

Centre for Human Rights - Annual Report | 2009

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Faculty of Law



Centre for
Human Rights
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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 efforts 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 African 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



The year 2009 was dominated by the ten-year celebration of one of the flagship programmes of the Centre, the LLM (Human Rights and Democratisation in Africa). The highlight was the annual partners' conference and graduation, which this year saw the participation of more than eighty alumni of the programme. As has become customary, the class of 2009 graduated on 10 December. Four doctoral candidates of the Centre also graduated. On that occasion, an honorary doctorate was awarded to the United Nations High Commissioner for Human Rights, Justice Navi Pillay.

The other programmes of the Centre also continued to contribute to our mission of fostering a human rights culture in Africa through experiential learning, teaching, research and advocacy.

The African Human Rights Moot Court Competition was hosted in the most populous African state, Nigeria, in collaboration with the University of Lagos. It was a very well-run and successful event. The Good Governance Programme continued to present high-quality programmes to academics, practitioners

and government officials in Africa. Another highlight was the work of the Gender Unit, including collaboration with the African Commission on Human and Peoples' Rights to develop reporting guidelines, and a number of research papers.

The first students for a new academic programme presented in the Centre, the LLM/MPhil in Multidisciplinary Human Rights, registered in 2009. This programme is a concrete manifestation of the Centre's attempts to shift towards the incorporation of disciplines beyond the law in its programmes and research priorities.

In 2009, many publications have seen the light, and our website still allows us to shine! A Centre calendar, highlighting internationally recognised human rights days, has also been launched. The Centre continued to be the hub for the very active Pretoria University Law Press (PULP). The Centre remained involved in the Oxford International Law Reports, including the 'International Law in Domestic Courts' database. An academic conference was organised under the aegis of the 'International Law in Domestic Courts' project, to coincide with the Moot Court Competition in Lagos. Work on a number of new databases was started.

Challenges for the future include the consolidation and constant renewal of our current projects, and the building of more vibrant alumni networks in all our programmes. An alumni network of



the LLM (Human Rights and Democratisation in Africa) has already been initiated and should be formalised in 2010. Greater emphasis also has to be placed, in my view, on the research elements of our projects and on published research outputs.

My sincere thanks go to all the dedicated and talented staff of the Centre, who make this the place it is – both in a personal and professional sense. Thank you also to all the many alumni of the various Centre programmes who are our torch-bearers across the continent and with whom we like to keep in close contact.

At the Centre, we also mostly work in collaboration. We take great pleasure in thanking all who worked with and supported us in 2009. We also look forward to extending the network of partners for the LLM programme.

Finally, the financial support of our donor-partners is also acknowledged with appreciation.

Frans Viljoen
Director: Centre for Human Rights





ACADEMIC PROGRAMMES

LLD (Human Rights)

In 2009, a total of 32 students were registered for the LLD (Human Rights) in the Centre for Human Rights, under the supervision of Professors Christof Heyns, Frans Viljoen, Michelo Hansungule and Danny Bradlow.

Four candidates, Magnus Killander, Dane Ally, Maria Nassali and Solomon Ebobrah, completed their studies and graduated on 10 December.

Candidates registered for the LLD degree:

- **Abdallah, Amir**
Strengthening the right to a fair trial in Sudan: A human rights perspective
- **Acirokop, P**
Protection of children in armed conflict with specific reference to the African child
- **Ally, Dane**
Constitutional exclusion under section 35(5) of the Constitution of the Republic of South Africa, 1996
- **Biegon, Japheth**
An analysis of the impact of the resolutions of the African Commission on Human and Peoples' Rights
- **Cronje, Pieter**
The development of a model for the implementation 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
- **Dinokopila, Bonolo**
An analysis of the actual and potential role of the Pan-African Parliament in the promotion and protection of human rights in Africa
- **Djoyou Kamga, Serges**
Human rights in Africa: Prospects for the realisation of the right to development: Under the New Partnership for Africa's Development
- **Eba, Patrick**
The African regional human rights system and the protection of indigenous people's rights: Current debates and perspectives
- **Ebobrah, Solomon**
Legitimacy and feasibility of human rights realisation through regional economic communities in Africa: The case of the Economic Community of West African States
- **Ilisley, Thea**
The protection of the newsgathering function of the media in South Africa: A comparative constitutional analysis
- **Kaguongo, Waruguru**
The realisation of economic and social rights in Africa with special reference to national budgets
- **Kameni, Enga**
Moving beyond the WTO and Trips Considering alternative legal approaches to facilitating access to medicines in selected sub-Saharan African countries
- **Killander, Magnus**
The role of the African Peer Review Mechanism in inducing compliance with human rights



- **Kopolo, Berita**
The role of the extractive industry's corporate responsibility and liability in the development of Southern Africa
- **Lim, Hye-Young**
Legally recognising child-headed households through a rights-based approach: The case of South Africa
- **Maja, I**
The Human rights protection of minority languages: an African perspective
- **Mooki, Mmatsie**
Access to legal abortion in SADC from a reproductive health right perspective: a need for legal and institutional reform
- **Munene, Anthony**
Legal and policy obstacles to realisation of the right to development in Kenya
- **Murungu, Chacha**
The head of state immunity from prosecution for international crimes: Law and practice in Africa
- **Mutangji, Tarisai**
A critical examination of compliance with judgments of the African Court on Human and Peoples' Rights: Prospects and challenges
- **Nassali, Maria**
NGOs, governance and human rights in Kenya, Tanzania, Uganda and South Africa: Conceptual and strategic questions
- **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?
- **Osiema, Lynette**
Human rights and economic progress: Underscoring the role of socio economic rights in the development agenda
- **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
- **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
- **Van der Walt, Stephanie**
Chinese investment in Africa: Developing country cooperation or neo-colonialism



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

In 2009, 32 students from 19 countries were admitted to the programme. These students graduated on 10 December.

In total 14 women and 18 men were admitted to the programme. An exchange student from Finland attended the course during the first semester as part of the North South-South programme involving the Centre for Human Rights and the Institute for Human Rights at Åbo Akademi University in Finland. For the second time the programme admitted a student from the United States of America.

The students spent the first semester (January to July 2009) in Pretoria. Their studies covered six modules as well as studying a language (French, advanced English or Portuguese). Lectures were presented by experts from different parts of the world. In April students undertook on-site study visits to Rwanda, Kenya, Sierra Leone and South Sudan. They also undertook study visits within South Africa, such as attending a case at the Constitutional Court and writing a judgment afterwards. A dissertation exercise was conducted at the University of Pretoria during which each student's dissertation proposal was analysed by academics and peers and suggestions made for improvement.

In June/July the students proceeded to spend the second semester at the partner universities where they continued with their academic work, wrote their dissertations and attended human rights courses and language classes. Most students also worked with human rights organisations.

