCEEDINGS

Over a period of two days, various issues and topics were brought into sharp focus. Day 1 was facilitated by Southern Defenders Board Member Professor Adriano Nuvunga and the Southern Defenders Executive Director Washington Katema. Day 2 was facilitated by Dr McDonald Lewanika of Accountability Lab. The summit was held in the format of plenary sessions and panel discussions, and a total of three side events were held towards the end of the Day 1. This report summarises the deliberations conducted during the summit, and the key issues emerging.

WELCOME AND OPENING REMARKS

PROFESSOR ADRIANO
NUVUNGA



Professor Adriano Nuvunga of the Mozambican Human Rights Defenders Network opened the summit with welcoming everyone to Maputo and to the summit, and he was joined in giving opening remarks by Tiseke Kasambala of Advancing Rights in Southern Africa (ARISA), Deprose Muchena of Amnesty International, Abigail Noko of the UNHCHR Regional Office of Southern Africa, H.E. Henry de Vries the Netherlands Ambassador to Mozambique and Arnold Tsunga the Chairperson of Southern Defenders.

TISEKE KASAMBALA



Tiseke Kasambala – Ms Kasambala reflected on the situation of HRDs in the region that remain as precarious as ever, with SADC facing significant democratic deficits. In many countries of the region, there is unrest. This includes insurgency in the northern parts of Mozambique, the long-standing political crisis in Zimbabwe and the instability in Swaziland. With these have come various human rights violations across the board, exacerbated by the SADC governments' failure to meaningfully intervene. Nonetheless, the glimmer of hope is in the successful democratic transitions that the region witnessed in Zambia and Malawi, demonstrating the possibility of peaceful elections.



DEPROSE MUCHENA



Deprose Muchena – Mr Muchena reflected on the present threat of the new omicron COVID-19 variant, and what he termed to be shameful responses by governments of the West. This response, he says, shows that “we are on our own as Africans, and shows us the need to fix our governance, where we ought to place human rights at the centre.” As with Ms Kasambala, Mr Muchena reflected on the Malawian and Zambian transitions as reflective of the positive developments in the region. Mr Muchena noted the need to spotlight Swaziland, where the ongoing struggle for democratisation is seeing the government killing its own citizens. The situation in Swaziland calls for decisive action, with all human rights defenders taking a clear position that it is unacceptable for a post-colonial state to kill its people, said Mr Muchena.



ABIGAIL NOKO



Abigail Noko – Ms Noko highlighted on the instability in the region, noting that SADC has many of the most unequal countries in the world, and that while elections have been held peacefully at times, these have largely been catalysts for instability. On the HRDs front, she observed that at times public order and defamation laws have been used to threaten activists, and COVID-19 has instigated bad laws that have accelerated decimation of democratic and civic space.

Environment and climate activists face even more harm because of their work, as with women activists. Yet SADC is also a site of vibrant activism. Digital technologies have revolutionised activism, but these have also been frontiers for attacks targeting HRDs. Ms Noko highlighted the presence of various mechanisms at UN level to help protect civic space and HRDs, among them special procedures and mechanisms, treaty bodies, and the universal period review (UPR) process. She encouraged HRDs to increase interaction with the UN bodies, noting that interaction by HRDs more so from Africa, has been low.

ADDRESS BY GUEST OF
HONOUR HER EXCELLENCY
GRACA MACHEL



**“We have to find a way
to build a new social
contract in the region.
Citizens are the reason
for the existence of
governments.”**
H.E. Graca Machel

H.E. Graca Machel joined the summit virtually and delivered her address. She started by saluting HRDs, noting that it takes courage to be and to remain an HRD, requiring determination, a sense of purpose and a sense of mission. On the region, H.E. Machel raised the concern that SADC is going through turbulent times with poverty, climate change, civil unrest, the devastating impact of COVID-19 and governments that have lost the ability to connect with citizens.

Conditions of living have deteriorated, while statistics of gender-based violence (GBV) are high and people are desperate for survival and security. In the face of these, HRDs are a powerful voice that must join hands with other democracy proponents, to push the agenda of human rights. She called on Southern Defenders to continue moving from rhetoric and finding practical ways of building a different social contract in Southern Africa, moving from statements of principles to action. H.E. Machel encouraged HRDs to continue holding regimes to count and to ensure that the new regimes in Malawi and Zambia deliver on their promises. In so doing, she said, resilience must be summoned.

OFFICIAL OPENING ADDRESS
BY SOUTHERN DEFENDERS
CHAIRPERSON ARNOLD TSUNGA



Mr Tsunga began his presentation by chronicling the journey the Southern Defenders has traversed. He recalled that a group of civic leaders met on 15 September 2017 and took a decision to form and institutionalise the Southern Africa Human Rights Defenders Network which would be embedded in local communities. It was eventually registered as a non-profit organisation and a secretariat was recruitment, marking the institutionalisation of the idea. The pillars of focus for Southern Defenders were then set as 1.

Response to HRDs – with Southern Defenders having to be ready to respond and provide support to HRDs in need; 2. Capacity Building; and 3. Domestic, Regional and International Advocacy. This summit, he said, was a manifestation of the growth of the Network considering that it was being hosted (for the first time) outside of the headquarters of the Network and by one of the chapters of the Network.

He also noted that, the venue of the Summit (Maputo) was historically significant because Maputo was “the capital city of liberation movements” during the struggle for independence from colonial rule, and of which “the struggle for human rights should be viewed as the unfinished business of the liberation struggle.” Mr Tsunga further noted that SADC has a number of States with good legal frameworks, but which lack enforcement/implementation.

