

Call for conference papers

**International Hybrid Conference
The Africa We Want: Sexual and Gender
Minority rights in Africa,
Climate Change and Corruption**
32nd Christof Heyns African Human
Rights Moot Court Competition
Faculty of Law,
Kwame Nkrumah University
of Science and Technology
Kumasi, Ghana
3 - 9 September 2023



KNUST-Kumasi
GHANA
3 - 9 September 2023



Christof Heyns
AFRICAN HUMAN RIGHTS MOOT
COURT COMPETITION

32

CONCURSO AFRICANO DE JUL
GAMENTO SIMULADO DOS
DIREITOS HUMANOS

LE 32E CONCOURS AFRICAINE DE
PROCÈS SIMULÉ DES DROITS DE
L'HOMME



As part of the Christof Heyns African Human Rights Moot Court Competition, which takes place from 3 - 9 September 2023, at the Faculty of Law, Kwame Nkrumah University of Science and Technology, Kumasi, Ghana, a one-day International Human Rights Conference will also be held on 4 September 2023 under the theme "The Africa We Want: Sexual and Gender minority rights in Africa, Climate Change and Corruption".

The Conference will deal with the three main themes on which the hypothetical case for the 2023 Moot is based. These themes are (i) sexual and gender minority rights in Africa; (ii) environment and (iii) corruption. The working languages of the Conference are English, French, Portuguese, and Arabic, with simultaneous interpretation provided.

Interested authors are invited to submit papers on any of these topics (with a focus on aspects elaborated under each theme below). Abstracts must be submitted to yusuf.sayaad@up.ac.za; dean.law@knust.edu.gh, and registrar.law@knust.edu.gh by **19 April 2023**. (Please check the due dates and submission guidelines below.)

BACKGROUND AND AIM OF THE CONFERENCE

- **Sexual and gender minority rights in Africa**

In recent years, human rights advocacy to advance equality based on sexual orientation and gender identity has gained momentum in Africa. As a result, certain parts of the African legal landscape have seen some legislation accommodating



sexual and gender diversity being passed. Yet, the continent remains largely divided on the subject.

Some scholars have classified African countries into three broad categories when it comes to activism for sexual and gender minority rights.

The first group are those countries where legal protection and equality for sexual and gender minorities is established or burgeoning. These include South Africa, Mauritius, Namibia, Mozambique and Botswana. South Africa, for example, was the first in Africa and in the world to incorporate into its constitution a provision that prohibits discrimination based on sexual orientation. It has also legalized same-sex marriages in its Civil Union Act of 2006. Botswana, through case laws resulting from strategic litigation cases before the courts between 2016 and 2019, has also developed a jurisprudence accepting of sexual and gender diversity. In 2019, the *High Court of Botswana in Letseweletse Motshidiemang v. The Attorney-General (LEGABIBO)* decriminalized same-sex sexual acts. Mozambique also has a liberal legal environment for sexual minorities which does not no longer criminalize same-sex acts but does not actively protect such acts. While the legislative framework of countries in this category is progressive, the reality for the community on the ground is not always as progressive. Sexual and gender minorities in these countries continue to face threats to life, violence, abuse and many forms of discrimination in spite of the protection offered by law. For this reason, some scholars are of the view that decriminalizing same-sex activities is

only a first step as it does not guarantee the protection of rights. To a majority of the people in the countries in this category, simply decriminalizing consensual same-sex acts does not translate into legalizing or allowing such activities – a conundrum for academic and advocacy discourses.

The second category of countries is those with laws that explicitly prohibit consensual same-sex acts. Homophobic and transphobic sentiments are said to be more deeply rooted in these countries. Nigeria, Ghana, Kenya, Malawi, Senegal, Zimbabwe, Zambia and Uganda are some of the countries in this category. Uganda amended its constitution in 2005 to prohibit same-sex marriage. It was followed by the 2014 Anti-Homosexuality Act that punishes same-sex marriages with life imprisonment. After this Act was declared unconstitutional for lack of a quorum, Uganda in 2023 adopted another version of the Anti-Homosexuality Act. In 2014, Nigeria also enacted the Same-Sex Marriage (Prohibition) Act which criminalized same-sex activities and marriages punishable by a ten-year imprisonment. Ghana's current legal regime on sexual minorities is not liberal, having anti-sodomy provisions in its Criminal Offences Act of 1960 (Act 29) that prohibit some consensual same-sex activities. To cement its stance, the country in 2021 introduced the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill 2021 in Parliament, a bill which will criminalize all acts of non-conforming sexuality. Human rights advocates find the abusive trends in this second group of countries worrying and continue argue for the application of international human rights standards.



The third and final group of countries, such as Ethiopia and The Gambia, are those where advocacy and activism for sexual and gender minority rights is a non-starter partly due to strong religious, cultural and traditional conservatism. In The Gambia, there were reports of a state-sponsored and politically driven homophobic agenda under the Jammeh administration, where numerous arrests of sexual and gender minorities were made. Ethiopia's outlawing of consensual same-sex acts blocks all forms of advocacy and activism, which has led community members to resort to digital means of expression.