The following universities were partners during 2009 and participated in the presentation of the programme:

- American University in Cairo (Egypt)
- Addis Ababa University (Ethiopia)
- Universidade Eduardo Mondlane (Mozambique)
- Catholic University of Central Africa (Cameroon)
- University of Ghana
- Makerere University (Uganda)
- University of the Western Cape (South Africa)

In December 2009 three additional partners were approved by the Council and welcomed into the partnership: Université Gaston Berger de Saint Louis (Senegal), Université d'Abomey Calavi (Benin) and the University of Lagos (Nigeria).

INTRODUCTION

"We, the people of Rwanda... Emphasizing the necessity to strengthen and promote national unity and reconciliation which were seriously shaken by the genocide and its

In December 2009 the first alumni conference took place in Pretoria. More than 80 former students spanning all the years attended this conference, as did the students from the class of 2009.

The guest speaker at the graduation ceremony on 10 December was Judge Navi Pillay (United Nations High Commissioner for Human Rights) who also received an honorary doctorate during the ceremony. Another highlight at the graduation ceremony was the award of the Chancellor's Medal to Dr Edna Adan from Somaliland in recognition of her contribution towards the realisation of the right to health in the Horn of Africa.





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 globalisation.

The programme is presented 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.

In 2009 over 115 applications from 17 African countries were received and 19 students from 8 African countries were admitted. These students subsequently graduated in September 2009. To date 120 students have graduated from the programme. After graduation students returned home to take up various positions at universities, in government institutions, private law firms and institutions like De Beers Consolidated Mines Limited.

Internships are also arranged on a competitive basis during the second semester while working on their dissertation papers. Internships provide practical skills training which, combined with a rigorous academic programme, serve to create skilled African trade and investment practitioners. Students have been

able to secure internships in international organisations such as the WTO, World Bank and UNDP; regional organisations such as COMESA and OAPI, research institutions such as the Trade Law Centre of Southern Africa (Tralac) and the South African Institute for International Affairs (SAIIA); educational institutions; various government departments and trade missions in Brussels and Geneva. Students also undertake various research projects such as the ones offered by the International Development Law Unit (IDLU) at the University of Pretoria.



LLM/MPhil in Multidisciplinary Human Rights

In 2009, the Centre introduced a new postgraduate programme in multidisciplinary human rights.

The programme is offered to candidates in possession of an LLB degree from a recognised university. Non-holders of an LLB degree but who hold a bachelor's degree in another field and who have been admitted to the University's MPhil (Multidisciplinary Human Rights) programme can also access the course. One of these modules is 'socio-economic rights under comparative and international law'. The main objective of this module is to offer students the opportunity to engage in the increasingly interesting discourse on socio-economic rights and in particular the challenging question of their realisation. While looking at jurisdictions beyond Africa, the course focuses on African jurisdictions as a special area of concern. Specific elements of the course include: Introduction to international human rights law; Socio-Economic Rights in the UN human rights system; Socio-Economic Rights in the African human rights system; Socio-Economic Rights in the European human rights system; Socio-Economic Rights in the Inter-American human rights system; and Socio-Economic Rights in other emerging regional human rights systems.





HUMAN RIGHTS EDUCATION

Eighteenth African Human Rights Moot Court Competition

The Moot was hosted at the Faculty of Law, University of Lagos, Nigeria from 10 to 15 August 2009.

In total 207 participants from 70 universities representing 28 African countries took part in the Moot in Nigeria. Having attracted over 120 universities from 45 countries in the past 17 years, it is laudable that five universities and two countries were represented for the first time: Université Adam Barka d'Abéché (Chad); Open University and Saint Augustine's University (Tanzania), Université des Comores; and Université de Djibouti. The overall language representation was 70% English, 24% French and 6% Lusophone.

The Moot was presented in partnership with the Faculty of Law at the University of Lagos, represented by its Dean Prof Oyelowo Oyewo, and the Centre for Human Rights, represented by its Director Prof Frans Viljoen. The long history of collaboration and the meticulous preparation throughout the year made for a well-organised event.

The Competition started with preliminary rounds, with each team arguing the case for the applicant (the person who complains that his rights have been violated) and 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.

After two full days of preliminary rounds, the best two teams in each language category advanced to the final round in which they were recomposed to form two new combined teams arguing for the applicant or respondent: one Anglophone, one Francophone and one Lusophone team on each side. The rationale for this is two-fold: to promote collaboration and cooperation across the colonial language divide and to temper the fierceness of the competition which can eclipse the importance of using the unique opportunity to learn and make contacts.

This year the following teams were finalists:

For the Applicant

- University of Ghana
- Université de Dschang, Cameroon
- Universidade Eduardo Mondlane, Mozambique

For the Respondent

- University of Cape Town, South Africa
- Université Gaston Berger, Senegal
- Universidade de Zambeze, Mozambique



The team that argued for the Applicant won the Moot Competition.

Organised by the Centre for Human Rights and the University of Amsterdam, an international Conference on International Law and Human Rights Litigation in Africa was held on 14 and 15 August 2009 in the Afe Babalola Hall at the University of Lagos, as part of a joint project linked to the online publication International Law in Domestic Courts (ILDC).

Presenters, including former participants of the Moot Court Competition, came from South Africa, Benin, Botswana, Côte d'Ivoire, Democratic Republic of the Congo, The Gambia, Kenya, Malawi, Nigeria, Senegal, Tanzania and Uganda. Their papers examined the application of international law by domestic courts and the factors that influence this, including the extent to which international law forms part of legal training. The conference was very useful to the Faculty Representatives who interacted among themselves and with the various presenters. In this respect the Moot Court Competition presents itself not only as a "student event" but also an occasion for academics to have discussions on important issues pertaining to international law in general with specific focus on international human rights law. The conference was equally useful in building closer links with the ILDC programme and its own network of experts who become accessible to the Moot Faculty Representatives.



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



Sixth Annual African Trade Moot

The Sixth Annual African Trade Moot competition which was organised by the Centre for Human Rights of the University of Pretoria and presented in Pretoria during the week of 28 September - 2 October 2009, had students and faculty representatives representing 9 law faculties from 6 countries across Africa participating. The competition is a unique opportunity for students from African countries to debate topical trade issues related to international trade law as argued before the WTO Trade Dispute Settlement Body.

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.

These courses have been developed by the Centre for Human Rights in a highly successful way over the last nine years with significant participation from decision-makers across Africa, and lecturers who are internationally recognised as leaders in their field.