He also pointed out that the region is experiencing an increase in attacks against HRDs including, women, land and environmental rights defenders. In this context, Mr Tsunga noted, the Summit is an incredible opportunity for HRDs to reflect and share experiences as well as ideas on how to address the problem of democratic regression in the region. Mr Tsunga duly declared the summit open.

KEYNOTE SPEAKERS

There were two keynote speakers, namely Mary Lawlor the UN Special Rapporteur on the Situation of Human Rights Defenders and Clément Voule the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. Both joined the summit and gave their addresses virtually.

MARY LAWLOR

UN Special Rapporteur on
the Situation of Human
Rights Defenders



The Special Rapporteur outlined her mandate which includes promoting the effective implementation of the UN Declaration on Human Rights Defenders in cooperation and dialogue with governments and other actors; studying developments and challenges on the right to promote and protect human rights and seek, receive and respond to information on the situation of human rights defenders; recommending effective strategies to better protect human rights defenders; and integrating a gender perspective and pay particular attention to women human rights defenders.

Ms Lawlor noted that although she is saddened by the many attacks against HRDs, she is relieved to see the tremendous work that is being done by SAHRDN to amplify the voices of HRDs and providing them with solidarity and protection.

She reassured the delegates to the summit that the role of HRDs is significant and is appreciated at the UN level. Most recently in November 2021, there was a UN Resolution on the Situation of HRDs. However, she noted that in practice there are few States who implement measures to protect HRDs especially when they are in danger, and oftentimes States lack follow up action on their commitments. Networks such as Southern Defenders are therefore important in providing the care and protection for HRDs that is missing. She further noted that the attacks against HRDs emanate mainly from governments and businesses, especially the multi-national corporations.

The Special Rapporteur noted that there is a growing threat being faced by HRDs from non-state actors on land issues, manifesting through judicial harassment and even physical attacks. She also noted that the European Union (EU) is currently developing legislation to regulate EU-based businesses and ensure that they adhere to international human rights standards in their operations anywhere in the world. She informed the delegates that she has called upon the EU to ensure that HRDs are consulted in the process of drafting this legislation.

She also noted with concern that HRDs in Africa are underrepresented and their voice is not being heard strongly at the UN level. She pointed out that since 2010, only 14% of complaints received through the UN Human Rights System came from Africa. She called upon the delegates to increase their engagement with her mandate (as the UN Special Rapporteur) and the general UN Human Rights System. The Special Rapporteur stated that she can only spotlight the issues faced by African HRDs, if she receive details of violations and the consent of the HRDs.

CLÉMENT VOULE

UN Special Rapporteur on
the Rights to Freedom of
Peaceful Assembly and of
Association



"The closure of civic space is a potential catalyst for a total breakdown of public order as it limits or closes avenues to peacefully channel legitimate grievances." [Clément Voule](#)

Mr Clément Voule began his presentation by noting that the exercise of freedom of expression and peaceful assembly are critical for people to influence public policies and hold governments accountable. He called upon HRDs to vigorously protect democratic civic space in order to ensure that these rights are freely exercised.

He noted that there have been several violations on these freedoms especially through arbitrary arrests and detention of media practitioners and other HRDs, through the use of force against those who choose to exercise these freedoms, and through the adoption of laws which restrict the exercise of these rights.

Mr Voule also noted that the COVID-19 pandemic is being used as an excuse to restrict these rights, and observed that globally we are seeing the rise of authoritarian regimes using COVID-19 to consolidate power. We are seeing emergence of anti-NGO laws and many other laws which hamper the work of CSOs. Of concern is the PVO Amendment Bill in Zimbabwe gazetted on 5 November 2021, over which the Special Rapporteur is seeking to engage with the Government

of Zimbabwe and call upon the State to drop this proposed law. In Swaziland, internet restrictions and deterioration of civic space is a challenge. This closure of civic space is a potential catalyst for a total breakdown of public order, as it limits or closes avenues to peacefully channel legitimate grievances. The ongoing crisis in SADC is threatening livelihoods and security.

The conflicts in Africa are setting back the promise of peace and security. In this context, he remarked, HRDs work become all the more important. In his recent report to the General Assembly, the Special Rapporteur highlighted the importance of HRDs and the need for their protection. As such, he encouraged the summit to come up with clear and practical recommendations on how to move forward on these issues with urgency, including on pushing back on the emergence of repressive laws.



PANEL 1

DEFENDING DEMOCRACIES: THE ROLE OF HRDS LESSONS FROM MALAWI, ZAMBIA, AND THE REGION.

GIFT TRAPENCE



"The power of the people is the greatest power, and HRDs must rally people power."

Gift Trapence

This panel session focused on locating the HRD in defending and advancing democracy, with specific lessons from Malawi, Zambia and elsewhere in the region. The speakers shared their perspectives on the role that was played by HRDs in defending electoral democracy and electoral justice in Malawi and Zambia, particularly in the lead up to the 2020 and 2021 elections in the two countries. Speakers on this panel were Mr Gift Trapence of the Malawi Human Rights Defenders Coalition; Dr. Sishuwa Sishuwa of the University of Cape Town and University of Zambia; Ms Tiseke Kasambala of Advancing Rights in Southern Africa (ARISA); Mr Siphosami Malunga of the Open Society Initiative for Southern Africa (OSISA); and Dr McDonald Lewanika of Accountability Lab. Ms Mantante Mlotshwa of Magamba Network moderated the panel.

