

Centre for Human Rights - Annual Report | **2008**

Peace & Security





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Bill of Rights

Rights

7. (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms democratic values of human dignity, equality and freedom.
- (2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.

INTRODUCTION

The Centre for Human Rights is both an academic department and a non-governmental organisation, and works towards human rights education in Africa, a greater awareness of human rights, the wide dissemination of publications on human rights in Africa, and the improvement of the rights of women, people living with HIV, indigenous peoples, sexual minorities and other disadvantaged or marginalised persons or groups across the continent.

The Centre was established in the Faculty of Law, University of Pretoria, in 1986, as part of domestic efforts against the apartheid system of the time. Members of the Centre participated in meetings with the liberation movements outside the borders of South Africa, organised conferences and participated in ef-

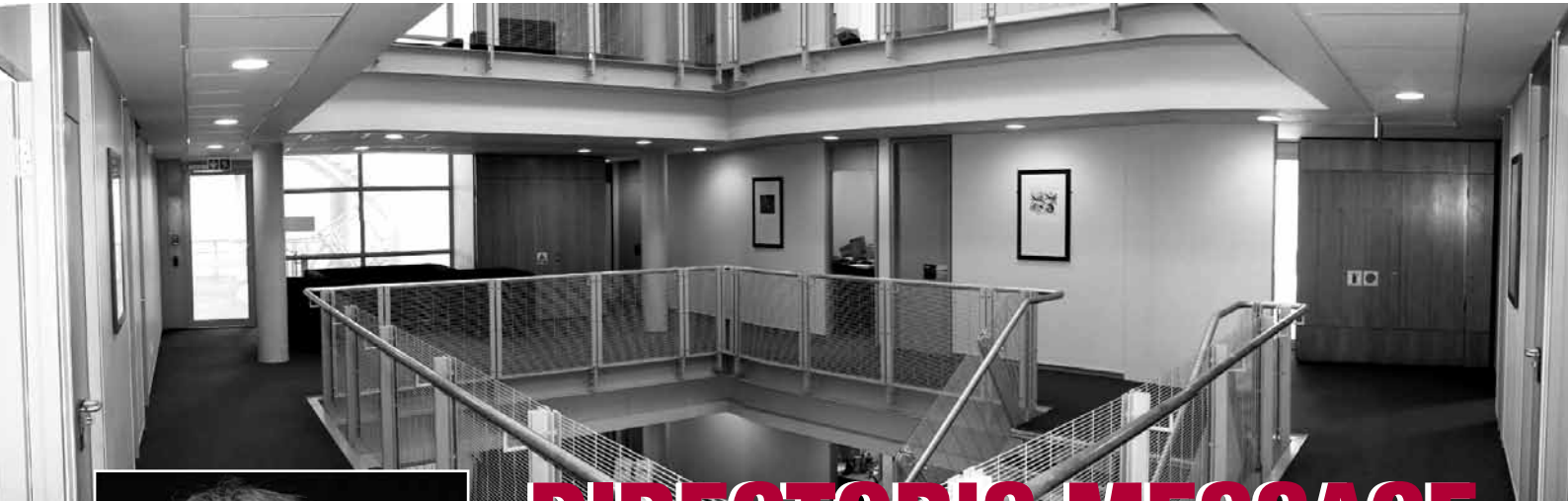


orts to promote human rights in South Africa, and, when the transition came, served as technical advisors to both the interim and final constitution writing processes.

The focus of the Centre has now broadened beyond the borders of South Africa. Over the years, it has positioned itself in an unmatched network of practising and academic lawyers, national and international civil servants and human rights practitioners across the entire continent, with a specific focus on human rights law in Africa, and international development law in general.

Today, a wide network of Centre alumni contribute in numerous ways to the advancement and strengthening of human rights and democracy all over the Africa continent, and even further afield.

In 2006, the Centre for Human Rights was awarded the UNESCO Prize for Human Rights Education, with particular recognition for the African Human Rights Moot Court Competition and the LLM in Human Rights and Democratisation in Africa.



DIRECTOR'S MESSAGE



both formal academic programmes, on the one hand, and research, advocacy and less formal human rights teaching and training, on the other.

In 2008, the Centre continued with the Master's in Human Rights and Democratisation in Africa, again preparing 30 of Africa's most talented young lawyers to make a difference within the sphere of international human rights law in Africa. An innovation introduced in 2008 was the LLM Partner's Conference, held just before graduation on 10 December. Academics from participating faculties and LLM students presented work-in-progress and summaries of their dissertations, respectively, at an event aimed at stimulating further reflection among partners about the content and methodology of themes covered in the Master's programme.

The Centre further continued to cultivate continuous and constructive discussions among registered doctoral students on topics in human rights in Africa.

Since its formal recognition as an academic department in the Faculty of Law, the Centre for Human Rights has been able to invest its efforts in

Coinciding with the University of Pretoria's centenary celebrations during 2008, the African Human Rights Moot Court Competition was hosted at the Faculty of Law. With a record number of participants, the Moot Court Competition in 2008 became a fully fledged trilingual event with the addition of Lusophone teams in the preliminary and final rounds.

As has become an established tradition, numerous participants passed through the Centre's Good Governance Programme.

In line with the objective to strengthen research, particularly across 'academic disciplines', the Centre embarked on socio-legal research on the xenophobic violence and its aftermath, and continued working with the Centre for the Study of AIDS on the various activities of the AIDS and Human Rights Research Unit. Two highlights included the Unit's crucial role in the drafting of the Model Law of HIV in Southern Africa, which the SADC Parliamentary Forum adopted in November, and the adoption of a resolution on access to medicines by the African Commission on Human and Peoples' Rights, based on a proposal prepared by the Unit.

The Gender Unit also continued conducting important research and was awarded a competitive research assignment issued by the Geneva Institute for Human Rights and Humanitarian Law.



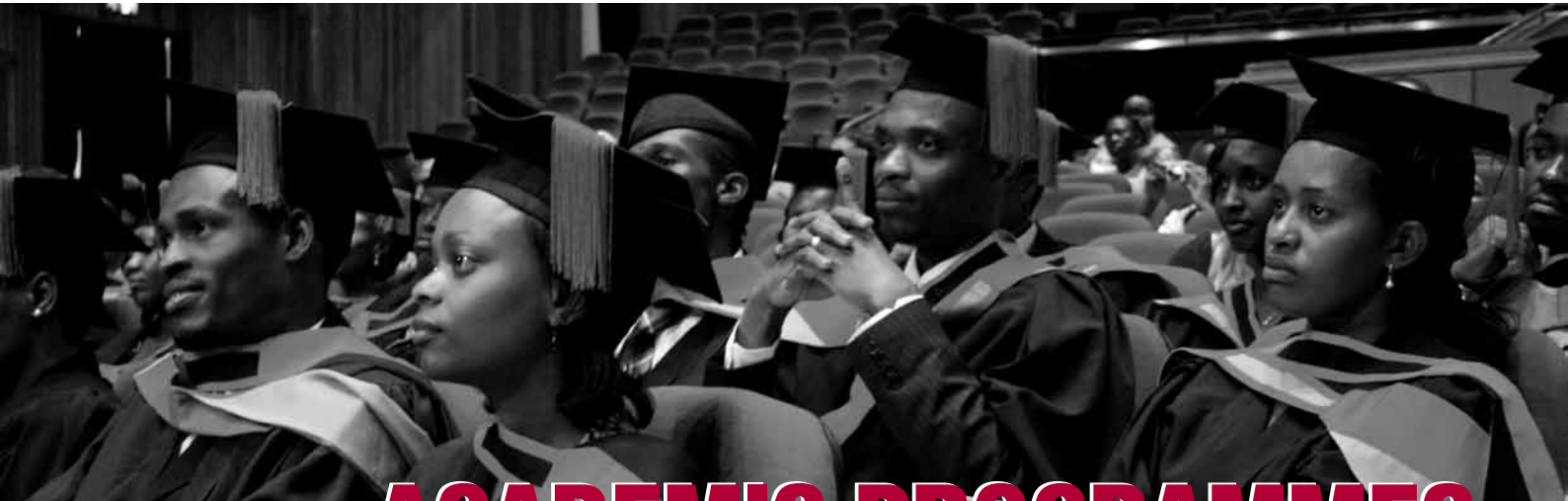
Through these activities, the Centre played its part in enhancing teaching, training and research on human rights in Africa. To this should be added the dissemination of research and documentation through the Centre's well-established regular publications, and through the texts published by PULP, located within the Centre.