Courses presented during 2009 included:

- International Law (January)
- Socio-economic Rights (March)
- Human Rights in Africa (May)
- Human Rights and Access to Medicines (May)
- Good Governance (July)
- Gender Equality (September)
- International Humanitarian Law (November)
- Development and Human Rights (December)

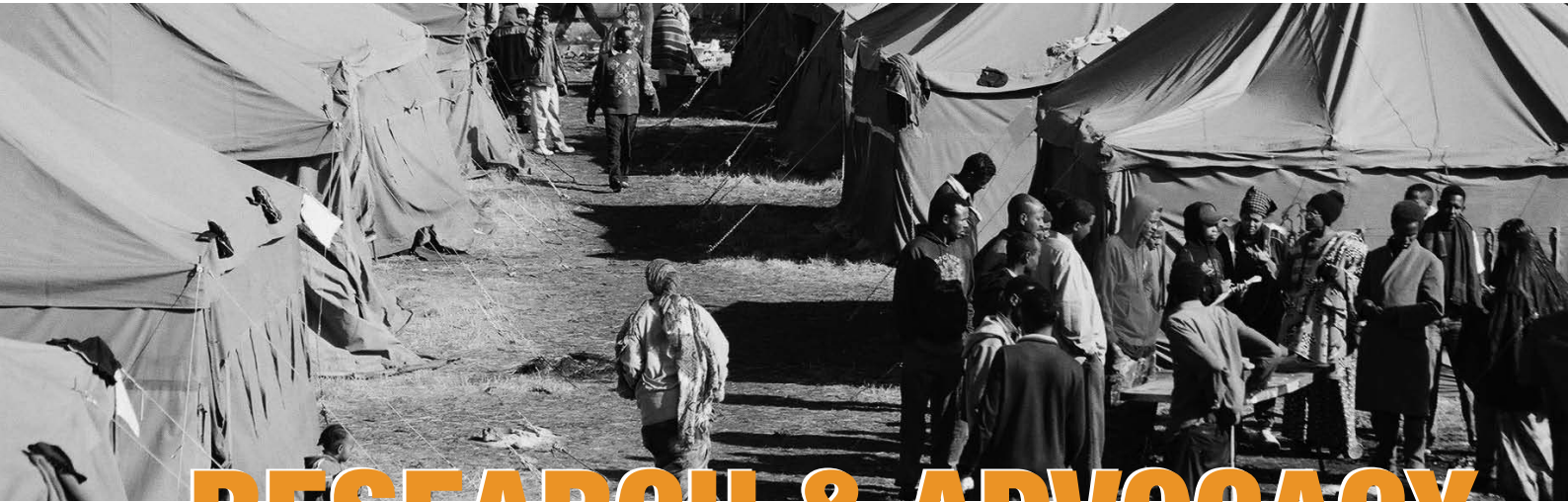
All courses cover the main principles relating to the respective fields they address, but seen from a specifically African perspective, focusing on the issues of relevance on the continent.

Lecturers and experts from around the world are brought in to teach on the programme.

During 2009, close to 300 participants attended courses presented by the GGP. Although participants were mainly from Africa, a number of participants came from Europe and Asia.

Visit the Good Governance Programme website:

www.ggp.up.ac.za



RESEARCH & ADVOCACY

International Development Law Unit

The International Development Law Unit (IDLU) opened in January 2009. The first doctoral students, Berita Kopolo and Stephanie van der Walt, joined IDLU in March.

During the first half of the year, IDLU also had two visiting scholars, Dr Heshina Rukato, from NEPAD, and Ms Justine Limpitlaw, who was also a part-time lecturer at the University of Pretoria. Both Dr Rukato and Ms Limpitlaw, were working on publications during their time at IDLU. Dr Rukato has since published a book on the history of NEPAD.

During the second half of the year, IDLU was responsible for the LLM in International Trade and Investment Law Programme. In particular, the Unit was responsible for managing both the academic programme and the practical needs of the 19 students in the LLM programme. The Unit contracted with Ms Rafia Da Gama to assist it in providing the students with academic counselling and with supervision in connection with their LLM theses.

In June-August 2009, IDLU hosted an intern, Ms Maya Berinon,

who is a law student at the American University Washington College of Law. She helped Prof Bradlow with preparing an online course on global financial governance for UNITAR and did the research for the paper she is writing on the social responsibility of FIFA towards its host communities in the World Cup.

During the year, IDLU sponsored the following lectures:

- Prof Muna Ndulo
Director, Institute for African Development, Cornell University,
17 March 2009
Lecture on UN Responses to Sexual Harassment by UN Peacekeeping Forces.
- Dr Heshina Rukato
4 June 2009
Launch of Future Africa: Prospects for Democracy and Development under NEPAD
(Keynote speaker: President Thabo Mbeki)



State Reporting Project

The State Reporting Project was established in January 2009 in collaboration with the South African Department of Justice and Constitutional Development (DoJ & CD).

In terms of the MOU the Centre undertook to assist the DoJ & CD in preparing state reports under four human rights treaties that South Africa is a party to: International Covenant on Civil and Political Rights (ICCPR), African Charter on Human and Peoples' Rights (ACHPR), International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (ICAT).

The project, under the leadership of the Director, is run by two researchers and two assistants. In the course of 2009, draft reports under the four treaties were prepared, which are being finalised. An expert opinion recommending South Africa's ratification of the International Covenant on Economic, Social and Cultural Rights was also prepared. The project also worked with the 2009 master of laws' students in the state reporting clinical group to produce a draft manual for state reporting which when finalised will serve as a tool for guiding states in preparing state reports.





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.

The Centre's Gender Unit completed a research project on aspects of the right to reproductive health in the context of HIV, following an award of the Geneva Academy for International Humanitarian Law and Human Rights. See *Realising the right to health in the Universal Declaration of Human Rights after 60 years: Addressing the reproductive health rights of women living with HIV in Southern Africa*.

The Unit also conducted a research project on the impact of the Protocol to the African Charter on the Rights of Women was completed, see *The impact of the Protocol on the Rights of Women in Africa on violence against women in six selected Southern African countries: An advocacy tool*.

The Unit also hosted a working session on the development of reporting guidelines for state parties to the Protocol to the African Charter on the Rights of Women in Africa. The workshop was attended by members of the African Commission on Human and Peoples' Rights, including the Commission's Special Rapporteur on the Rights of Women in Africa, and other gender experts. These guidelines were tabled at a subsequent session of the African Commission.

With the financial assistance of Higher Education, South Africa, through the Centre for the Study of AIDS, the Gender Unit undertook research and prepared a paper on male circumcision.



AIDS and Human Rights Research Project

The Unit is a collaboration between the Centre for Human Rights and the Centre for the Study of AIDS at the University of Pretoria.

The Unit provided technical assistance to the Southern African Development Community (SADC) and the Parliamentary Forum (PF). It also participated in the drafting of a law on HIV/AIDS in the East African Community.

Indigenous Peoples' Rights Project

The Centre acted as the implementing agency in a research project on indigenous peoples' rights in Africa, in 24 selected African states, with the International Labour Organization (ILO) and African Commission on Human and Peoples' Rights.

The project aims to chart the legal responses of African states to the situation of indigenous peoples. The project was completed in 2009.

Visit the Indigenous Peoples' Rights database:
www.chr.up.ac.za/indigenous



Xenophobia Project

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.