DR. SISHUWA SISHUWA



Dr. Sishuwa made 10 points as follows:

1. Importance of networking and collaboration – The nature of the work of HRDs require collaboration between CSOs, academics, opposition parties (without being partisan) and artistes. There is also need to build strategic alliances with actors in public institutions for access to information and for security.
2. Value of strategic use of the court system – The judiciary is a victim of democratic regression, but taking matters to court works, even if not successful as courts can bring awareness to issues.
3. The need to take multi-pronged strategies to lobby, advocate and embarrass – This includes use of litigation and social media. HRDs should not be limited to single strategies.
4. Significance of investing in a legal fund – Human rights work can be expensive, and a legal fund should be there to protect, defend and ensure that HRDs do not turn to the oppressors for support.
5. HRDs must have the right kind or degree of “madness” i.e. preparedness to be arrested, assaulted and cut off from family, among other experiences that HRDs have had.
6. The importance of small battles over censorship and internet shutdowns must be acknowledged.

7. The value of remaining neutral, including when the opposition wins power. This helps in keeping the government accountable.
8. The need for a free press to investigate and document violations.
9. Importance of HRDS to keep institutions that they run clean, so that HRDs do not give State institutions reason to come after them.
10. Keeping hope alive - Defending democracy is a national struggle, and not just for HRDs. As such HRDs must build alliances, including with the grassroots.

Gift Trapence – Mr Trapence reflected on the recent experiences of 2020 in Malawi, which led to a shift in political power. Defending democracy, he said, is contextual. In Malawi, HRDs identified the need to bring power balance between the people and the government. This was achieved through large-scale demonstrations. Until then, demonstration were unpopular in Malawi on account of fear. Past demonstrations had been met with violent crackdowns and some fatalities. The key to the 2020 approach was that HRDs built trust, and this became political capital. During that process HRDs were not just addressing the electoral issues, but issues of democracy broadly. It was possible to reach out to the army for protection when the police were being used by the State. As a result, HRDs were able to mobilise almost a million people onto the streets. Malawian HRDs also learnt of the power of the young and women, and ultimately that the power of the people is the greatest power and HRDs must rally people power.

SIPHOSAMI MALUNGA



Siphosami Malunga – Speaking to the importance of democracy, Mr Malunga emphasised that one cannot defend human rights in the absence of democracy, as a democratic dispensation is necessary for the meaningful protection of human rights. The democratic deficits in SADC spell doom to human rights protection and this has been so for the last 30-40 years, where we have seen smokescreen democracies where elections are held but the outcomes are predictable. We also have rising authoritarianism as a global phenomenon, with States relying on their coercive apparatus. Entangling of political spaces has also been witnessed, and we now have armies owning parties and States being captured by the military or by corporate elites. Mr Malunga noted that it does not help that many SADC states have still-born nation building projects, with transitional justice and ethnic issues remaining largely unaddressed. The Chinese factor is also pertinent, where SADC governments are entering into long term resource contracts with China, with the likely implication that the long terms contracts in many ways require that the current regimes are retained. We then have a situation where appeal to the international community may be futile, where China and Russia would veto any action and where some of the international players may be beneficially implicated. The silver lining, however, he said, is that the region is largely populated by young people who are the hope to

save the region. Young people are now more connected technologically and are now more engaged (even if they may be engaged in the wrong things). Young people are angry because of unemployment, exclusive economies and other vices, and this anger will drive action and that action change.

DR. MCDONALD LEWANIKA



Dr. McDonald Lewanika – Reflecting on the leadership changes we have witnessed in the region, Dr Lewanika reflected that the region now needs democratisation that delivers beyond change in leadership, but that which delivers change in people's pockets, that is, in people's livelihoods.

Tiseke Kasambala – In defending democracies Ms Kasambala spotlighted the need to recognise the role of women HRDs, drawing on Malawi where women were at the forefront of fighting electoral malpractice. While the issue of resource constraints has been raised by CSOs and HRDs in seeking or driving positive change, Ms Kasambala emphasised that it does not necessarily need resources to pushback authoritarianism. In building democracies, it is also important to use evidence-based reporting from the ground.

Key observations as shared by the speakers as well as during the plenary discussions were as follows:

- i. HRDs should avoid working in isolation or in silos. They need to work collaboratively with other stakeholders including political parties, academics and other players within the civic society.
- ii. HRDs need to establish and maintain working relationships with progressive elements in the security sector. Such relationships are critical for advocacy and general information gathering.
- iii. In Malawi and Zambia, mass mobilization and demonstrations have proven to be powerful tools, but these must be organised around issues which the majority of the people can resonate with.
- iv. Media is an important ally for purposes of mass mobilization and creating public awareness. In particular, social media has proven to be a powerful tool.
- v. In both Malawi and Zambia (and as well as in other countries such as Swaziland), the regimes have responded to HRD advocacy with personal attacks directed against HRDs. In some cases, attacks have been made to hurt the careers of specific HRDs who have been vocal in defending democracy.
- vi. HRDs must remain vigilant even when a new party has been elected into government. There is a tendency by new leaders to pretend to be democratic in outlook by pursuing pseudo democratic policies but without substantially being democratic in nature. New governing parties will attempt to co-opt HRDs and continue with human rights violations similar to their predecessor regime.