Ultimately, however, the Centre is not about activities and programmes, but about people. Its projects and aims are premised on the notion that human agency matters, and that progressive change in Africa will result from the actions of committed and well-informed individuals and groups. The Centre is only able to make its contribution because the people of the Centre are unfailingly committed and prepared to devote their enormous energy and various talents to ensure the realisation of the Centre's objectives.

It is my pleasure to acknowledge and thank all the Centre staff, all our partners and our supporters (especially the donors!) for their contributions to the Centre's activities in 2008.

Prof Frans Viljoen
Director: Centre for Human Rights, University of Pretoria





ACADEMIC PROGRAMMES

LLD (Human Rights)

In 2008, a total number of 23 students were registered for the LLD (Human Rights) in the Centre for Human Rights, under the supervision of Professors Christof Heyns, Frans Viljoen and Michelo Hansungule.

Candidates registered for the LLD degree:

- **Abdallah, Amir**
Strengthening the right to a fair trial in Sudan: A human rights perspective
- **Acirokop, Patricia**
Protection of children in armed conflict with specific reference to the African child
- **Antwi, Kweku**
The practical implementation of the National Housing Policy in South Africa
- **Cronje, Pieter**
The development of a model for the implantation of human rights programmes for police officials in developing countries
- **Chiweshe, FG**
The implementation of economic, social and cultural rights. The nature of the obligations – a case for justiciability
- **Djoyou Kamga, Serges**
Is the right to development a human right in international law? A critique from an African perspective
- **Eba, Patrick**
A human rights analysis of aspects of public health legislations pertaining to HIV in sub-Saharan Africa
- **Ebobrah, Solomon**
The human rights aspects of sub-regional inter-governmental institutions in Africa: a case study of ECOWAS
- **Kaguongo, Waruguru**
The realisation of economic and social rights in Africa with special reference to national budgets
- **Killander, Magnus**
The role of the African Peer Review Mechanism in inducing compliance with human rights
- **Lim, Hye-Young**
Forgotten victims: Protecting children made vulnerable by HIV/AIDS from a human rights perspective
- **Mooki, Mmatsi**
Access to legal abortion in SADC from a reproductive health right perspective: a need for legal and institutional reform



- **Mukundi, George**
Vindicating indigenous peoples' land rights in Kenya
- **Munene, Anthony**
Legal and policy obstacles to realisation of the right to development in Kenya
- **Mutangi, Tarisai**
A critical examination of compliance with judgments of the African Court on Human and Peoples' Rights: Prospects and challenges
- **Nassali, Maria**
NGOs and governance in East and Southern Africa: Strengthening the human rights movement from within
- **Nkhata, Mwiza**
Constitutionalism and good governance in Africa: (Re) discovering the relevance and viability of social trust-based governance in Malawi
- **Nsibirwa, Martin**
The international obligations of African states to realise women's rights to political participation and decision-making: Normative elaboration or improved implementation required?
- **Ozoemena, Rita**
The transformative role of African human rights systems in achieving sustainable development in the Niger Delta
- **Ramaroson, Mianko**
Towards a shared responsibility for HIV and AIDS in the workplace: a human rights analysis of the law in Botswana, Madagascar and South Africa
- **Rukare, Donald**
The role of development assistance in the protection and promotion of human rights in Uganda
- **Shumba, Gabriel**
Towards an impunity-free world: Universal jurisdiction and the duty to prosecute for gross human rights violations in Africa, with particular reference to Burundi, Sierra Leone and Zimbabwe
- **Uliem, Titi**
An analysis of the responses to trafficking in persons in Africa
- **Van der Linde, Morne**
A critical evaluation of the realisation of the right to a healthy environment and other environmental concerns at a regional level in Africa

In 2008, one candidate, Mr George Mukundi Wachira, completed his studies and graduated on 10 December. The topic of his thesis is "Vindicating indigenous peoples' land rights in Kenya".

Five candidates passed preliminary oral examinations during 2008.



LLM (Master of Laws)(Human Rights and Democratisation in Africa)

In 2008, the Centre for Human Rights admitted 32 students on the LLM programme. All of these students graduated on 10 December.

The students were drawn from 19 African countries and one came from the United States of America. As usual, the selection of students took into consideration various factors including academic performance, experience (in the fields of human rights and democracy), geographical and gender representation. 2008 marked the first year in which all students covered their travel expenses to South Africa. In the past the Centre for Human Rights bought and maintained computers for the whole class, but this practice has been discontinued in an effort to save expenses. The students are expected to supply their own laptops. This and other efforts will help to ensure sustainability of the programme and ownership on the part of the students.

The students spent the first semester in Pretoria for the period January to July 2008. Traditionally the first semester is one of the busiest periods for the students. They attend lectures and undertake study visits within and outside South Africa. Students studied six modules and each student was also required to study French, advanced English or Portuguese. Lecturers who taught on the programme included experts in the fields of human rights and democratisation.

Students undertook a study visit to the Constitutional Court of South Africa. They attended one of the cases that attracted massive public interest in South Africa - *Zuma v National Director of Public Prosecutions*. Each student was required to write a 'shadow' judgment which formed part of their assessment.

The students were divided into three groups and undertook visits to Rwanda, Somaliland and Sierra Leone. The group that visited Rwanda was exposed to the 1994 genocide, its causes and efforts to redress what happened in that country. The group that visited Somaliland studied the concept of a failed state, secession, state creation and genocide. While in Somaliland, the students learnt about the democratisation challenges faced by countries in the Horn of Africa. In Sierra Leone, the students who visited that country were exposed to the causes and effects of the civil war that devastated Sierra Leone. The students also attended trials at the Special Court for Sierra Leone.

For the first time since the inception of the LLM programme in 2000, the dissertation exercise was held at the University of Pretoria. This was also part of the efforts to reduce costs related to presenting the programme. All the students took part in this exercise. Academics and tutors were involved in giving guidance to the students.



During the second semester, the students were divided into small groups of between 2 to 6 students and a group was sent to each of the partner universities – Addis Ababa University (Ethiopia), American University in Cairo (Egypt), Catholic University of Central Africa (Cameroon), Universidade Eduardo Mondlane (Mozambique), University of Ghana (Ghana), Makerere University (Uganda), University of Mauritius (Mauritius) and the University of the Western Cape (South Africa). In 2008, the University of Mauritius participated for the first time as a partner faculty.

While at the partner universities, the students continued with their academic work, including writing their dissertations, attending human rights courses and attending language classes. Some of the students had an opportunity to work with human rights organisations. The students all returned to Pretoria to graduate on Wednesday 10 December – International Human Rights Day. Prior to graduation, students and lecturers from partner faculties participated in a two-day conference on human rights topics of concern, including human rights education. The guest speaker at the graduation ceremony was Dr Vera Chirwa, who is a former Commissioner at the African Commission on Human and Peoples' Rights. Dr Chirwa is also a well-known human rights activist in Malawi.





LLM (Master of Laws) (International Trade and Investment in Africa)

Established in 2003, this one-year, full-time prestigious course on international trade and investment focuses specifically on the interests of Africa in the context of globalization.