A Centre project on the xenophobic violence of 2008 was completed in 2009, and published as *The nature of South Africa's legal obligations to combat xenophobia*.

New Partnership for Africa's Development Book Project

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

This was published during 2009 and the launch of the book took place on 11 November. The keynote address was delivered by former president Thabo Mbeki. The book has since been launched in the United States, the United Kingdom and in Ethiopia.



Oxford Reports on International Law (ORIL)

INTERNATIONAL LAW IN DOMESTIC COURTS (ILDC)

The Centre for Human Rights has established an extensive network of reporters for International Law in Domestic Courts (ILDC), an online publication that forms part of the Oxford Reports on International Law across the continent and are in the process of expanding our coverage eg with regard to North Africa. There are 53 cases from Africa on ILDC and 60 cases which have been accepted for inclusion for which the case reports are at various stages of preparation. More than 100 NGOs, law firms, courts etc across the African continent have free subscriptions to ILDC. The ILDC project is undertaken in cooperation with the Amsterdam Center for International Law at the University of Amsterdam. An International Conference on International Law and Human Rights Litigation in Africa was held on 14 and 15 August 2009 at the University of Lagos in connection with the African Human Rights Moot Court Competition.

INTERNATIONAL HUMAN RIGHTS LAW

Magnus Killander was appointed by Oxford University Press (OUP) as Editor of Cases from Africa for the International Human Rights Law section of ORIL. Cases from the African Commission on Human and Peoples' Rights, the ECOWAS Community Court of Justice, the East African Court of Justice and the SADC Tribunal are currently on the list of cases to be submitted. Ten case reports had been submitted to OUP by the end of 2009.



African Human Rights Case Law Database

An African human rights case law database is currently being prepared.

At the outset this will be an online version of African Human Rights Law Reports but it will later be expanded to include more cases. It will also be integrated with the human rights documents section of the website of the Centre for Human Rights.

Visit the African Human Rights Case Law database:
www.africancases.up.ac.za

Compendium on sub-regional organisations and human rights

A compendium on African sub-regional organisations and human rights is currently being prepared.

It will follow the structure of the *Compendium of Key Human Rights Documents of the African Union* (published by the Pretoria University Law Press).



PUBLICATIONS

Pretoria University Law Press (PULP)

The Pretoria University Law Press (PULP), an independent press based at the Faculty of Law of the University of Pretoria, seeks to strengthen the rule of law and promote legal scholarship on the African continent by publishing primary materials and scholarly texts on law and its related disciplines in Africa.

PULP also publishes two law journals – the Constitutional Court Review and the Pretoria Student Law Review; discussion papers on topical issues (PULP Fictions); and guides on legal writing and academic publishing in law.

In July, PULP attended the annual Law Teacher's Conference, a marketing platform for all of PULP's publications and a networking opportunity.

In November 2009, PULP attended the *Law via the Internet Conference* as part of the future focus of PULP – free open access to information.

In December 2009 PULP launched the Socio-Economic Rights Series which consists of 6 titles.

Books published by PULP during 2009

- *Constitution in the classroom: Law and education in South Africa, 1994-2008*; Authors: Stu Woolman and Brahm Fleisch
- *Litigating socio-economic rights in South Africa: A choice between corrective and distributive justice*; Author: Christopher Mbazira
- *Constitutional deference, courts and socio-economic rights in South Africa*; Author: Kirsty McLean
- *An integrative rights-based approach to human development in Africa*; Author: Dejo Olowu
- *The African Charter on the Rights and Welfare of the Child: A socio-legal perspective*; Author: Thoko Kaime
- *Recueil Africain des Décisions des Droits Humains (2002)*; Editors: Frans Viljoen and Magnus Killander
- *Constitutional Court Review (2008) 1*; Editors: Stu Woolman, Theunis Roux & Danie Brand
- *Pretoria Student Law Review 2008-2*; Editors: Neil Coetzer, Ian Learmonth, Francisca Pretorius, Avani Singh, Johann Spies; Assistant Editors: Bronwynne Botha, Heinrich Louw
- *A PULP Guide: Where to publish articles on the law*; Editors: Faculty of Law, University of Pretoria



- *The three books on interest-bearing loans and interest (FOENUS ET USURAE)*; Author: Gerard Noodt
- *University of Botswana Law Journal Volume 9 June 2009*; Editors: Department of Law, University of Botswana
- *PULP Fictions 4 - Reliance and denial in legal histories*; Authors: AJ van der Walt & Lize Kriel
- *PULP Fictions 5 - A lawyer's response to the current travails of South African constitutionalism*; Author: Justice Johan Froneman

PULP currently has 11 books in various stages of production which will be released early in 2010, among which:

- Indigenous people's rights
- PULP Guide: Finding legal information
- Holding the blues to account: An overview of policing in South Africa
- Compendium of environmental regulations
- 2008 African Human Rights Law Reports

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

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



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AFRICAN HUMAN RIGHTS

A few reflections on the role of courts, government, the legal profession, universities, the media and civil society in a constitutional democracy

Johann van der Westhuizen
Judge of the Constitutional Court of South Africa; Bo...
for Human Rights and Extraordinary Professor, Facu...
Pretoria, South Africa

Summary
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own banking system, currency, and an export trade in diamonds. By 1996, a huge number of which were organized only to occupy territory so that they did. Throughout the war in Liberia, but one person agreed to a deal, or agree.

In August 1996, the fighting stopped. The Party (NPP) won the vote (80% of the people saw little difference). Although the fight to light a strong culture. Although it is important respect than religion is greater than culture. Although it is important respect than religion is greater than culture.

Clapham (n 8); Gifford (n 7); S Ellis 'Liberian Affairs 165'.

freedoms of religion
Constitution under the Sun
religions enjoy equal treatment

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 of cannabis has also been outlawed in Namibia, and the danger posed by dependence...

African Human Rights Law Journal

The African Human Rights Law Journal is edited by Frans Viljoen, Tshepo Madlingozi, Annelize Nienaber and Magnus Killander.

During 2009 two volumes were published. The Journal enjoys accredited status with the Department of Education and is included on the International Bibliography of the Social Sciences.





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 entire 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 African Human Rights Law Reports 2008 has been prepared and will be published in early 2010. The 2002 volume of Recueil Africain des Décisions des Droits Humains, the French version of African Human Rights Law Reports was published and translations of additional volumes prepared and edited.

Christof Heyns, Dean of the Faculty of Law, and former Director of the Centre for Human Rights is the editor-in-chief of the Reports. The other editors are Frans Viljoen, Michelo Hansungule and Magnus Killander.

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





STAFF

Interns at the Centre for Human Rights

In 2009 the Centre once again benefited from the hard work and talent of several interns from different parts of the world.