To many Africans, non-conforming expression of sexuality is 'un-African' and a Western agenda alien to African cultures. These perceptions have inhibited frank discussions in many African states on related topics, even among academics.

However, with the rising wave of advocacy for non-discrimination on the basis of sexual orientation and gender identity across the continent, there is an increasing need to issues affecting sexual minorities to be debated, researched, and discussed. The current state of the law, the interplay between the current laws and policies, politics, religion, and culture need to be deeply probed to carve out solutions that are contextual, while protecting minority rights.

- **Environmental protection: Taking urgent action to combat climate change and its impacts on human and plant lives**

The 13th Goal in the Sustainable Development Goals focuses on taking urgent action to combat climate change and its impacts. Research shows that the global

average temperature has increased by more than 1°C since pre-industrial times. Global temperatures have risen sharply to approximately 0.7 °C higher than the 1961-1990 baseline. Overall, the average temperature rise is in the range of 1 to 1.2 °C. According to the Intergovernmental Panel on Climate Change (IPCC), economic and population growth have largely driven the increase in anthropogenic greenhouse gas emissions since the pre-industrial era leading to unprecedented atmospheric concentrations of carbon dioxide, nitrous oxide and methane. A changing climate will result in extreme weather events, altered crop growth, sea-level rise, and disrupted water systems. Extreme weather events will, for instance, occasion droughts, storms, heatwaves and floods. Consequently, climate change negatively impacts human, animal and plant lives regarding their ecological, physical and health well-being.

The rise in sea levels threatens the island and coastal nations. An increase in ocean heat and acidification threatens

biodiversity and the marine ecosystem. Increasing glacial melting has serious implications for the supply of fresh water. Hundreds of billions of dollars have been lost, and normal lives disturbed by the climate crisis. The economic, social and cultural rights of many communities have been affected. Climate change has indeed become a real threat to human well-being and the health of the planet.

Climate change is making heatwaves more frequent and intense, with India and Spain currently recording temperatures over 40 degrees, 15 degrees above average. In sub-Saharan Africa cyclones and floods have destroyed livelihoods, damaged schools, hospitals, roads, and killed and displaced many people in Madagascar, Malawi, Mozambique, South Africa and Zimbabwe. Several African states must deal with serious threats to food security and debilitating droughts. Other regions of the world are likely to face the severe impacts of climate change, including south Asia, south and central America, island nations and the Arctic. The marginalized, poor and



vulnerable communities in these regions are disproportionately bearing the brunt of climate change as they do not have the requisite capacity to adapt and mitigate the effects of nature's vagaries.

It is, therefore, appropriate that goal number 13 of the SDGs calls for urgent action to combat climate change and its impacts. More significantly, the universally ratified 2015 Paris Agreement aims to strengthen the global response to the threat of climate change by keeping a global temperature rise of 1,5 degrees. The agreement also aims to strengthen the ability of countries to deal with the impacts of climate change through appropriate financial flows, a new technological framework and an enhanced capacity-building framework. The world needs concerted global action to save the

planet and humanity and secure the future. Scientists and climate justice activists have advocated and proposed several interventions, including the replacement of fossil fuels with renewable energy, reduction of greenhouse emissions, strengthening early warning systems, greater state commitments in addressing the climate crisis, more responsibility by business enterprises in the mining, motoring and manufacturing sectors in curbing gas emissions and adaptation strategies to deal with the impacts of climate change.

Challenges such as lack of accountability, funding, weak leadership, legal and institutional frameworks, and high levels of poverty and inequality must be addressed if the world is to successfully save the planet



and humanity. Saving lives, livelihoods, and the environment requires urgent action. The world must come together and face these challenges to overcome the deleterious climate change impacts. Wealthy nations must honour their commitments towards climate financing, and receiving nations must be accountable and transparent in how they use the grants and loans towards adaptation action. The IPCC's February 2022 report, titled Impacts, Adaptation and Vulnerability, analyses the impacts of climate change, addresses some of the challenges and proposes solutions. Further, the 27th session of the Conference of the Parties (COP 27) to the UNFCCC, which took place in Sharm El-Sheikh, Egypt, from 7-18 November 2022, made certain key decisions on climate change including establishing a fund to aid countries facing severe damage from climate change; progress on adaptation but not at the scale or speed necessary; climate finance reforms gaining traction; launching of important new Africa initiatives; and elevating nature-based solutions. -