The programme is offered in partnership with the University of the Western Cape (UWC), the University of Amsterdam in the Netherlands and the Washington College of Law, American University in Washington DC., USA.

In 2006, over 180 applications from 20 African countries, as well as China and Pakistan were received and 22 students from 10 African countries and 1 from Europe were admitted in July 2007 to this full-time Master's programme. These students subsequently graduated in September 2008.

During 2007, over 150 applications from 19 African countries were received for the July 2008 intake to the University of the Western Cape in Cape Town. Fourteen students were admitted to the programme and spent the first semester at the University of the Western Cape. Due to funding constraints, none of the

students was able to spend the second semester at our overseas partners, and will be completing the research for their dissertations also under the supervision of the University of the Western Cape.

Internships are also arranged on a competitive basis after graduation. Students have participated in internship programmes with various institutions such as country trade missions in either Geneva or Brussels, organisations such as UNDP, the International Trade Centre for Southern Africa (TRALAC), as well as the South Centre in Geneva, SAIIA (South African Institute of International Affairs), the Trade Policy Centre at the University of Pretoria, ARIPO in Harare, Ministry of Trade and Industry in Uganda, OHADA in Cameroon, SAMRO in Pretoria, the US Commercial Consulate in Cape Town and Webber Wentzel and Bowns in Cape Town.

Of the 2008 group, one student will first join SAIIA and later the ECDPM in Maastricht until December.



HUMAN RIGHTS EDUCATION

Seventeenth African Human Rights Moot Court Competition

In 2008, the 17th African Human Rights Moot Court Competition was hosted by the University of Pretoria in South Africa from 30 June to 5 July. As always, Norman Taku, the Centre's Assistant Director, initiated and coordinated the event.

In total 224 participants from 71 universities representing 28 African countries took part in the Moot in South Africa. There were 7 universities which took part in the Moot for the first time. The overall language representation was 62% English, 28% French and 10% Lusophone. In view of the fact that there were 7 Lusophone universities, the rules of the competition allow for a Lusophone team to take part in the final round. Gender participation amongst students was 51% female, 49% male and amongst lecturers 26% female and 74% male.

The Moot 2008 hypothetical case to be argued or Moot problem's overarching theme investigated the right not to be poor.

The Competition starts with preliminary rounds at the beginning of the week. Each team argues the case twice for the person who complains that his rights have been violated, and twice

for the State that stands accused of committing the violations. These preliminary rounds were held separately in English, French and Portuguese, judged by human rights professors from the different universities.

A seminar was also held during the Moot and covered the theme "human rights education in Africa". The lecturers addressed ways in which they could improve the delivery of human rights education whilst invited lecturers led an in-depth reflection on the theme of the hypothetical case "the right not to be poor".

After two full days of preliminary rounds, the best three English-speaking, the best two French-speaking and the best Portuguese-speaking teams advanced to the final round in which they were paired to form two new combined teams arguing for the applicant or respondent: two Anglophone and one Lusophone team on one side and two Francophone and one Anglophone team on the other side. However, no more than one team per country may advance to the final round in a particular language group.



This year the following teams were finalists:

- **University of Pretoria, South Africa**
(Anglophone)
Applicant
- **University of Ghana**
(Anglophone)
Applicant
- **Universidade Eduardo Mondlane de Moçambique**
(Lusophone)
Applicant
- **Université Gaston Berger de Saint-Louis, Sénégal**
(Francophone)
Respondent
- **Université Mohammed Premier, Oujda, Maroc**
(Francophone)
Respondent
- **University of Lagos, Nigeria**
(Anglophone)
Respondent

The winning team was the combined applicant team from the University of Pretoria, the University of Ghana and the Universidade Eduardo Mondlane de Moçambique, arguing for the applicant.

Visit the African Human Rights Moot Court Competition website:
www.chr.up.ac.za/moot





Fifth African Trade Moot Competition

The Fifth Annual African Trade Moot competition was presented in Pretoria with universities from all over Africa participating. The competition is a unique opportunity for students from African countries to engage in English in topical trade issues related to international trade law as argued before the WTO Trade Dispute Settlement Body.

Students and faculty representatives representing 8 law faculties from 8 countries across Africa, assembled in Pretoria, South Africa, for the Competition which was organised by the Centre for Human Rights.



Although not a human rights course, it is premised on the belief that the African human rights system cannot function properly and socio-economic rights cannot be realised in the absence of a strong economic base.





Good Governance Programme

The Good Governance Programme (GGP) consists of a series of advanced short courses aimed at senior government officials, legal practitioners, managers and staff of human rights institutions, NGOs, intergovernmental organisations, academics and other interested parties, with participants from South Africa, Africa and the rest of the world.

Courses presented during 2008 included:

- **International Law**
Presented during January
- **Socio-economic Rights**
Presented during March
- **Human Rights in Africa**
Presented during May
- **Human Rights and Access to Medicines**
Presented during May
- **Good Governance General Course**
Presented during July

- **The Management of Human Rights Institutions**
Presented during September
- **International Humanitarian Law**
Presented during November
- **Development and Human Rights**
Presented during December

Lecturers and experts from around the world teach on the programme.

During 2008, close to 320 participants attended courses presented by the GGP. Although participants were mainly from Africa, a number of participants came from Europe.

Visit the Good Governance Programme website:
www.ggp.up.ac.za



RESEARCH & ADVOCACY

Gender Unit

The Gender Unit continues to work towards strengthening the promotion and protection of women's rights in Africa through research and advocacy, with particular emphasis on implementation of international and regional women's rights instruments.

With generous support from the May & Stanley Smith Charitable Trust in 2008, the Gender Unit undertook a desk review of legislation on violence against women in six Southern African countries: Lesotho, Malawi, Namibia, South Africa, Zambia, and Tanzania. The findings of the review will be disseminated in an advocacy tool to be published in early 2009. It is envisioned that the tool will assist civil society organisations and key policy makers in the region to implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Women's Protocol).

The Unit continued its support to the Special Rapporteur on the Rights of Women in Africa. In fulfilment of the practical component of their studies, students from the Master's Programme in Human Rights and Democratisation in Africa worked with the Gender Unit to provide the Special Rapporteur with research on pertinent women's rights issues. They also met with her in

Swaziland during the 43rd session of the African Commission on Human and Peoples' Rights where the ongoing support of the Gender Unit to the Special Rapporteur's mandate was expressed and new priorities for research were identified.

The Gender Unit was represented at national, regional and international meetings on women's rights in 2008. In March, Karen Stefiszyn, of the Gender Unit, was a panellist for a discussion on the theme 'investing in women' for an International Women's Day celebration at the United Nations office in Pretoria.

Representing the Gender Unit, as an invited expert to an expert's group meeting on good practices on violence against women legislation organised by the United Nations Division for the Advancement of Women in Vienna, Austria in May, Ms Stefiszyn presented a paper on recent developments in sexual offences law reform in Southern Africa.

Ongoing networking and information sharing took place at a meeting hosted by UNIFEM in November in Johannesburg, in which the Unit participated, to discuss implementation of CEDAW and the Women's Protocol.



The Gender Unit also provided input and expertise at the sixth annual African Development Forum in Addis Ababa, Ethiopia in November hosted by the Economic Commission for Africa and the African Union Commission. The theme of this year's forum was gender equality and women's empowerment. Karen Stefiszyn of the Unit facilitated a session on trafficking in women and girls.

Two grants for research were awarded to the Gender Unit in 2008. The Centre for the Study of AIDS, at the University of Pretoria has awarded funds to the Unit to undertake a study on male circumcision and HIV prevention behaviour. The study aims to interrogate recent policy initiatives concerning male circumcision as a prevention tool for HIV infection from a human rights and gender perspective.