Davinia Gomez from Spain spent eight months here; Martial Tourneur from France was with us for six weeks; Andrew Barry from Canada spent two months at the Centre; Adeola Romola from Nigeria was here for a month; and Alice Chourgnoz from France spent four months of her time and talent to research and write reports.

Staff Members

Executive Committee

Frans Viljoen
Director

Norman Taku
Assistant Director

Carole Viljoen
Office Manager

Harold Meintjes
Financial Manager

Staff Members

Kweku Antwi
Project Coordinator, Good Governance Programme

Patricia Bako
Assistant, Good Governance Programme;
Academic Associate



Lizette Besaans

Manager, Pretoria University Law Press

Japheth Biegon

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

Yolanda Boozyen

Webmaster

Isabeau de Meyer

Publications 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

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)

David Legodi

Assistant: Pretoria University Law Press (PULP)

Hye-Young Lim

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

Justine Limpitlaw

Researcher, Regulating Electronic Communications for
Development

Tarisai Mutangi

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

Mwiza Nkhata

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

Hesphina Rukato

Senior Research Consultant, NEPAD Initiative

Thandi Sibanda

Research Assistant to Prof Viljoen

Karen Stefiszyn

Gender Unit Coordinator

Armand Tanoh

Project Officer: African Human Rights Moot Court Competition; Doctoral candidate

John Wilson

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

David Bilchitz and **Redson Kapinda**, based at SAIFAC, were responsible for a number of activities of the Centre, on a basis of a cooperation agreement between the Centre and SAIFAC (for 2009)

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



Extraordinary Professors

Prof John Dugard

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

Justice Johann Kriegler

Retired Justice of the Constitutional Court of South Africa

Dr Edward Kwakwa

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

Dr Cephas Lumina

Senior Lecturer, Howard College School of Law, University of KwaZulu-Natal and Independent Expert

Prof Kenneth K. Mwenda

Senior Counsel, Legal Vice-Presidency, The World Bank, Washington DC, USA

Dr David Padilla

Former Executive Secretary Inter-American Commission on Human Rights

Ms Mary Robinson

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

Prof Theunis Roux

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

Extraordinary Lecturers

Dr Jean Allain

Queen's University of Belfast

Ms Cecile Aptel

Legal Advisor to the UN International Independent Investigation Commission, Lebanon

Adv Elize Delport

Gender Adviser, Centre for Human Rights (UP)

Ms Nicole Fritz

Executive Director, Southern Africa Litigation Centre

Mr Jody Kollapen

Former Chairperson of the South African Human Rights Commission

Adv Gus Waschefort



STAFF ACTIVITIES

Staff Activities and Staff Publications

Frans Viljoen

Publications

- *Exploring the theory and practice of the relationship between international human rights law and domestic actors* in *Leiden Journal of International Law* (2009) 177-190
- *The African regional human rights system in International Protection of Human Rights: A Textbook* (2009) Åbo Akademi University Institute for Human Rights 503-528
- *African Court on Human and Peoples' Rights* in the Max Planck Encyclopedia of Public International Law (online publication)

Conference papers

- *The Protocol to the African Charter on the Rights of Women*, Washington & Lee University, United States of America
- *The African regional human rights system and non-hegemonic citizenship*, 2nd Annual South African International Law Seminar hosted by SAIFAC

Teaching

- Taught on MA/LLM programmes of the European Masters in Human Rights and Democratisation (Venice), Essex University (United Kingdom), Addis Ababa University (Ethiopia), Åbo

Akademi (Finland), University of Zimbabwe and University of Johannesburg (South Africa)

Editorships

- *African Human Rights Law Journal* (Editor-in-Chief)
- *African Human Rights Law Reports* (Editor)

Michelo Hansungule

Publications

- *African courts on human rights and the African Commission on Human Rights* in Anton Bostl & Joseph Diescho (eds), foreword by Desmond Tutu
- *Human rights in Africa: Legal perspectives on their protection and promotion 2009* Macmillan Education, Namibia, 233-269
- *Protection of civilians, wounded, sick and shipwrecked prisoners of war* in Azizur Rahman Chowdhury (ed) *International humanitarian law - An anthology* 2009 LexisNexis Butterworths, 103-153

Teaching

- Several of the shorts courses in the Good Governance Programme offered by the Centre



- Responsible for and taught the entire course in first semester in *Socio-economic Rights under Comparative and International Law* - one of the courses in LLM (Multidisciplinary Human Rights)
- Taught a number of topics in LLM in Human Rights and Democratisation in Africa first semester
- Continued to supervise two LLM candidates by research
- Continued to supervise eleven LLD candidates, two successfully defended their theses
- Supervised fourteen (14) LLB University of Pretoria Faculty of Law dissertations

Keynote addresses

- Conference jointly organised by the African Commission on Human and Peoples' Rights and the Government of Uganda during International Human Rights Day on the theme: On the notion of partnering generally and within the specific context of the African Commission on Human and Peoples' Rights, Kampala, October 2009
- Workshop jointly organised by the Legal Resources Foundation and the Centre for Human Rights on the theme: South Africa's achievements and outstanding commitments as a member of the African human rights system, Cape Town, 21 October 2009
- Workshop organised by the International Commission of Jurists (ICJ) on the theme: Corporate responsibility for human rights, held in Johannesburg, November 2009
- Annual General Meeting of the Law Association of Zambia

(LAZ) on the theme: *The African Peer Review Mechanism (APRM): An Overview*, held at Livingstone, Zambia, in June 2009

Presentations

- Presented a paper on the topic: *President Bashir of Sudan and the International Criminal Court (ICC)* organised by a consortium of South African-based non-governmental organisations held in Pretoria, June 2009
- Presented a paper on *Litigation in other regions* at the 30th Anniversary of the Lawyers for Human Rights (South Africa) held in, Johannesburg, October 2009
- Presented a paper to a conference organised by the School of Law, University of Zambia on the theme: *Publish or Perish* held in April 2009 in Lusaka, Zambia
- Presented a paper on the theme: *Militaries in Constitutions in the SADC region* at a workshop held by the Institute of Security Studies (ISS) held in, Pretoria in May 2009
- Presented a paper on the theme: *Patronage and Clientism. The Challenge of Shifting to Service Delivery*, at a workshop organised by the South African Institute of International Affairs (SAIAA) held in Johannesburg in July 2009
- Addressed the boards of the African Development Bank (AfDB) on the theme: *Independent Review Mechanism (IRM)* established within the Bank as part of the review I was assigned by the Bank to conduct for them. The address took place in September 2009 at the Temporary Headquarters of the Bank in Tunis, Tunisia



- Presented a paper on *Protection from Poverty* to a group of students drawn from Universities of Uganda, Pretoria, Åbo (Finland), Dar es Salaam, Nairobi and Zanzibar at a workshop jointly organised by the above Universities on 16-20 March 2009
- Presented a paper on *Challenges to the Rule of Law in the SADC Region* to the Alumni Conference organised by the Centre in December 2009

Workshops/meetings attended

- Attended and facilitated a one week workshop jointly organised by the US-based Freedom House and the Ethiopia Human Rights Commission (EHRC) for senior staff of the EHRC held in Addis Ababa, in September 2009
- Presented lectures to the International Human Rights Academy (IHRA) on The Right to Development and Poverty held in Cape Town, October 2009
- Attended an African Union (AU) organised workshop on Mapping the African human rights system which was to validate a study the AU had initiated on the AU human rights system. The workshop was held in Arusha, Tanzania, November, 2009
- Attended a meeting of Experts called to deliberate on implementation of the African Commission Decision of the Endorois case jointly organised by the Minority Rights Group International (MRG) and the Nairobi-based CEMRIDE

minority rights organisation. The meeting was held in Nairobi, Kenya in December 2009

External Examinations

Served as an external examiner for LLB, LLM and LLD students at the following institutions: University of South Africa (UNISA); University of Witwatersrand; University of Kwa-Zulu Natal.