PANEL 2

BUILDING RESILIENT AND INDEPENDENT INSTITUTIONS TO PROTECT HRDS

DEPROSE MUCHENA



“Our States are absent where we need them; the States are overrepresented where we do not need them, such as in crushing the expression of rights.” [Deprose Muchena](#)

This panel focused on how to build resilient and independent institutions to protect HRDs and human rights. The panel was thus in many ways a self-reflection on how HRDs can better their institution-building, and their interventions. The panel was moderated by Annah Moyo-Kupeta of the CSVR-The Centre for the Study of Violence and Reconciliation, and featured the following speakers: Ms Keikantse Phele, a lawyer from Botswana, Mr Fidelis Mudimu of Frontline Defenders, MS Linda Kasonde of the Chapter One Foundation in Zambia, and Mr Deprose Muchena of Amnesty International. Ms Moyo-Kupeta opened the session by highlighting the need to now need to look beyond the traditional mechanisms for protection of HRDs, as the custodianship of rule of law is now problematic with the courts interpreting the law in concerning ways, and with authorities seemingly becoming immune to naming and shaming.

LINDA KASONDE



Linda Kasonde -Ms Kasonde stressed that HRDs must build organisations that are “too big to fail”. For this, she suggested five things:

1. Organisations must overcome the founder syndrome to succeed. There must be “a pipeline of visions carriers”, and a succession plan is crucial.
2. Having co-founders – Research shows that organisations formed by two or more founders are likely to succeed.
3. Public ownership of the cause is essential.
4. Having credibility and integrity is essential.
5. Steadfastness - It takes time, patience and grace to build an organisation. Perseverance helps to deal with challenges that emerge.

KEIKANTSE PHELE



Keikantse Phele – Ms Phele raised a number of points. Firstly, she emphasised on the centrality of accountability in the work of HRDs. Secondly, she highlighted on how lack of funding pushes back the work HRDs do. Thirdly, she encouraged HRDs and CSOs to test the law where jurisdictions allow e.g. in Botswana where the judiciary appears to enjoy some relative degree of independence and the judges are progressive in their mindsets.

Fourthly, media is a powerful tool that must be used, thus HRDs and CSOs must work with journalists. Fifth, on leadership, it is important to allow human rights institutions to be independent and to be led by people who understand human rights and the task at hand.

Deprose Muchena – Mr Muchena reflected on the resurgence of global authoritarianism where we are witnessing the oversupply of retrogressive law to kill the global asset which is civic space. Amnesty International statistics reflect high cases of arrests of HRDs, smearing of HRDs and targeting of women HRDs. Hundreds of HRDs are also being killed annually.

According to Mr Muchena, SADC is populated by strong men leading institutions which are weak. Our States are absent where we need them; the States are overrepresented where

we do not need them, such as in crushing the expression of rights. We thus need to think of strategies to outmanoeuvre this and to demand greater accountability from State human rights institutions. He emphasised on the need for solidarity, giving Swaziland as a good example that had not been spoke about until now. With cases such as Swaziland there is need for resilience to sustain the struggle, resilience being the ability to sustain a conversation even on unpopular topics and including in the face of ridicule, and the ability to outlast the enemy. This also requires investment in leadership.

Mr Muchena addressed the question of how we understand resilience in the context of decoloniality and the donor-partner asymmetry. According to Deprese, there is recognition that in the last 15-20 years we are now seeing decoloniality, with regional offices of international human rights organisations for instance being run by locals. While in the past we used to have campaigns

FIDELIS MUDIMU



Fidelis Mudimu – Mr Mudimu started by noting that HRDs cannot trust governments to protect HRDs. It falls upon HRDs as a community. Thus resilience becomes central to the cause. Resilience also comes from passion and commitment for human rights work. HRDs protecting land rights and indigenous rights including from extractives, are particularly growing in their vulnerability and this is where resilience is needed. Many are individual HRDs, as HRDs are not always NGO-based. The HRDs in this sector may not even realise they are HRDs because they are just defending their way of life, their dignity. So we must focus on building the capacity of these to identify and mitigate risks.

The following were the key observations which were shared by the speakers as well as during the plenary discussions:

- i. Generally, many domestic institutions in the region that are meant to protect human rights are weak. This includes judiciaries, the security institutions (such as the police) and national human rights commissions. They are weak mainly because they have been captured by the ruling elites and they are seriously under-resourced.
- ii. Instead of protecting human rights, many of these institutions are being used to perpetuate human rights violations mainly through targeting HRDs for persecution. For example, as part of the instrumentalization of law, policy and power to persecute HRDs, institutions such as the prosecutorial authorities, the judiciary and the police are being used to persecute HRDs through arbitrary arrests and detentions on trumped up criminal charges.
- iii. This notwithstanding, HRDs need to explore means and ways of winning back these institutions, defend them and seek to rebuild them rather than demonizing them.



LAUNCH OF THE LUSOPHONE DEPOSITORY BY ACDH AND ARISA



At the close of the plenary sessions of Day 1, the Associação Centro de Direitos Humanos (ACDH) and ARISA launched the Lusophone Depository, as a depository of human rights information for Portuguese-speaking countries. This is an important tool that will be used in the fight for human rights and the protection of HRDs.

SIDE EVENTS



Day 2 closed with three side events on three topics namely, Land and Environmental Rights Defenders, Swaziland and Digital Security. These three events allowed delegates to delve into detail on the three topical issues of the day.