The Unit is investigating whether the general public is aware of recent research suggesting reduced risk of HIV, and how the government is packaging and disseminating this information and whether the information is being transferred into a clear understanding and if this will affect a change in sexual behaviour.





The research is looking at the perceptions that surround male circumcision and whether there are external factors that affect the knowledge base such as custom and policy.

The research is also looking at the perceptions that surround male circumcision and whether there are external factors that affect the knowledge base such as custom and policy. The project has brought together both the legal and social sciences in a qualitative and quantitative study that will look at the issues from a number of different aspects.

The study began with a literature survey where all current research was collected and compiled into a comprehensive collection on the current research and the theories.



The second stage involved an open-ended questionnaire posed to several cross-sections of the community, prepared by the Department of Sociology at the University of Pretoria. The community sources include a group from the Hammanskraal Community, the University of Pretoria students, professional health care providers and the gay community.

This study breaks new ground in a multidisciplinary approach combining both law and the social sciences to provide a broader insight.

The other research grant is from the Geneva Academy for International Humanitarian Law and Human Rights for a study on the reproductive health rights of women living with HIV. The study will be completed in May 2009 and will focus on Malawi and Botswana through field research. The research is intended to build on the recently launched 'Agenda for Human Rights,' an initiative by the Government of Switzerland to commemorate the 60th anniversary of the Universal Declaration of Human Rights.



AIDS and Human Rights Research Unit

The AIDS and Human Rights Research Unit (AHRRU) is a joint initiative of the Centre for Human Rights and the Centre for the Study of AIDS at the University of Pretoria. AHRRU is a leading research and advocacy institution working on the realisation of a human rights-based response to HIV in Africa. AHRRU is implementing several research, advocacy and policy projects in several sub-Saharan African countries in collaboration with civil society organisations, government officials, parliamentarians, national human rights institutions and organisations of people living with HIV. In 2008, Patrick Eba acted as the head of the Unit.

In March 2008, AHRRU in collaboration with UNDP's HIV and AIDS Team of UNDP's Regional Service Centre for Eastern and Southern Africa, launched a website on supporting the response to the HIV epidemic in Eastern and Southern Africa through the international human rights framework. The website was designed to offer easy access to a series of advocacy tools that can be used by parliamentarians, government officials, members of the judiciary, lawyers, civil society organisations, people living with HIV, and all interested institutions and individuals to promote

and implement a human rights approach to the response to HIV. The advocacy tools provided on the website are:

- A Guide to an effective human rights response to the HIV epidemic;
- A Checklist of human rights obligations to effectively address HIV in Eastern and Southern Africa;
- A Powerpoint cum Flip Chart presentation; and
- A Compendium and CD-Rom of key documents relating to human rights and the HIV epidemic in Eastern and Southern Africa

To access the advocacy tools, visit
<http://www.chr.up.ac.za/undp>

During 2008, AHRRU provided technical expertise to the SADC Parliamentary Forum (SADC PF) for the development of a Model Legislation on HIV in Southern Africa. In collaboration with SADC PF, AHRRU organised or contributed to several consultations (in Malawi, Tanzania, Mozambique, South Africa and Mexico) with relevant regional and global stakeholders including HIV experts, organisations of people living with HIV, legal drafters, members of law reform commissions and human rights activists.



On 24 November 2008, the 24th Plenary Assembly of SADC PF adopted the Model Law on HIV in Southern Africa in Arusha, Tanzania. The Model Law is expected to serve as a yardstick and inspirational document for national parliaments to guide their legislative framework on HIV. It is also likely to be used by civil society activists and people living with HIV as a powerful tool to advocate the respect of human rights in the response to AIDS.

For a copy of the Model Law on HIV Southern Africa, visit http://www.chr.up.ac.za/centre_projects/ahrru

In the course of the year, AHRRU has been involved in major legal and policy initiatives to address coercive HIV-specific laws in Africa. In March 2008, AHRRU provided technical assistance to the organisation of a workshop on 'Human rights and gender in HIV-related legal frameworks in West and Central Africa' held in Dakar, Senegal. AHRRU also provided technical support to UNAIDS' West and Central African Regional Support Team on HIV-related legal frameworks in several countries including Senegal, Togo, the DRC, Guinea and The Gambia. In Southern Africa, AHRRU provided comments to the draft HIV law of Mozambique.

In partnership with the Programme on Information Justice and Intellectual Property and the International Human Rights Clinic of the Washington College of Law (American University in Washington DC., USA), AHRRU implemented a clinical

advocacy project on access to medicines in Africa. The clinical advocacy project was composed of two students from the Centre for Human Rights' LLM Programme in Human Rights and Democratisation in Africa and two students from the International Human Rights Clinic of the Washington College of Law. The project conducted a survey of NGOs dealing with access to medicines in Africa with the aim of identifying key challenges and concerns related to access to medicines in Africa. The project also prepared a draft Resolution on Access to Medicines in Africa with a supporting memorandum.

The Resolution on Access to Medicines in Africa was adopted on 9 November 2008 by the NGO Forum preceding the 44th Ordinary Session of the African Commission on Human and Peoples' Rights in Abuja, Nigeria. On 11 November 2008, the project made a Statement to the African Commission on Human and Peoples' Rights on access to medicines in support of the recognition of access to medicines as a fundamental element of the right to health within the scope of article 16 of the African Charter on Human and Peoples' Rights. The project also provided comments to the draft guidelines on economic social and cultural rights of the Working Group on Economic, Social and Cultural Rights of the African Commission.

For a copy of the Resolution on Access to Medicines in Africa and the Statement to the African Commission, visit http://www.chr.up.ac.za/centre_projects/ahrru



AHRRU launched a project on strengthening the capacities of national human rights institutions in Eastern and Southern Africa on HIV and human rights, whereby technical, human resources and financial support is given to a select number of these institutions on HIV-related human rights issues. The project started its pilot phase in Zambia and Rwanda in 2008. The specific activities of the project including research, training and investigation on HIV-related human rights issues will start in January 2009.

On 14 July 2008, AHRRU in collaboration with SADC PF and the AIDS and Rights Alliance for Southern Africa (ARASA) organised a civil society consultation on the Draft Model Law on HIV in Southern Africa. The meeting brought together people living with HIV, human rights activists and members of law reform commissions from several Southern African countries. The meeting provided an opportunity to civil society actors from the region to provide comments to the Draft Model Law on HIV. The participants to the meeting adopted a Statement on HIV-related legislation in Southern Africa.

For a copy of the Civil Society Statement on HIV-related legislation in Southern Africa, visit

http://www.chr.up.ac.za/centre_projects/ahrru

On 6 August 2008, AHRRU and SADC PF organised a Satellite Session at the XVII International Conference on AIDS in Mexico City on 'Using the law to shape the response to HIV: The relevance of the SADC PF Model Law on HIV'.

The objective of the satellite session was to create awareness about the Draft SADC PF Model Law on HIV at the global level. The session provided an opportunity for discussion of the Model Law in order to obtain feedback that could help strengthen the final Model Law.

In collaboration with UNAIDS, UNIFEM, UNDP and the World Bank, AHRRU and the Gender Project of the Centre for Human Rights organised on 26-28 November 2008, a regional workshop on mainstreaming gender and human rights into national HIV-related frameworks and programmes in Southern Africa. The workshop brought together gender and human rights experts, government and National AIDS Council officials from South Africa, Malawi, Zimbabwe, Tanzania, Mozambique, Swaziland, Namibia, Botswana and Zambia.



Indigenous Peoples' Rights Project

This project on the promotion of indigenous and tribal peoples' rights, a collaboration with the African Commission on Human and Peoples' Rights and the International Labour Organization (ILO), has been running since April 2006.

The Centre acts as the implementing agency. The objective of the research is to provide easily understandable and accessible information and analysis of the current level of protection of the rights of indigenous populations in a number of African countries as well as an analysis of the needs for further protection.