Committees

- Member of the Postgraduate Committee of the Faculty of Law as member
- Permanent member of the Faculty Senior Appointments Committee representing academic staff
- Member of the Faculty Board

Community Service

- Continue to work with non-governmental organizations (NGOs) to promote human rights awareness including Women for Change, Lawyers for Human Rights, Ethiopia Human Rights Commission, etc
- Continued to provide legal and other services to the traditional leaders in the SADC in their individual capacities and through the SADC Council of Traditional Leaders

Appointments

- Appointed as Commissioner at the International Commission of Jurists (ICJ)



- Appointed Member of the Advisory Board of UNIFEM
- Served as International Advisor to KREDDJA International, an international mediation body comprising former heads of state and government, and experts, based in The Hague, The Netherlands

Consultancies

- Consultancy with the African Development Bank on 'Review of the Independent Review Mechanism (IRM)' of the Bank Group
- Consultancy on developing the Complaints Manual of the Ethiopia Human Rights Commission (EHRC)
- Consultancy on the role of traditional leadership in modern society, for Zambia-based Women for Change (WfC) organisation

Danny Bradlow

Publications

- *The G20 and Sustainable IMF Reform* on VOXEU on March 18, 2009, (available at: <http://www.voxeu.com/index.php?q=node/3285>.)
- *Fixing the IMF*, on Foreign Policy in Focus on March 30, 2009 (available at: <http://fpif.org/fpiftxt/6002>)
- *Add Your Voice To The Global Economic Anthem* in The Exporter, Supplement to Business Day April 6, 2009
- *Reforming the Global Financial Architecture: Is Real Change Coming?* in Global Dialogue, May 2009 (published by Institute for Global Dialogue)

- *Governments struggle to assess aid effectively* (Letter to Financial Times) June 2, 2009, (available at: <http://www.ft.com/cms/s/0/21873014-4f0c-11de-8c10-00144feabdc0.html>)
- Foreword to Kenneth K. Mwenda, *Legal Aspects of Banking Regulation: Common Law Perspectives from Zambia* Pretoria University Law Press (PULP)
- *Approach cautiously and handle with care* in Mail & Guardian Online, June 17, 2009, available at <http://www.mg.co.za/article/2009-06-17-approach-cautiously-and-handle-with-care>
- *Quick Money Offers Raise Trade, Development Issues* in The Exporter, Supplement to Business Day, July 7, 2009
- *Large Land Deals, Outsourcing and Responsible Development* www.VoxEu.com, July 24, 2009 (available at: <http://www.voxeu.com/index.php?q=node/3798>)
- *Paying the Way to Reconciliation* in Mail & Guardian, August 28, 2009 (available at <http://www.mg.co.za/article/2009-08-29-paying-the-way-to-reconciliation>)
- *Reconciliation financing: An Innovative Approach to Poverty, Inequality, and Social Conflict* published on VoxEu.com, available at: <http://www.voxeu.com/index.php?q=node/4051>
- *Assessing International Financial Reform* to be published in International Law, Economic Globalization and Developing Countries, J. Faundez, C. Tan, eds., Edward Elgar Press, 2010. (available at: <http://ssrn.com/author=283289>)
- Materials for a 4-part on-line course on Global Financial Governance Offered by United Nations Institute on Training and Research (UNITAR).



Work in Progress

Co-editor of a book on International Financial Institutions and International Law (to be published in 2010 by Kluwer Press). Writing chapter on international legal principles applicable to International Financial Institutions and introduction and conclusion to the book.

Presentations, Participation in Workshops and Media

- Lecture to Human Rights LLM Students on *Effect of Financial Crisis on Human Rights in Africa*, U. Pretoria, 11 February 2009
- Talk to International Petroleum Industry Environmental Conservation Association (IPIECA) Social Responsibility Working Group on *Changing Conceptions of Development and its Implications for Petroleum Producers*, Cape Town, 24 February 2009
- Presentation to SAIIA G20 Summit Workshop on *Reforming the Multilateral Financial Architecture*, Johannesburg, 2 March 2009
- 10 minute interview CNBC Africa on SAIIA conference and upcoming G20 Summit, 3 March 2009
- Lecture to Social and Economic Rights Program on *Effect of Financial Crisis on Human Rights in Africa*, University of Pretoria, 9 March 2009
- Interview on AM Business, CNBC Africa, 16 March 2009 on IMF
- Moderated Grotius Lecture, opening event of ASIL Annual Meeting, 25 March 2009 in Washington DC
- Participated in invitation-only workshop on IMF Reform and the Manuel Report, in Washington DC, organized by Center on Law and Globalization, University of Illinois, 28 March 2009
- Presentation on *Threats and Opportunities for African Trade, Finance and Development in the Evolving International Order* at Open Society Initiative for Southern Africa (OSISA) Workshop on *Post G-20 Summit Reflections: Issues and Perspectives for Africa*, Johannesburg, May 12, 2009
- Workshop on capacity building for trade in services, April 2009, Berlin, organized by ILEAP (International Lawyers and Economists Against Poverty) and German Government
- Participated in invitation only workshop at Institute for Global Dialogue involving presentation by Faizel Ismail on paper on reforming the WTO
- *Foreign Direct Investment and The Promotion of Sustainable Development: What Role for BITs?*, presentation at Bilateral Investment Treaty Review Workshop Sponsored by South African Department of Trade and Industry, 20 August 2009
- *Differing Conceptions of Development Decision Making and Their Implications for Corporate Social Responsibility*, presentation at 8th International Conference on Corporate Social Responsibility, Cape Town, September 8, 2009
- *An Experiment in Creative Financing to Promote South African Reconciliation and Development* presentation at 8th International Conference on Corporate Social Responsibility, Cape Town, September 9, 2009