PANEL 3

Day 2 of the Summit, moderated by Dr McDonald Lewanika of the Accountability Lab, focused mainly on a total of three panel discussions.

STANDWITHER: RE-SETTING THE AGENDA FOR WOMXN HUMAN RIGHTS DEFENDERS IN SOUTHERN AFRICA



ESTER SIMON.

"We all need to make a conscious decision to stand with her, to fight for her." Ester Simon.

This third panel of the summit had specific focus on women HRDs. The session focused on how HRDs can reassert the agenda for supporting women HRDs in Southern Africa. Corlett Letlojane of Southern Defenders/HURISA moderated the panel.

Speakers on the panel were Ester Simon, Pan-African Female Youth Leader from Namibia; Kirsten Youens of All Rise Attorneys for Climate and Environmental Justice from South Africa; Yvette Mavunga, OHCHR Mozambique, and Josina Machel from Mozambique.

JOSINA MACHEL



Josina Machel – Ms Josina Machel spoke about women as bearing the brunt of HRDs work, and suffering jailing, sexual harassment and intolerance. The relegation of the rights of “others” at the micro and macro levels, she said, is ingrained in our colonial experience. Ms Machel spoke of the need for society in general to strengthen women’s security in times of crises and the need for justice for women as “there cannot be an alternative to justice”. In addition to strengthening women’s security, there is need to strengthen women’s leadership and to be gender responsive in the recovery in light of the COVID-19 pandemic.

KIRSTEN YOUENS



Kirsten Youens – Ms Youens spoke of the issues that HRDs deal with in the context of South Africa, being intimidation, harassment and event death, as with the case of her client Fikile Ntshangase who was shot and killed at her home in

KwaZulu-Natal in 2020 for fighting for environmental rights. Ms Youens spoke of how women have shown resilience and strength, and have the right to live without fear and to be safe. She spoke on the need to strengthen pro-bono legal work, saying in South Africa for instance, there is a good Bill of Rights but that cannot be realised without pro-bono lawyers acting on behalf of the communities. She spoke of the work that All Rise Attorneys for Climate and Environmental Justice from South Africa do to protect climate and environmental

ESTER SIMON.



Ester Simon – Ms Simon spoke on overcoming the challenges that face women HRDs. Where women HRDS are concerned, attacks on them have the ultimate goals to instil fear, destroy the social fabric and intimidate. The systemic nature of gender abuse is prevalent in the region, including gender stereotyping. As a result we have seen the rise of some women's movements, such as the #Shutitalldown movement in Namibia in 2020. Ms Simon proffered three recommendations as follows:

1. There is need to ensure that those responsible of women abuse are held to account, with effective punishment;
2. We must recognise and acknowledge the crucial role that women HRDs play, and ensure their security and protection; and
3. We must adopt and implement national legislation to ensure that women HRDs are protected.

We all need to make a conscious decision to stand with her, to fight for her.

The following were the key observations which were shared by the speakers as well as during the plenary discussions:

- i. In many countries, governments have enacted laws and policies targeted at protecting the human rights of women, including against gender-based violence and discrimination. However, these laws and policies are not being implemented.
- ii. Women HRDs are targeted, harassed and intimidated for demanding their rights. They are harassed by the same government authorities who are supposed to protect them. For instance, when they report GBV to the police, they are blamed for “making themselves vulnerable to abuse” and nothing much is done to bring the perpetrators to account. For example, there are cases where women are verbally abused or sexually harassed and when they go to the police to report, they are sometimes blamed by the police for dressing inappropriately and “attracting harm to themselves”.
- iii. Women HRDs are treated as political opponents in order to de-legitimize their struggle for the protection of human rights. In some cases, they are branded as stooges or puppets of Western governments.
- iv. In light of the current challenges and threats against the rights of women, there is a need to escalate the fight for gender justice, expand women’s participation in civic and political processes as well as the economy. In order to achieve this, it is key to promote the realisation of women’s land rights and to work with grassroot communities by sensitizing them on their rights. In some jurisdictions, public interest litigation has proven to be a successful strategy for achieving these objectives.

PANEL 4

DEFENDING ARTISTIC FREEDOM & HUMAN RIGHTS DEFENDING

MANTANTE MLOTSHWA



"Art and expression are a reflection of the state of the society. So to arrest someone for that is to deny one being human". **Mantante Mlotshwa**

This panel zoomed into the role of artists as HRDs and issues of artistic freedom. The panel was moderated by Ms Mantate Mlotshwa of Magamba Network and featured the following panellists: Mr Fumba Chama (Pilato) (Zambia); Ms Margaret Aduto of Amani: Africa Creative Defence Network (Uganda); and Mr Zenzele Ndebele of CITE (Zimbabwe).

This session was designed to bring a deeper understanding on the place of artists when it comes to defending human rights. As Ms Mlotshwa reflected, arts have been a tool to shape narrative and to start conversations and campaigns. People do not have to be of the same ideology to listen to the same music, for instance, and that is power.

Satire is also growing as an effective and influential platform to tackle critical societal issues that border on politics and the economy. It is easily acceptable, and young people are being responsive to this. Equally, poetry is growing as a platform where young people can engage on critical issues.

FUMBA CHAMA



Mr Fumba reflected that music has the power to influence perceptions, and to spread messages to all. As such, artistes must ask themselves how their creativity is helping to build a better society. Mr Chama said that musicians have not done enough to contribute to the democratisation of society. Using art to speak out, however, comes with cost. Because of Mr Chama's message, his music has not been on radio in Zambia for 10 years now. The alternative he has utilised is extensive use of the internet. The internet itself has been a growing site for struggle, and in 2020 for example, Zambians held a successful internet protest.