Work has begun on the compilation of country documents for the database. Currently the focus is on putting together legislation and policy documents for each of the countries. The intention is to have them accessible through a page on the Centre's website, <http://www.chr.up.ac.za/indigenous>

New Partnership for Africa's Development Book Project

With financial support of the German Technical Corporation (GTZ), Dr Rukato, a CEO at the New Partnership for Africa's Development (NEPAD), was assigned the responsibility of writing a comprehensive monograph on NEPAD.

Dr Rukato is based at the Centre. In December 2008, a conference was organised at which numerous high profile role players in NEPAD presented papers. These papers will contribute to the finalisation of the book, which will be published in 2009.



Strengthening Democracy: Addressing Xenophobia

Since May 2008, the Centre for Human Rights has been engaged in the Strengthening Democracy Project, which focuses on researching the extent, solutions to, and possible causes of xenophobia and xenophobic violence in South Africa.

This was achieved by conducting qualitative research in Pretoria, especially in the areas where xenophobic violence has been widely reported. Such areas include Mamelodi, Atteridgeville, Soshanguve and Ga-rankuwa. Besides these ‘hot-spots,’ the research also takes into account people of foreign origin who were directly affected by the xenophobic violence of May 2008. Consequently, interviews have been conducted among people who stayed in Acacia camp, one of the temporary refugee shelters in Pretoria. In order to ensure that our data is representative of the diverse class and racial brackets of South African society, respondents have also been selected on the main campus of Pretoria University.

At the onset of the project, detailed desktop research was conducted in order to unravel the information available on xenophobia in South Africa and beyond. Furthermore, the desktop study unravelled the different organisations in the country that have undertaken research studies on xenophobia, as well as their research findings.

A research proposal was drafted and submitted to the Faculty ethics committee, which approved the draft and permission to conduct the research was granted. The research process required the researchers to travel to some of the temporary refugee shelters around Pretoria. These trips were an opportunity to observe the living conditions of non-South Africans in the camps, and to openly speak with some of the people who spent their time there.

The research process also requires the researchers to attend conferences and meetings organised by Civil Society Organisations (CSO’s). In 2008, the researchers have attended:

- 1) The South African Institute for Advanced Constitutional, Public Human Rights & International Law (SAIFAC): “Immigration, Human Rights and Xenophobia: Global Challenges and the South African Dimension” held on 11 July 2008
- 2) Human Rights Institute of South Africa (HURISA): Coalition for xenophobia. 28 July 2008.
- 3) UNHCR: Klerksdorp Refugee camp meeting. 26 August 2007.
- 4) The International Education Association of South Africa (IEASA): Xenophobia Workshop, 27 August 2008.

The research will be collated and will be made available as a comprehensive report.



International Law in Domestic Courts (ILDC)

International Law in Domestic Courts (ILDC) is an online service launched in January 2007 bringing together annotated case law on the application and reception of international law by domestic courts across the world. ILDC is published by Oxford University Press (OUP). From July 2008 ILDC forms part of the Oxford Reports on International Law (ORIL) which includes modules on International Courts of General Jurisdiction, International Criminal Law, International Human Rights Law and International Investment Claims.

When a judgment has been approved by the editors as being relevant for ILDC, a reporter completes a headnote template which includes facts, the essential findings and a brief analysis of the case. Relevant parts of judgments in other languages than English are translated. ILDC currently includes cases from 60 states of which 13 are from Africa. 42 cases from African countries have been published on the ILDC online service. Another 44 cases are currently being worked on by a network of reporters across the continent. Many of these reporters are graduates of the LLM Programme in Human Rights and Democratisation in Africa, illustrating the synergies between different projects of the

Centre for Human Rights. A training course for reporters was held in connection with the African Moot Court Competition in Pretoria in July.

ILDC contributions are edited by a global network of scholars coordinated by the Amsterdam Center for International Law at the University of Amsterdam with Professor André Nollkaemper and Professor Erika de Wet as editors-in-chief and Edda Kristjansdottir as managing editor. Professor Christof Heyns, Dean of the Faculty of Law of the University of Pretoria, and former Director of the Centre for Human Rights is a member of the editorial board. Magnus Killander, a researcher in the Centre for Human Rights, is ILDC associate editor responsible for coordinating reporting from African countries assisted by two coordinators for East and West Africa, respectively.

ILDC is a subscription service but is offered free to African institutions and one of the aims of the ILDC Africa project is to inform relevant institutions about this resource so that the cases in it can be used in litigation and research. Another aim of the project is to make available the often ignored case law from African countries to the rest of the world.



Seminars and Meetings Hosted / Organised

10-12 March, Pretoria, South Africa

International Conference on Minority and Minority Rights was co-hosted by the Centre and the Minority Rights Group (MRG). There were around 40 participants from various regions of Africa.

18 March, Pretoria, South Africa

A discussion forum, 'The state of human rights in South Africa' was hosted, to commemorate human rights day. Students and staff attended the forum which was panelled by Professor John Dugard, Professor Kader Asmal and Mr Andile Mngxitama, who is involved with the Landless Peoples' Movement.

16-18 October, Antwerp, Belgium

Centre staff attended a Conference on the Localisation of Human Rights, and also hosted a mini-workshop at the conference on Human Rights and Health. The theme of the workshop was to explore the inter-face between human rights and health in the context of HIV and AIDS.

21 October, Pretoria, South Africa

The Centre, together with the Office of the United Nations High Commissioner for Human Rights and the International Finance Corporation of the World Bank, hosted a seminar on Stabilization Clauses and Human Rights (Business and Human Rights).

26-28 November, Johannesburg, South Africa

Together with UNAIDS South Africa, the Centre helped organise a regional workshop on Gender, Human Rights and HIV in Southern Africa. The workshop explored the gender and human rights dimensions in the context of HIV and AIDS. It aimed to mainstream gender and human rights in the national response to the HIV epidemic in nine southern African states. Approximately, 55 people participated in the workshop.

8-9 December, Pretoria, South Africa

A conference was hosted at which LLM students could disseminate their dissertation research, and lecturers from participating faculties could present their work. The conference focused on socio-economic rights and its role in poverty eradication, and on methodologies of human rights education.

13-14 December, Pretoria, South Africa

A three-year project aimed at strengthening collaborative constitutional research between scholars in Brazil, India and South Africa (BISA), culminated in a two-day conference.

15-16 December, Pretoria, South Africa

Conference on NEPAD, organised by Dr Rukato, to assist her in the writing of a monograph on NEPAD. The conference was sponsored by GTZ.



PUBLICATIONS

Pretoria University Law Press (PULP)

Pretoria University Law Press (PULP) was established to publish high quality legal texts. During 2008 the following texts were published:

- Sascha-Dominik Bachmann *Civil responsibility for gross human rights violations: The need for a global instrument*
- Francisca Pretorius, Avani Singh, Jonathan Swanepoel, Johann Spies, Gus Waschefort (eds) *Pretoria Student Law Review 2007-1*
- *Recueil Africain des Décisions des Droits Humains (2001)* (French Law Reports)
- AIDS and Human Rights Research Unit *Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa*
- *African Human Rights Law Reports 2006*
- Portuguese translation of the *Compendium of Key Human Rights Documents of the African Union*
- Richard Krever *VAT in Africa*
- Stu Woolman & Michael Bishop (eds) *Constitutional Conversations*
- *African Human Rights Law Reports 2007*
- Child Law Centre *Justice for Child Victims and Witnesses*

In June, PULP attended the Cape Town Book Fair, a marketing platform for all of PULP's publications and a networking opportunity.

PULP also joined the Publisher's Association of South Africa (PASA). Ordinary Membership is available to South African Publishers who satisfy the eligibility and admission requirements of the Association and who are deemed acceptable to the General Council of PASA.