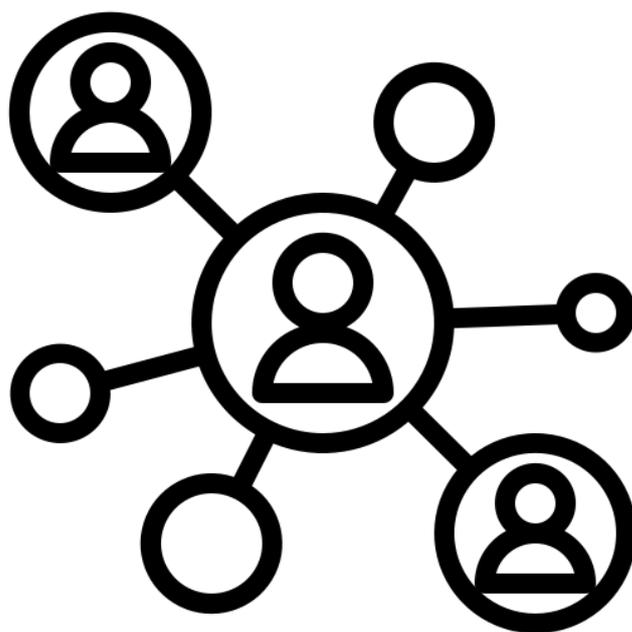
- **Corruption, including its impact on and relationship with human rights**

Corruption has been said to be endemic in Africa. The 2022 Corruption Perception Index (CPI) by Transparency International reveals that only 5 out of 54 African countries – Seychelles, Cape Verde, Botswana, Rwanda and Mauritius – score 50% and above on the CPI. The bottom 5 countries on the index are Burundi, Equatorial Guinea, Libya, South Sudan, and Somalia, scoring between 17% and 12%. A comparison with the 2021 CPI

shows countries like Ghana and Nigeria maintaining their scores from 2021, while South Africa and Egypt dropped by 1 and 3 points, respectively. Some countries like Botswana, Angola, Kenya, Mauritius, and Sudan recorded a rise of between 5 and 2 points.

Despite being very resource-rich, many African countries remain in huge debt due to corruption and mismanagement of public funds. The exposition, in late 2021, of gross embezzlement of state funds in DR Congo, for example, sent shockwaves across the country. Similar sentiments accompany reports on Africa's annual loss of billions of dollars to capital flight. In April 2021, the Pandora Papers exposed some former and current African Heads of State for secretly moving their wealth offshore. Later in October 2021, the Pandora Papers uncovered 137 wealthy and influential Nigerians for having used anonymous companies to acquire personal property worth over 350 million pounds in the United Kingdom alone. A similar discovery was made in respect of high government officials in Equatorial Guinea involving approximately 150 million Euros worth of assets held in France.

Many African countries have laws requiring the declaration of assets by public officials, with some even extending the requirement to spouses and family members of seekers or holders of public office. It has, however, been argued that despite the comprehensive legal regime on assets declaration, compliance and enforcement remain a major challenge. There are equally law enforcement agencies and institutions, such as the Office for the Fight against



Fraud and Corruption (OFNAC) in Senegal and the Office of the Special Prosecutor in Ghana. The above notwithstanding, the public confidence in the law and law enforcement agencies to hold public officials accountable remains low across the continent. It is noteworthy that South Africa is one of the very few African states to prosecute a former president entangled in a corruption scandal.

Corruption has often gone hand-in-hand with abuse of power and poor democratic governance. In recent years, presidential elections have sparked electoral justice cases in Ghana, Kenya, Nigeria, etc. While this development is an improvement from the past, where electoral disputes were resolved through violence and human rights abuses, there is reduced confidence in the judicial process due to corruption allegations. For example, the 2015 Anas Arimeyaw Anas' expose of corruption in the judiciary dealt a big blow to Ghana, leading to the suspension of 22 circuit court judges

and magistrates and the indictment of 12 High Court judges. Research is, therefore, required to, among others, determine the satisfaction or otherwise, of petitioners and interested persons, in the judicial process and how this is impacted by their perception of corruption.

Conversations around the intersection of corruption with human rights are diverse and require current research on topics including how to achieve transparency and accountability in Africa, whether African countries are committed to fighting corruption and whether governments across the continent have the political will towards that cause. Research is also required to evaluate the success or otherwise of government efforts at curbing corruption by means of institutions and laws. A critical examination of top-scoring countries on the Corruption Perception Index (CPI) is also necessary to draw lessons for Africa.

SUBMISSION GUIDELINES

The organisers invite abstracts from anyone interested in presenting a paper at the international hybrid conference. The aim is to publish the papers in a special volume of the KNUST Law Journal.

Abstracts should be a maximum of 300 words and should:

- a) Have a clear and descriptive title;
- b) Indicate the main question(s) to be addressed;
- c) Identify the proposed methodology;
- d) Set out the anticipated findings; and
- e) Present the recommendations.

In addition, the author(s) biographies should be sent along with the abstract.

The author(s) should also indicate whether the participation will be in person or virtually, and in case of in-person participation, what is the possibility of securing funding.

IMPORTANT DATES

The process consists of 3 main steps: Submitting an abstract, submitting a full paper and delivering a presentation.

- **Step 1:** Abstracts should reach the organisers by **19 April 2023**. Abstracts will be reviewed, and selected abstracts will be announced by 26 April 2023.
- **Step 2:** Submit full papers to the organisers by **31 July 2023**. PowerPoint presentation slides should be submitted to the organisers by **15 August 2023**.
- **Step 3:** Presentation of paper during the Conference on **4 September 2023**. Presentations may be delivered in person or virtually during the Conference. **Papers will be published in 2024 in a special volume of the KNUST Law Journal.**