MARGARET ADUTO



"Art is a universal language. If it is true and authentic, we so not need to understand the language." **Margaret Aduto**

Ms Aduto highlighted that artistic freedom is a necessity and not a luxury. Yet artistic freedom and expression are under threat globally when artists challenge the political and social order. Politics is the number one reason artists are detained.

Women, LGBTQIA, migrant artists, artists in financial difficulties, women and disabled artists, are the most at risk. This is through censorship and lack of access to spaces to express themselves freely. With state media censorship, it becomes important for young people to find alternative ways of expressing themselves. Ms Aduto stated that art is a universal language. If it is true and authentic, we do not need to understand the language. If people can connect with what you are saying, that is your story or your neighbour's story, people will engage.

Zenzele Ndebele – Mr Ndebele reflected on the power of art and how art can be a form of protest. In some instances, art has been the only way to protest. To illustrate the power of art, art is also used by dictators such as the use of statues and praise singers. Art has also been used to bring down dictators, for as they say, "If you want to go after a dictator, call a clown". Unfortunately for artists, restrictions on their art is their reality. Artists thus have to find alternative spaces, and global solidarity is critical. There is need to raise awareness on options that artists can take locally, regionally and internationally. Artists must also learn new and emerging technologies, and must work with people in other spaces such as in CSOs to help advance respect for expression

PANEL 5

BUILDING BACK BETTER: ROLE OF CIVIL SOCIETY IN SUPPORTING A JUST AND EQUAL POST COVID-19

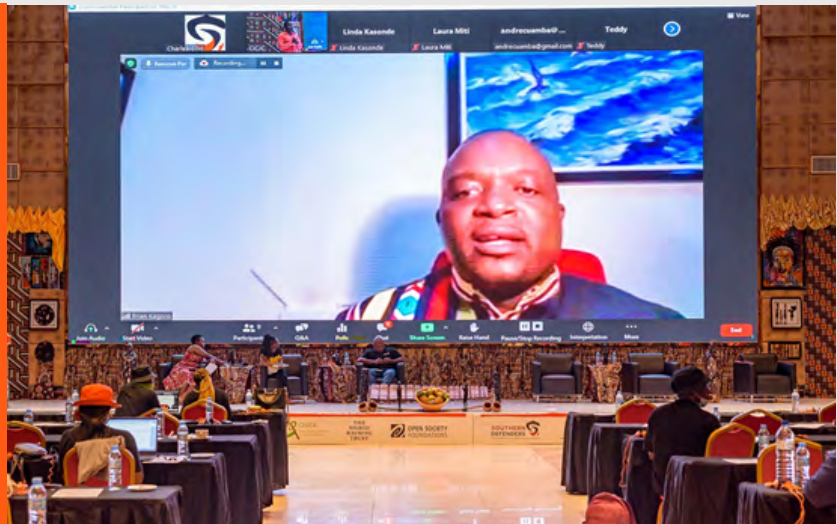
Panel 5 of the summit focused on modelling the future of the role and contribution of CSOs in light of COVID-19 and other challenges of the present, in particular sharing ideas and experiences on the impact of the ongoing COVID-19 pandemic on the work of HRDs and how HRDs can navigate the pandemic. Moderated by Ms Tiseke Kasambala of ARISA, the panel had four speakers who were Mr Brian Kagoro, Zimbabwean Lawyer & Pan African Activist; Mr Hassan Shire of the Pan-African Defenders; Ms Glanis Changachirere and Mr Thabo Masuku of the Foundation for Socio-Economic Justice in Swaziland.

GLANIS CHANGACHIRERE



Glanis Changachirere – Ms Changachirere opened the session by speaking on the important of acknowledging and realising the role of women in societies in transition. In particular, she reflected on how patriarchy has remained dormant in the region, on account of “selective amnesia” by liberators, who led the overthrow of colonialism, but failed to overthrow patriarchy. This is part of the oppression that is coming from state institutions, with some of the inequalities we are experiencing today rooted in colonialism. Ms Changachirere also highlighted how courts are contributing towards deepening inequalities on account of their approach to matters of advancement of rights. As a response, as HRDs in Southern Africa we need to have people to people solidarity.

BRIAN KAGORO



Mr Kagoro reflected on the depending authoritarianism in the region with States control of the coercive apparatus, the media which is control of the power to tell lies (narrative shaping), and control of spirituality – church, education, welfare, livelihoods (building dependency). We are also seeing regulatory tyranny on technologies. In light of this, there are key questions for CSOs which stood even in the prior COVID-19 times.

These are on leadership style and culture, membership and constituencies, association of the elite and financing. Mr Kagoro asks: is our leadership fit for purpose and fit for the future? And are our technological tools fit for purpose? Mr Kagoro said that until now, HRDs and civil society approaches have been to appeal to liberalist conscience, but it is now important to engage beyond traditional institutions and start engaging with faith institutions and businesses.

There is need for greater transnationality. Mr Kagoro then dealt extensively with the issue of financing. COVID-19 revealed inequality of the financing model based on donors. With funding by donors, there is also polarisation or “otherization”. There are opportunities to reform the funding models that HRDs and CSOs have hitherto relied on.