PULP currently has 14 books in various stages of production which will be released early in 2009, amongst which: *Constitution in the Classroom*; *Constitutional Court Review* (a journal); *Botswana Law Review* and other titles.

Lizette Besaans manages PULP and Danie Brand is the Editorial Manager.

Visit the PULP website: www.pulp.up.ac.za



African Human Rights Law Journal

African Human Rights Law Journal, edited by Frans Viljoen, Christof Heyns and Tshepo Madlingozi, in 2008 again published two issues containing constitutions on human rights and democratisation of interest to Africa and African scholars. Annelize Nienaber acts as assistant editor. A number of student editors also assist with the preparation of the Journal. In 2008, they were Waruguru Kaguongo, Magnus Killander, Martin Nsibirwa and Titi Uliem.

During 2008, two issues were published. The second issue had a special focus on “The foundations and future of law, religion and human rights in Africa” and contained papers delivered at a Durban conference on “Law, religion and human rights in Africa”, presented by the Center for the Study of Law and Religion at Emory University School of Law, USA.

The *Journal* enjoys accredited status with the Department of Education and is included on the *International Bibliography of Social Sciences* (IBSS).



whosoever they may have been). The ritual invariably requires some form of sacrifice.

Several participants referred to customary African rituals that include a belief in supra-natural forces and in that sense seemingly have a ‘religious’ connotation. For example, on 20 January 2007, a former whip of the South African governing party, Tony Yengeni, celebrated his early release from prison, after having been sentenced to imprisonment for four years, by slaughtering a bull at his father’s home in the Cape Town township of Gugulethu. Publicity of the ceremony caused an outcry from among animal rights activists and was defended by others mainly on the grounds of respect for ‘cultural liberty’. Professor Tom Bennett, in his presentation, raised the question whether the religious significance of the ritual to appease Yengeni’s family ancestors, rather than its mere cultural roots, ought to have received greater prominence.

2.2 Cultural practices with metaphysical components

2.2.1 Rastafarianism

The religious practice of Rastafarians claiming the right to smoke *cannabis* (the African equivalent of marijuana) as part of a religious ritual has led to litigation in two African states. In South Africa, a person qualified to become a lawyer was refused admission to the Bar because he had been convicted of smoking *cannabis* and indicated his intent to continue to do so as part of the concerned religious ritual.² The smoking has also been outlawed in Namibia, a danger posed by dependence-



African Human Rights Law Reports

The African Human Rights Law Reports contains legal decisions of relevance to human rights law in Africa. These include selected domestic decisions from the whole continent, as well as the decisions of the African Commission on Human and Peoples' Rights, sub-regional courts and the United Nations treaty bodies, dealing with African countries. The Reports are fully indexed, to facilitate access and make research easy. The reports are used by both researchers and legal practitioners.

The first volume of the *Reports*, *African Human Rights Law Reports* 2000, was published in 2004. It included all the decisions on individual communications adopted by the African Commission from 1987 to the end of 2000. The 2007 volume, published at the end of 2008, brings the *Reports* up to date. In addition to all the decisions of the African Commission on Human and Peoples' Rights and selected decisions of the UN human rights treaty bodies, the *Reports* have now published 65 judgments from 20 African countries. The 2007 volume for the first time include judgments of sub-regional courts, including the East African Court of Justice, the ECOWAS Community Court of Justice and the SADC Tribunal.

The French version of the *Reports*, the *Recueil Africain des Décisions des Droits Humains* includes the decisions of the UN human rights treaty bodies and the African Commission included in the *Reports* in full text. Most of the domestic decisions included in the *Reports* are included in extracts in the *Recueil*. The 2001 volume of the *Recueil* was published in early 2008 and it is envisaged that the publication of the *Recueil* should be up to date at the end of 2010.

Christof Heyns, Frans Viljoen, Michelo Hansungule and Magnus Killander are the editors of these reports.

The *Reports* were published by JUTA until the 2004 volume when PULP took over as publisher.

The *Reports* are also available in pdf format at:
http://www.chr.up.ac.za/centre_publications/ahrlr/ahrlr.html



STAFF & INTERNS

Staff Members

Executive Committee

Frans Viljoen

Director

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Harold Meintjes

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Staff Members

Kweku Antwi

Project Coordinator, Good Governance Programme

Patricia Bako

Assistant, Good Governance Programme

Lizette Besaans

Manager, Pretoria University Law Press

Yolanda Boozyen

Webmaster

Cherry-Lee Botterill

Project Manager, Good Governance Programme

Elize Delpont

Consultant

Isabeau de Meyer

Publication Manager: African Human Rights Law Journal;
Administrator: LLM (Human Rights and
Democratisation in Africa)

Solomon Ebobrah

Tutor: LLM (Human Rights and Democratisation in Africa);
Doctoral candidate

Babatunde Fagbayibo

Researcher, NEPAD Initiative

Michelo Hansungule

Professor of Human Rights Law; Academic Co-ordinator:
LLM (Human Rights and Constitutional Practice)

Gill Jacot-Guillarmod

Senior Programme Manager; Liaison Officer

Edouard Jacot Guillarmod

Voluntary Consultant

Waruguru Kaguongo

Tutor: LLM (Human Rights and Democratisation in Africa);
Doctoral candidate

Magnus Killander

Researcher; Doctoral candidate; Co-editor: African Human
Rights Law Reports

Emily Laubscher

Project Coordinator: LLM (International Trade and Investment
Law in Africa)

Hye-Young Lim

Tutor: LLM (Human Rights and Democratisation in Africa);
Doctoral candidate



Justine Limpitlaw

Researcher, Regulating Electronic Communications for Development

Jeremie Munyabarambe

Project Officer: African Human Rights Moot Court Competition; LLM (Human Rights and Democratisation in Africa)

Tarisai Mutangi

Tutor: LLM (Human Rights and Democratisation in Africa); Doctoral candidate

Martin Nsibirwa

Programme Manager: LLM (Human Rights and Democratisation in Africa); Doctoral candidate

Sarita Pienaar-Erasmus

Assistant Financial Manager

Charmaine Pillay

Assistant Financial Manager

Mianko Ramarosan

Tutor: LLM (Human Rights and Democratisation in Africa); Doctoral candidate

Hesphina Rukato

Senior Research Consultant, NEPAD Initiative

Karen Stefiszyn

Programme Manager UPEACE Programme and HIV and Human Rights Research Unit

Norman Taku

Assistant Director

Tau Tawengwa

Researcher: Strengthening Democracy in South Africa

John Wilson

Project Officer: African Human Rights Moot Court Competition; LLM (Human Rights and Democratisation in Africa)

Titi Uliem

Academic Associate

Interns

Andre Lite Asebea

Republic of the Congo

Duration of internship: May - November 2008

Marie-Eve Kayowa Nkongolo

Republic of the Congo

Duration of internship: August - November 2008

Julia Neudert

Germany

Duration of internship: April - August 2008

Adebayo Okeowo

Nigeria

Duration of internship: August - October 2008

Alexander Prezanti

Switzerland

Duration of internship: September - November 2008



Honorary & Extraordinary Professors

Dr Jean Allain

Extraordinary Lecturer
Queen's University of Belfast

Ms Cecile Aptel

Extraordinary Lecturer
Legal Advisor to the UN International Independent Investigation Commission, Lebanon

Prof John Dugard

Extraordinary Professor
Professor of International Law, University of Leiden; The Netherlands; Member: International Law Commission

Justice Johann Kriegler

Extraordinary Professor
Retired Justice of the Constitutional Court of South Africa

Dr Edward Kwakwa

Extraordinary Professor
Legal Counsel, World Intellectual Property Organisation (WIPO), Geneva, Switzerland

Dr Cephias Lumina

Extraordinary Lecturer
Senior Lecturer, Howard College School of Law, University of KwaZulu-Natal and Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights

Ms Mary Robinson

Extraordinary Professor
Executive Director, Realizing Rights: Ethical Globalization Initiative;
Former United Nations High Commissioner for Human Rights

Prof Theunis Roux

Extraordinary Professor
Former Director: South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC)

Board Members

Prof Christof Heyns

Dean, Faculty of Law, University of Pretoria

Professor Kader Asmal

Former Minister of Education

Justice Johann Kriegler

Retired Justice of the Constitutional Court of South Africa

Ms Shirley Mabusela

Former Chairperson of the South African Human Rights Commission

Justice Yvonne Mokgoro

Justice of the Constitutional Court of South Africa

Justice Johann van der Westhuizen

Justice of the Constitutional Court of South Africa



STAFF ACTIVITIES

Staff Activities and Staff Publications

Kweku Antwi

Research Fellow, Institute for Human Rights, Abo Akademi University, Finland (October – December 2008)

Kweku was selected to participate in a two-month research fellowship with other researchers across the world at the Abo Akademi University in Finland. He embarked on an article on the Rights of Girls to Education in Post-apartheid South Africa.