- Interview on AM Business, CNBC Africa, 5 October 2009 on IMF Financial Stability Report
- Participated in Panel on *Global Economic Crisis: Consequences and Responses in Asia, Middle East and Africa*, sponsored by the Henry L. Stimson Center and the Singapore Institute for International Affairs, Singapore, October 8, 2009. This was the public session connected to an invitation-only workshop on the same topic organized by the same organizations
- Panelist, *Challenges for Absorbing Investment Capital*, 2009 South African Impact Investing Network, Johannesburg, South Africa, October 28, 2009
- Plenary Panelist, *Moving Beyond Grants and Aid: The Nature of Finance*, 2009 South African Impact Investing Network, Johannesburg, South Africa, October 28, 2009
- Discussant, *Managing the Global Economy in Turbulent Times* (Discussant on Presentation by Dr. Marcus Noland, Deputy Director, Peterson Institute for International Economics), event sponsored by University of Witwatersrand Graduate School of Business and South African Institute of International Affairs, Johannesburg, South Africa, November 11, 2009

Other Activities

- African Development Bank: Member Roster of Experts, Independent Review Mechanism
- International Lawyers and Economists Against Poverty: Chaired Board of Directors Executive Director Search Committee, Member, Programme Committee

Norman Taku

Conferences attended

- International Sessions on Religious Pluralism, Round Table of the International Association of Constitutional Law, Jaén, Spain, 21 – 22 May 2009
- Globalisation and Constitutionalism in the 21st Century, Round Table of the International Association of Constitutional Law, Seoul, South Korea, 19 – 21 November 2009

Activities with the Agence Universitaire de la Francophonie (AUF)

- Regional consultative workshop on *Academic Policy for Research Training in the Indian Ocean Region* (Atelier régional de réflexion sur une Politique scientifique de formation à la recherche dans la Région Océan Indien) 27 & 28 April 2009, Réduit (Mauritius)
- Meeting of the Coordinating Committee of the Fundamental Rights Network (Comité de réseau « Droits fondamentaux ») 11-13 May 2009, Paris (France)
- Meeting of the Bureau of the Network of Regional Francophone Institutions of Strategic Studies (Réunion du bureau du Réseau des instituts francophones régionaux d'études stratégiques (RIFRES)) 19-21 June 2009, Cluj (Romania)



Hesphina Rukato

Publications

- *Future Africa: Prospects for Democracy and Development under NEPAD* 2009 Africa World Press

Magnus Killander

Editorships

- Co-editor: *African Human Rights Law Reports / Recueil Africain des Décisions des Droits Humains* (PULP)
- Associate editor: *International Law in Domestic Courts* (Oxford University Press)
- Africa editor: *International Law in Domestic Courts* (Oxford University Press)
- Co-editor: *African Human Rights Law Journal* (JUTA)

Publications

- *Human rights developments in sub-regional courts in Africa during 2008* in 9(1) 2009 African Human Rights Law Journal 295-311 (with J Biegon)
- *The African regional human rights system in International Human Rights Law in a Global Context*, 2009, University of Bilbao, Spain 855-898 (with C Heyns)
- *Regional cooperation and organization: African states* in the Max Planck Encyclopedia of Public International Law (online publication)

- *Life; freedom and security of the person* (with P Vrancken); *Slavery, servitude and forced labour; Freedom of movement and residence; Arrested, detained and accused persons; Human rights litigation* (with P Vrancken) in A Govindjee & P Vrancken (eds) *Introduction to human rights law* Durban: Lexis-Nexis (2009)
- *The role of international law in human rights litigation in Africa* in E Quansah & W Binchy (eds) *The judicial protection of human rights in Botswana* Dublin: Clarus Press (2009)

Conferences and other activities

- Attended a conference in Oslo, Norway, in May which was held in conjunction with meetings related to the ILDC project.
- Organized a conference on International law and human rights litigation in Africa in connection with the moot court in Lagos in August.
- Attended a conference on extra-territorial obligations with regard to socio-economic rights at the University of Lancaster, UK, in September where I made a brief presentation on CAADP at a session on the right to food and the African peasant.
- Attended a conference at Ghent University, Belgium, in October where I made a presentation on the use of international law by domestic courts in Africa.
- 25 November: Attended a roundtable colloquium on South Africa's foreign policy and human rights in Cape Town.
- 26-27 November: Participated in a curriculum development



workshop for a masters programme in human rights at Universidade Eduardo Mondlane, Maputo, Mozambique.

Martin Nsibirwa

Conferences/training attended

- The Roundtable on the Role of Political Parties in Advancing Equitable Women's Representation and Participation in Parliaments and in Political Parties in SADC, held in Durban, South Africa, 21-22 March 2009
- Intensive Course on the Justiciability of Economic, Social and Cultural Rights which was held in Åbo, Finland, 9-13 November 2009
- Research visit at Åbo Akademi University, Åbo, Finland, 21 September to 14 November 2009

Waruguru Kaguongo

Conferences attended

- EqualinRights International Workshop on Costing and Frontloading Human Rights 4-7 November 2009, The Hague, Netherlands.

Publications

- *Judiciary Watch Report 8: Addressing Impunity and Options for Justice in Kenya - Mechanisms, Issues and Debates* (2009) (Co-edited with Godfrey Musila) ICJ-Kenya & Konrad Adenauer Foundation.

Solomon Ebobrah

Publications

- *Human rights developments in sub-regional courts in Africa during 2008* in 9(1) 2009 African Human Rights Law Journal 312-335
- *Litigating human rights before sub-regional courts in Africa: Prospects and challenges in 2009* 17(1) African Journal of International and Comparative Law 79-101
- *The admissibility of cases before the African Court on Human and Peoples' Rights: Who should do what?* in 3(1) 2009 Malawi Law Journal 87-113

Editorships

- Co-editor (with Armand Tanoh) on the *Compendium on Human Rights Instruments in African Sub Regional Organisations*

Conferences and other activities

- *Decriminalising libel and related offences: the approach of the African Commission on Human Rights* conference paper presented at the 2nd Southeast Asia Media Legal Defence Network Conference, Cebu City, Philippines, 27 - 29 October 2009
- *Institutional framework for international promotion and protection of freedom of expression: the case of the African human rights system* conference paper presented at the 2nd Southeast Asia Media Legal Defence Network Conference, Cebu City, Philippines, 27 - 29 October 2009