We need new funding models and we have to be decolonial in a holistic way. What is presented and preferred for funding by donors presently are Western/Northern ideas. Yet African

philanthropy must not be seen in the Western form i.e. the charity model. We need social justice models. The racism in funding on the continent is frightening, that is with white versus black-led entities. There is thus need to decolonise the entire aid value chain.

In that vein Mr Kagoro encouraged lawyers in the region to start challenging the colonial statutes of profit and non-profit which prohibit CSOs from raising money as this is an approach we inherited. In the current context where our governments do not contribute to CSOs, including in meaningful tax breaks, we need to focus on building endowments and to also bring in crowdsourcing.

Thabo Masuku – Mr Masuku shared experiences from Swaziland and how COVID-19 has been used to introduce restrictive laws that have been used to limit what HRDs can do. In Swaziland, two Members of Parliament were arrested for breaching COVID-19 regulations for meeting with their constituents for feedback. The two MPs are still incarcerated. Curfews in place have also been used to limit what people can do.

Responses to these concerns from CSOs have been hampered by problematic financing models. Mr Masuku proffered suggestions on what can be done to further the work of HRDs and CSOs: 1. we need to forge working relationships with different players; 2. we need to build leadership in civic society, and 3. our engagements with the government must be people-centred.

Key issues observed from both the presentations and the plenary discussion are as follows:

- i. The COVID-19 pandemic has a disproportionate socio-economic impact on different population groups. Those who were economically marginalized prior to the pandemic have now been pushed further into poverty. For example, prior to the pandemic most shop floor workers were already living

in poverty because of low wages. Most of such workers are now being offloaded as many companies down scale their operations due to the pandemic. Another example is that prior to the pandemic, access to education was already unaffordable to many children, especially those in the rural areas. As a result of the pandemic, these children have been pushed out of school because they cannot participate in online education classes due to high costs of internet data and or lack of internet infrastructure. In order to build back better, there is a need to develop programs which target to address these disproportionate consequences of the pandemic on various population groups.

- ii. The outbreak of the COVID-19 pandemic disrupted the traditional financing model for CSOs. The source of funding for many CSOs are Western governments who are now being forced to adjust their funding priorities as they seek to address the impact of the pandemic on their domestic economies. As a result, since the outbreak of the pandemic, funding for CSOs from traditional Western governments is continuously shrinking. There is a need to explore alternative sources of funding.
- iii. The outbreak of the COVID-19 pandemic has disrupted the ability of many CSOs to engage and mobilise local communities. Prior to the pandemic, CSOs engaged with communities through physical meetings which have now become difficult and (in some cases) impossible due to the spread of the virus. Although many have resorted to virtual means of engaging communities, the high costs of internet data and the unavailability of internet in many communities has made it impossible to engage with large sections of the population. There is a need for CSOs and HRDs to explore other methods of community engagement which are not limited to online methods.

- iv. Some governments are taking advantage of the pandemic to impose excessive restrictions which disproportionately undermine human rights and democracy. HRDs who have spoken against the instrumentalization of COVID-19 to subvert democracy and human rights have increasingly been targeted for persecution



CONCLUDING REMARKS & CLOSING

ARNOLD TSUNGA



To close off the formal part of the summit, Mr Washington Katema provided a summary of the key takeaways from the summit, following which Professor Adriano Nuvunga and Mr Arnold Tsunga gave closing remarks appreciating the milestone that had been reached in hosting the summit.

Professor Adriano Nuvunga expressed his gratitude to the delegates for making time to attend the summit despite the looming 4th wave of the COVID-19 pandemic. He thanked the delegates for robust discussions during the summit and encouraged them to continue defending human rights in the region.

GALA AND HUMAN RIGHTS DEFENDERS AWARDS



Day 2 was capped by a gala dinner at which winners of the 2021 Southern Africa Human Rights Defenders Award were announced. The award seeks to recognize individuals or organizations working in any of the 16 countries of Southern Africa who have demonstrated an exceptional commitment to human rights defending.

The award also seek to increase visibility of HRDs. Many HRDs are unknown despite the important work they do. The award ceremony has been held annually since 2018. In 2020 the award was won posthumously by Fikile Nsthangase, a grassroots woman human rights defender who was shot and killed on 22 October 2020 in KwaZulu-Natal, South Africa. In 2019 the award was won by Samantha 'Gonyeti' Kureya a comedian, political satirist and presenter.

In 2018 it was won by Father Jacinto Pio Wacussanga, an Angola based grassroots HRD who has defended the rights of others mainly vulnerable communities for many decades.

Two winners were announced for 2021. The first Southern Africa Human Rights Defender of the Year was Ms Laura Miti, awarded for her selfless and courageous leadership in promoting and defending human rights. Ms Miti is Zambian,

and is the Executive Director of the Alliance for Community Action (ACA) based in Lusaka. The second winner was Mr Makomborero Haruzivishe, a young Zimbabwean pro-democracy activist and prisoner of conscience incarcerated in Zimbabwe for standing up for human rights and rule of law.