Conference presentation

- Panellist on the Implementation of Socio-economic Rights, Citizenship in an Enlarged Europe: the Contribution of Economic, Social and Cultural Rights, International Centre on Economic, Social and Cultural Rights, New University of Lisbon, Portugal (April, 2008)
- *The Rights of Girls to Education in Post-apartheid South Africa*. Research paper presented at the Abo Akademi University, Finland.

Patrick Eba

Conferences papers

- 'Une analyse de la loi-type de N'Djamena à la lumière des droits humains et du genre' presented at the Capacity building workshop on human rights and gender in HIV legal frameworks, Dakar, Senegal, 16 - 18 April 2008.

- 'VIH et droit pénal' presented at the Capacity building workshop on human rights and gender in HIV legal frameworks, Dakar, Senegal, 16 - 18 April 2008.
- 'Civil and Political Rights in the context of HIV' presented at SAHRIT course on Civil and Political Rights, 7 May 2008, Pretoria, South Africa.
- 'Legal pandemic: HIV-specific legislation in West and Central Africa and lessons for Southern Africa' presented at a regional meeting on HIV and the law in Johannesburg, South Africa, 7 July 2008.
- 'SADC PF Model Law on HIV: context, process and content' presented at a workshop on 'National Human Rights Institutions and HIV in Africa' 9 July 2008, Lilongwe, Malawi.
- 'Health status and non-discrimination in the Covenant on Economic, Social and Cultural Rights' presented at Expert Workshop on Discrimination and the International Covenant on Economic, Social and Cultural Rights, 29-30 September 2008, Berlin, Germany.
- 'VIH et droits humains en Afrique sub-Saharienne: 25 ans après, trop peu à célébrer!' presented at the Conférence Internationale Scientifique sur le SIDA (CISSIDA), 3-7 October 2008, Abidjan, Côte d'Ivoire.



- ‘HIV specific legislation in Africa: Are human rights concerns addressed?’ presented at a workshop on ‘the local relevance of human rights’ at the University of Antwerp, Belgium, 17-18 October 2008.
- ‘Using national laws to litigate the rights of people living with HIV in Africa: An overview of current jurisprudence and challenges ahead’ presented at a regional workshop organised by ICJ-Kenya, 7-9 November 2008, Abuja, Nigeria.
- ‘Mauvaises lois relatives au VIH et leur impact sur la réponse au SIDA’ presented at the XVth International Conference on AIDS and STI in Africa, 3-7 December 2008, Dakar, Senegal.
- ‘La criminalisation de la transmission du VIH: ou ? Pourquoi ? Comment?’ presented at the XVth International Conference on AIDS and STI in Africa, 3-7 December 2008, Dakar, Senegal.
- ‘Human rights under threat : An overview of key human rights challenges facing people living with HIV’ presented at the XVth International Conference on AIDS and STI in Africa, 3-7 December 2008, Dakar, Senegal.

Publications

- AIDS and Human Rights Research Unit (2008) *A Guide to an effective human rights response to the HIV epidemic*
- AIDS and Human Rights Research Unit (2008) *Compendium of key documents relating to human rights and the HIV epidemic in Eastern and Southern Africa*
- (2008) ‘A human rights assessment of the Draft Bill on Defending Human Rights and the Fight Against the

Stigmatisation and Discrimination of People living with HIV of Mozambique’ (with F Viljoen) Available:

http://www.chr.up.ac.za/centre_projects/ahrru

- (2008) *Stigma(ta): Re-exploring HIV-related stigma*
- ‘One size punishes all: A critical appraisal of the criminalisation of HIV transmission or exposure through HIV-specific laws in sub-Saharan Africa’ (2008) *AIDS Legal Quarterly* (forthcoming)

Solomon Eborah Fellowship

- Research partner at the Danish Institute for Human Rights from August to December 2008 under the DANIDA sponsored Research Partners Programme. Discussant at RPP seminars during the fellowship and produced a research report titled ‘A critical analysis of the human rights mandate of the ECOWAS Community Court of Justice’.

Conference

- ‘Africa on the Move’ 8-9 October 2008 Copenhagen, co-hosted by the University of Copenhagen Centre for African Studies and the Nordic Africa Institute, Uppsala Sweden

Teaching

- Taught at the Basic Human Rights Course, 24 November to 5 December 2008, Danish Institute for Human Rights, Copenhagen Denmark.



D DEMOCRACY

Publications

Book review C Maina Peter (ed) 'The protectors. Human rights commissions and accountability in East Africa' (2008) 8 *African Human Rights Law Journal* 619-620.

Michelo Hansungule

Publications

- 'Rights of Civilians, Injured Soldiers and Shipwrecks' – chapter in a book on International Humanitarian Law, edited by Prof Azizur Rahman Chowdhury, University of Dhaka, Sri Lanka
- 'Introduction to the Historical Development of International Human Rights Law' – chapter in a book on International Human Rights Law, edited by Prof Azizur Rahman Chowdhury, University of Dhaka, Sri Lanka
- 'Rights of Women in International Law' (together with Mmatsie Mookie & Rita Ozoemene) – chapter in a book on International Human Rights Law edited by Prof Azizur Rahman Chowdhury, University of Dhaka, Sri Lanka
- 'Malawi and the African Peer Review Mechanism' (2008)2 *Malawi Law Journal*
- 'Case Commentary: Mazibuko v. City of Johannesburg' *Melbourne Journal of International Law*, article requested by the Case Note Editor Claire Leslie
- 'African Refugees in Africa: Perspectives, Challenges and Prospects' (2008)11 *Mediterranean Journal of Human Rights*, Special Edition. Migration and Human Rights in the Mediterranean Region

Keynote Addresses

- 'Challenges to Chapter Nine Institutions in the Constitution of South Africa', presented at a two day meeting of experts organised jointly by the Human Rights Institute of South Africa (HURISA), the South African Human Rights Commission and the Office of the Ombudsperson, May 2008, Johannesburg
- 'Strategic Partnering on the African Commission on Human and Peoples' Rights and other AU Institutions', presented at a meeting of high-level experts organised by the African Commission on Human and Peoples' Rights held in October 2008, in Kampala, Uganda
- 'Constitution Making Processes in the SADC with special reference to Malawi, Swaziland, Zambia and Zimbabwe', presented at the Annual General Meeting of the Open Society Initiative for Southern Africa (OSISA) held in October 2008, in Lusaka, Zambia

Consultancies

- African Peer Review Mechanism (APRM) – Development of the Issues Paper on Lesotho
- Report on Governance and Traditional Leadership in the SADC – Commissioned by Women for Change on behalf of OSISA
- Implementation of the APRM in South Africa – Commissioned by AfriMAP
- Social Watch National Report for Zambia – Commissioned by Social Watch



Waruguru Kaguongo

Courses/Conferences attended

- International Human Rights Academy 2008, 9-23 August 2008, Middelberg, The Netherlands
- Local Relevance of Human Rights: Health and Human Rights, organised by the University of Antwerp, Antwerp, Belgium, 16-18 October (Delivered a paper on 'Realising Women's Property Rights in Kenya in the Context of HIV and AIDS')
- International Strategy Meeting on Economic, Social and Cultural Rights and ESCR-NET General Assembly held 1-4 December 2008, Nairobi Kenya.