- *The use of international law in Nigerian courts: prospects and challenges* seminar paper presented at ILDC West Africa seminar on the Use of International Law in Domestic Courts, Yenagoa, Nigeria 18 September 2009
- *Addressing sub-regional challenges to the unity of Africa international human rights law* conference paper presented at the International Law in Domestic Courts Colloquium, "Unity or Fragmentation of International Law: the role of international and national tribunals" at the University of Oslo, Norway, 14 - 15 May 2009
- Organised the ILDC West Africa seminar on *The use of International Law in Domestic Courts*, Yenagoa, Nigeria 18 September 2009
- Took part as a presenter at the First Research Department Lunch Roundtable programme of the Danish Institute for Human Rights, 12 May 2009.
- *Towards the adoption of guidelines for state reporting under the African Union Protocol on Women's Rights: A review of the Pretoria Gender Expert Meeting, 6-7 August 2009* in 9(2) 2009 African Human Rights Law Journal 615-639
- *Transitional justice and accountability for sexual and gender based violence in Kenya: Issues and approaches* in Godfrey Musila & Waruguru Kaguongo (eds) *Addressing impunity and options for justice in Kenya: Mechanisms, issues and debates* Nairobi: ICJ-Kenya, p. 142-194
- *Electoral violence and fragility in Africa: Lessons from Kenya's experience in the 2007/2008 post-election violence*, paper presented at the Conference on European Report on Development, Accra, Ghana, 21-24 May 2009

Teaching

- Taught at the Centre for Human Rights, Good Governance Short Courses in May, July and December 2009

Japheth Biegon

Publications and presentations

- *Human rights developments in sub-regional courts in Africa during 2008* in 9(1) 2009 African Human Rights Law Journal 295-311 (with M Killander)

Conferences/workshops attended

- 46th Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, the Gambia, 11-14 Nov 2009
- Forum on the Participation of NGOs in the 46th Ordinary Session of the African Commission on Human and Peoples' Rights and the 20th African Human Rights Book Fair, Banjul, the Gambia, 7-9 Nov 2009
- Regional Conference on the Death Penalty for East and Southern Africa, Kigali, Rwanda, 23-25 Sept 2009
- Conference on International Law and Human Rights Litigation in Africa, Lagos, Nigeria, 14-15 Aug 2009



- Gender Expert Meeting on State Reporting on the Protocol on the Rights of Women in Africa, Pretoria, South Africa, 6-7 Aug 2009
- Conference on European Report on Development, Accra, Ghana, 21-24 May 2009

Tarisai Mutangi

Publications

- *Executing judgments of the SADC Tribunal rendered through its human rights related mandate: prospects and challenges* (submitted for publication)

Workshops Attended

- Attended a Conference in Oslo in May 2009 on the *Unification or Fragmentation of International Law*, Oslo, 13-14 May 2009
- Attended a Conference on *Improving Human rights based interventions to combat discrimination based on HIV status in SADC and the Great Lakes region*, Pretoria, 2009
- Attended a workshop on the *Legacy of John Dugard*, University of the Witwatersrand, 2009

Armand Tanoh

Seminar/papers presented

- Participated in a seminar for doctoral students organised by the Agence Universitaire de la Francophonie from 30 October to 5 November 2009, aimed at helping students develop

proposals and to provide guidance in the drafting of the doctoral thesis

- Presented a paper at the African Human Rights Moot Court Conference in 2009 on *Human rights litigation in francophone West African countries*. This paper looked at the level of reliance of international law in domestic courts in these countries with specific focus on Benin and Cote d'Ivoire

Editorships

- Co-editing with Dr Solomon Ebobrah on the *Compendium on Human Rights Instruments in African Sub Regional Organisations*

Mwiza Nkhata

Conferences/teaching

- Participated in the Gender Experts Meeting on State Reporting on the Protocol on the Rights of Women in Africa, 6-7 August 2009, Farm Inn, Pretoria
- Taught on the Good Governance Programme (Gender Equality Course) 7-11 September 2009, Pretoria
- Attended *Intensive Course on the Justiciability of Economic, Social and Cultural Rights: Theory and Practice*. 9 -13 November 2009, Turku/Abo, Finland

Publications

- Book Review: *Prisoners of Freedom: Human Rights and the African Poor*. 2009 Malawi Law Journal pages 149- 152



- Book Chapter, *What does the SADC Tribunal portend for human rights in the region: A new hope or a false dawn?* ICJ-Kenya Case Book III

Yolanda Boozyen

Conferences

- *The Next Step: Advancing Web 2.0 for traditional media*, 11 - 12 February, The Pavillion, Cape Town
- *25th Annual South African Visual Art Historians Conference: The politics of change: Looking backwards and forwards*, 9 - 10 July, University of Pretoria

Lizette Besaans

Conferences

- *10th International Law via the Internet Conference*, 26 - 27 November 2009, Durban, South Africa
- *Law Teachers Conference*, 13-16 July 2009, University of KwaZulu-Natal, Pietermaritzburg

Berita Kopolo

Courses attended

- *Global Perspectives on Development* (University of Pretoria)
- *International Political Economy* (University of Pretoria)
- *English Language Enrichment*, CE at UP, 21 - 22 October 2009

- *Protocol, Etiquette and Function Coordination*, CE at UP, 7 - 8 September 2009

Conferences and workshops

- *ICJ-FES-ITUC Conference on Business Complicity in Human Rights Violations in Southern Africa*, Johannesburg, 29 - 30 October 2009
- *Research Institute on Human Rights Research, Writing and Editing*, Gaborone, 25 September - 6 October 2009
- *APPEAL Conference on Legal Writing in Africa*, Pretoria, 1 - 4 July 2009
- *OSI Conference on Access to Medicines: Meeting the Challenges*, Lusaka, Zambia, 6 - 12 December 2009.

Publications

- *Costing the smog that I breathe* in Southern Africa Resource Watch available at: www.sarwatch.org/publications/views.html

LLM in International Trade and Investment in Africa

- Academic/Personal Tutor
- Assistance with assignments, research projects, collation and distribution of class material, timetable, trips and function coordination as well as general admin work



Stephanie van der Walt

Courses attended

- International Development Law (UNISA)
- Global Perspectives on Development (UP)
- International Political Economy (UP)

Conferences/workshops

- US Federal Trade Commission and the Department of Mercantile Law: International Workshop on Consumer Protection in Trade (May 2009)
- SAIIA: Strategies for Effective Policy Advocacy: Demanding Good Governance in Africa (June 2009)
- Seattle Law School: Seminar on Legal Writing (July 2009)
- Department of Trade and Industry: Workshop on Reviewing South Africa's BIT Policy (August 2009)

LLM in International Trade and Investment Law

- Travel arrangements for lecturers
- Tutoring of students (research projects, assignments etc.)
- Arrange Internships opportunities for LLM Students.

Community Engagement

Staff members of the Centre participated in three community engagement exercises.

At the end of June a group of us visited the Mamelodi Old Aged Home to treat the residents to a mid-morning tea and just spending time with the old folk.

Early in August staff were once again able to treat the residents of another old-age home, this time in Eersterust, to a delicious tea. We did this in support of the *Mandela 67 minutes day*.

Our third Community Engagement linked us up with another nation-wide exercise, this one in line with Do It Day. Almost everyone at the Centre was able to make time to brighten up the premises of the Pop-Up Centre, which runs numerous community upliftment programmes in Pretoria. We were involved in painting, gardening and improving the fencing at the premises.



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