Wadzai Mangoma receiving the award on behalf of Makomborero who could not attend the event

KEY EMERGING ISSUES

The following key issues emerged during the proceedings of the summit:

1. COVID-19 has made the situation of HRDs more difficult, with the government responses and the COVID-19 laws posing challenges to HRDs and generally to the enjoyment of human rights. We are seeing the rise of authoritarian regimes using COVID-19 to consolidate power.
2. Women HRDS continue to be disproportionately affected.
3. HRDs in environmental and land rights as well as climate justice, are emerging as a special interest group who are under severe threat. These are facing growing threats from non-State actors on land issues, manifesting through judicial harassment and even physical attacks.
4. There is increasing democratic deficits in Southern Africa with narrowing civic space. Zambia and Malawi offer a glimmer of hope, but the new governments need to be held to account to ensure that they deliver on their promises.
5. We are seeing emergence of anti-NGO laws and many other laws which hamper the work of CSOs. This closure of civic space can lead to conflict, as avenues to channel grievances are closed. So this creates incentives for violence.
6. The power of the people is the greatest power that HRDs can summon in their democratisation agenda. Thus these is need to rally people power.

7. We cannot defend democracy in the absence of democracy. Democracy and democratisations are thus pre-requisites for the full enjoyment and protection of human rights.
8. Agenda setting by donors on which HRDs are heavily if not exclusively reliant on, is shaping agendas, instead of local priorities and concerns. This is also intersecting with the issues of decoloniality of donor funding and donor-partner relations, and HRDs operations.

KEY EMERGING ACTION POINTS

1. **Learning to live with COVID-19** – HRDs need to learn to live with COVID-19, and to operate within the pandemic. Questions of whether human rights institutions in the region are still fit for purpose under the new environment must be asked. This includes reviewing their sustainability, how HRDs can renew their knowledge and relooking at leadership strategies.
2. **Continuing to move from rhetoric to action** - The Southern Defenders and all its affiliate HRDs should continue to move from rhetoric and find very practical ways of building a different social contract in Southern Africa. There is need to move from statements of principles to actions, from paper to practice, and from promise to delivery. This includes working on compressing the vertical gap between protection mechanisms at national and local levels, with the local levels being where the activists are doing the most work.
3. **Strengthen women's security and leadership** – There is need to strengthen women's security, women's leadership, and be gender responsive in order to build back better from the COVID-19 pandemic.
4. **Keep businesses in check** - HRDs and networks must strongly move in to keep business in check in order to

promote compliance with the Business and Human Rights standards and principles.

- 5. Greater engagement with the regional and UN Human Rights System** - HRDs in Southern African should engage more with the African Union and the UN Human Rights System, to ensure greater communication of violations and issues for concern, and more spotlighting of issues affecting HRDs in the region.
- 6. Need to spotlight Swaziland** – The situation in Swaziland is grave and need to be spotlighted further. Efforts must be doubled to provide solidarity and protection to HRDs in Swaziland. The costs for state repression must be increased to deter the regime in Swaziland from continuing with human rights violations.
- 7. Push back repressive laws with urgency** – Under the guise of COVID-19 response and as a part of closing civic and democratic space, the proliferation of repressive laws is high at the moment. There is need for clear and practical intervention to push back on these repressive laws.
- 8. People power** – People power is the greatest power. HRDs must build trust and must mobilise, including harnessing the power of youth and women. It is important to rally people power. In mobilising and in attending to issues of concern, intersectionality should be a central consideration.
- 9. Build democracies** – One cannot defend human rights in the absence of democracy. As such, the struggle for human rights should be located within the broader struggle for democracy.
- 10. Protecting HRDs in land and indigenous rights as well as climate justice** – As this is a class of HRDs where greater resilience is being demanded presently, and where attacks from State and non-State actors are on the rise, Southern

Defenders need to build the capacity of these HRDs to identify and mitigate risks. There is a need for strategic bias towards these as the most marginalised HRDs at the moment.

11. New models of funding - In a context where power balances have not changed between donors and the receiving partners in pushing the development agenda, there is a need to rethink CSO funding models. Current funding models are Western in outlook, and there is a need to identify alternative sources of funding including turning to African philanthropy as a complementary source of funding. African philanthropy must be built on the social justice models. African lawyers need to start challenging the colonial statutes of profit and non-profit, prohibiting CSOs from raising money. We need to build endowments and engage in crowdsourcing models. Another route to explore is for States to tax corporates and ring-fence that money to be made available to CSOs. New funding models should focus on building communities and resilience.

SUMMIT RESOLUTIONS

The Chairperson of the Southern Defenders, Mr Arnold Tsunga, outlined the proposed summit resolutions, and these were adopted by the delegates as follows:

1. Southern Defenders will increase and enhance its programs to provide timeous and effective protection to HRDs targeted for persecution.
2. Southern Defenders will continue to expand the participation and inclusion of previously marginalized and vulnerable HRDs in its programs. Such groups include HRDs who are based in remote rural areas and small mining towns.
3. Southern Defenders will increase its efforts to amplify the voices of women HRDs as well as other previously

marginalized and vulnerable HRD groups including those defending the rights of persons with disabilities and children.

4. Southern Defenders will target State institutions with the aim to advocate for their transformation into effective and independent institutions that are capable of protecting human rights. Such institutions include, the judiciary, national human rights institutions, the security sector and national prosecution authorities.
5. Southern Defenders will increase its engagement with the regional and UN Human Rights protection mechanisms.
6. Southern Defenders will explore alternative sources of funding to complement existing sources of funding. In this regard, Southern Defenders will explore the opportunities of tapping into other kinds of philanthropy which includes non-monetary support.





2021 SOUTHERN AFRICA HUMAN RIGHTS DEFENDERS SUMMIT
MAPUTO, MOZAMBIQUE

DECEMBER 02 - 03, 2021



THE SUMMIT IN PICTURES



























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