Magnus Killander

Editorships

- Co-editor: *African Human Rights Law Reports / Recueil Africain des Décisions des Droits Humains* (PULP)
- Co-editor: *Compendium of Key Human Rights Documents of the African Union* (also in Arabic, French and Portuguese) (PULP)
- Associate editor: *International Law in Domestic Courts* (Oxford University Press)
- Editorial assistant: *African Human Rights Law Journal* (JUTA)

Publications

- 'The African Peer Review Mechanism and human rights: The first reviews and the way forward' (2008) 30(2) *Human Rights Quarterly* 41-75

- 'Introduction' in International Commission of Jurists, Kenyan and Swedish Sections *Human rights litigation and the domestication of human rights standards in sub-Saharan Africa* 1-7
- 'Book review: Steiner et al (eds) *International human rights in context* (3rd ed, 2008)' (2008) 8(2) *African Human Rights Law Journal*
- 'Common Market for Eastern and Southern Africa (COMESA)' in *Max Planck Encyclopedia of Public International Law* (peer reviewed online service published by Oxford University Press (www.mpepil.com))
- 'South West Africa/Namibia (Advisory Opinions and Judgments)' in *Max Planck Encyclopedia of Public International Law* (with Christof Heyns)
- 'The African regional human rights system' extract from chapter in F Gomez Isa and K de Feyter (eds) *International protection of human rights: Achievements and challenges* (2006) (with Christof Heyns) reprinted in HJ Steiner, P Alston and R Goodman *International human rights in context* (3rd ed, Oxford: Oxford University Press, 2008) 1067-1070
- 'O sistema regional Africano de direitos humanos' in F Piovesan *Código de direito internacional dos direitos humanos anotado* (São Paulo: DPJ editora: 2008) 1459-1509 (translation of chapter in Gomez Isa & de Feyter (eds 2006, above))



Conference papers

- 'Establishing the minimum core of the rights of detainees' paper presented at the conference 'The OPCAT in the African region: Challenges of implementation', Cape Town, 3-4 April 2008
- 'The role of international law in human rights litigation in Africa' paper presented at a conference at the University of Botswana, 5 June 2008

Other activities

- Academic coordinator (module 3), LLM in Human Rights and Democratisation in Africa
- Member of the Research Committee and the Research Ethics Committee of the Faculty of Law
- Member of the interview panel for the position of HOP: research, documentation and policy analysis of the South African Human Rights Commission, April 2008
- Assisted Jody Kollapen, chairperson of the South African Human Rights Commission, in the preparation of a paper on the rights of older persons in Africa, November 2008

Hye-Young Lim

Conferences attended

- Children's participation, Media and HIV and AIDS, organised by the African Child Policy Forum, Addis Ababa, Ethiopia, 13-15 March

- Children's participation and HIV and AIDS, organised by SAHRIT, Harare, Zimbabwe, 3 May (Delivered a lecture on child participation in southern Africa in the context of HIV and AIDS)
- International AIDS Conference, organised by the International AIDS Society, Mexico City, Mexico, 3-6 August (Delivered a paper on 'Rights-based approach to supporting and managing home-based caregivers')
- Localisation of Human Rights: Justiciability of socio-economic rights, organised by the University of Antwerp, Antwerp, Belgium, 16-18 October (Delivered a paper on 'Localisation of socio-economic rights of children in child-headed households: South African case')
- Regional Workshop on Gender, Human Rights and HIV in southern Africa organised by the UNAIDS SA, Centre for Study of AIDS and Centre for Human Rights, Johannesburg, South Africa, 26-28 November

Book projects

- Submitted a paper on the rights of home-based carers in the context of HIV and AIDS, Book project, organised by Danish Institute for Human Rights (General editor: Dr Stephanie Lagoutte)
- Submitted a paper on the socio-economic rights of children in child-headed households in South Africa, Book project on the Localisation of Human Rights, organised by University of Antwerp, (General editor: Prof Wouter Vendenhole)



Tarisai Mutangi

Publications

'Law religion and human rights in Zimbabwe' (2008) 8 *African Human Rights Law Journal* 526-546

Martin Nsibirwa

Conferences/seminars attended:

- First national Human Rights Moot Court Competition - Mozambique 5 - 7 November 2008 Maputo, Mozambique
- Africa: An outlook from centres and observatories" Madrid, Spain 15 - 18 December 2008

Karen Stefiszyn

Conference presentation

'A brief overview of recent developments in sexual offences legislation in Southern Africa' presented at Expert group meeting on good practices in legislation on violence against women hosted by the United Nations Division for the Advancement of Women, Vienna, Austria, May

Norman Taku

Conferences attended

- 'International Law and National Constitutions in the Jurisprudence of Constitutional Courts', Andorra, 16-17 May
- 'The regulatory State: Constitutional Implications', London, 14-15 November

Publications

"Revolutionising human rights education in African universities: the African Human Rights Moot Court Competition" in *Advocating for Human Rights: 10 years of the Inter-American Moot Court Competition*, Nijhoff Publishers, Leiden, 17-39 (with Christof Heyns and Frans Viljoen)

Frans Viljoen

Publications

- Communications under the African Charter: Procedure and Admissibility, in Murray & Evans (eds) *The African Charter on Human and Peoples' Rights: The system in practice, 1986-2006* (2nd edition), 2008 Cambridge University Press 76-138
- 'Model legislation and regional integration: Theory and practice of model legislation pertaining to HIV in the SADC' 2008(2) *De Jure* 383-399

Conference papers

"Human rights in the process of integration in Africa", Giessen, Germany

Teaching

Taught at Master's programme at St Thomas University, USA; European Master's in Human Rights and Democratization in Venice; Master's in International Human Rights Law, Abo Akademi, Finland; and the International Human Rights Academy, Middelberg, Netherlands.



FUNDING

Funders

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- Agence Universitaire de la Francophonie (AUF), France
- Attorney's Fidelity Fund, South Africa
- Australian Aid Agency (AUSAID)
- Carnegie Corporation
- Centre for the Study of AIDS
- Dutch Government (through its Ministry of Foreign Affairs and through its embassy)
- European Commission
- Finnish Government (through its embassies)
- Foundation Open Society Institute
- French Government (through its embassies)
- Geneva Academy of International Humanitarian Law and Human Rights
- German Academic Exchange Service (DAAD)
- German Government (through its embassy)
- German Technical Cooperation (GTZ)
- International Labour Organization
- John D and Catherine T MacArthur Foundation
- Lexis-Nexis Publishers, South Africa
- May & Stanley Smith Charitable Trust
- Minority Rights Group International
- Norwegian Government (through its embassies)
- Open Society Initiative for West Africa (OSIWA), Sénégal
- Open Society Foundation, South Africa
- Open Society Initiative for Southern Africa (OSISA), South Africa
- PA & Alize Malan Trust
- Raoul Wallenberg Institute for Human Rights and Humanitarian Law, Sweden
- Sabinet Online Publishers, South Africa
- University of Pretoria, South Africa
- United Nations Office of the High Commissioner for Human Rights

Centre for Human Rights
Annual Report 2008

THE CENTRE FOR HUMAN RIGHTS
Law Building
University of Pretoria
0002

Phone: +27 12 420 3810

Fax: +27 12 362 5125

Email: chr@up.ac.za

Website: www.chr.up.ac.za