

Centre for Human Rights - Annual Report | 2010

Peace & Security

thought We're All Equal Before the Law

African Charter on Human and Peoples' Rights

Mutual DECOLONISATION
assistance EDUCATION Slavery



UNIVERSITEIT VAN PRETORIA
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Faculty of Law



Centre for
Human Rights
UNIVERSITY OF PRETORIA



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DIRECTOR'S MESSAGE



The year 2010 started on a very sad note for us at the Centre for Human Rights, when Gill Jacot Guillarmod passed away on 15 January after a brief period of illness. Gill was our respected

and inspirational senior liaison officer. Gill was also our dear friend, trusted confidante, the beloved grandmother to our children, and the core of our social being. More than anyone else, she symbolised the kind heart and the sincere humaneness to which we as a Centre aspire.

In remembrance of her positive spirit, her belief in the youth and her indefatigable efforts to 'open the doors of learning' to so many, we instituted the Gill Jacot Guillarmod Scholarship. We are happy that the first recipient of this scholarship will study at the Centre in 2011.

In 2010 we missed her as professional programme director and generous hostess at many a Centre event. Although we continue to miss her, we know she would take pleasure in seeing the Centre continue on its quest to contribute to the improvement of human rights in Africa.

This Report contains a summary of the various projects and other activities by the Centre in 2010. It is perhaps unfair and impossible to single out any of these many projects and activities. One highlight that should be mentioned at the outset is the re-branding and re-launching of the Centre's web site (www.chr.up.ac.za), under the expert creative guidance of our webmaster Yolanda Booyzen. The website is not only the Centre's mirror to the world, but also contains valuable human rights-related information in a number of databases, including its very-often visited 'African Human Rights Case Law Database' and also a resource on indigenous peoples' rights. In summary, though, I would point to a few aspects:

Formal, curriculum-based human rights education

As an academic department in the Faculty of Law, the Centre presents three Master's programmes. In 2010, 30 students again registered for one of Africa's leading human rights programmes, the LLM (Human Rights and Democratisation in Africa), and 29 students graduated. The first graduates on the LLM (Multidisciplinary Human Rights), a new programme introduced in 2009, also obtained degrees this year. The LLM (Trade and Investment Law in Africa) did not have a new intake, but 19 students completed the degree and graduated at UP in 2010.

The doctoral programme also continued with a total of 32 students registered at the Centre.



Three students completed their studies and graduated in 2010. For the first time in the life of the Faculty, the degree LLD by virtue of publications was awarded to Prof Danny Bradlow from the International Development Unit (IDLU) in the Centre. Informal, project-based human rights education

The core of the Centre's mission is not only to present formal academic educational programmes, but also to raise awareness and improve knowledge and skills on human rights in innovative ways. Over 19 years, the African Human Rights Moot Court Competition has played a consistent role in inspiring research and interest on the African Charter on Human and Peoples' Rights. The year 2010 was no exception, with a hugely successful and well-attended Moot Court Competition in Cotonou, Benin, hosted by the Centre, in collaboration with Université d'Abomey-Calavi. To this should be added the advanced short courses on human rights and good governance, aimed at and reaching a broad spectrum of interested persons under the 'Good Governance Programme'. In 2010, no less than nine such courses were presented, involving a total of 369 participants! (From 2011, these short courses will no longer be presented under the rubric of the 'Good Governance Programme', but rather as one-week intensive and advanced human rights short courses, 'Advanced Human Rights Courses' (AHRC) to better reflect their focus.) The Gender Unit also conducted valuable awareness-raising and skills-building training courses on the UN and African human rights standards of relevance to women, with UNIFEM (now UN Women).

Research and publications

The Centre maintained and expanded its focus on research and publications. After obtaining his doctoral degree, Magnus Killander was appointed as our Head of Research. Regular publications include the African Human Rights Law Reports (in English and French), the only report of this nature, published in collaboration with the African Commission on Human and Peoples' Rights. In 2010, the African Human Rights Law Journal marked consistent two-issue peer-reviewed volumes for 10 years. The Pretoria University Law Press (PULP) is still administered from within the Centre. In 2010, a total of 19 books were published, covering a wide range of topics and authors. The Centre also took the responsibility for the African content of two University of Oxford on-line publications, International Law in Domestic Courts (ILDC) and International Human Rights Law (IHRL).

Other human rights-related events

During 2010, a number of specific once-off events were organised, such as a workshop on extra-territorial human rights obligations. The Centre also embarked on a two-year project on freedom of information, with the African Commission's Special Rapporteur on Freedom of Expression, aimed at the adoption of model legislation for African states. Disability rights became a new area of focus for the Centre. We have been working with the Open Society Institute for Southern Africa (OSISA) to ensure greater awareness of and training and teaching on disability rights in Southern Africa.



25-year celebrations in 2011

Looking forward to 2011, we look back to 1986, the year in which the Centre was founded – 25 years ago. In commemorating 25 years of the Centre, numerous activities are planned.

We anticipate a grand reunion of past and present Centre staff as part of the celebrations on 7 May. A number of academic conferences are planned to further the Centre's mission to view human rights from a more multi- and inter-disciplinary perspective. The Centre's 25 year celebrations also coincides with the '30/25 years of the African Charter' (30/25, depending on whether one refers to the year of the Charter's adoption, in 1981, or its entry into force, in 1986). This event will be highlighted in particular at the African Human Rights Moot Court Competition, which in 2011 will be hosted by the Centre for the twentieth consecutive year.

Thanks

This wide array of activities could only have been successful without the enthusiasm and professionalism of the handful of dedicated staff members of the Centre. It remains a singular pleasure to work with such a motivated and principled group of people. From my side, a sincere word of thanks to everyone at the Centre! Also, thank you to all our partners, especially financial supporters. Without your support, our ideals would remain unrealised. Thank you also to all the individuals on whom we

know we can rely without hesitation, and everyone who supported us and collaborated with us in one way or another.

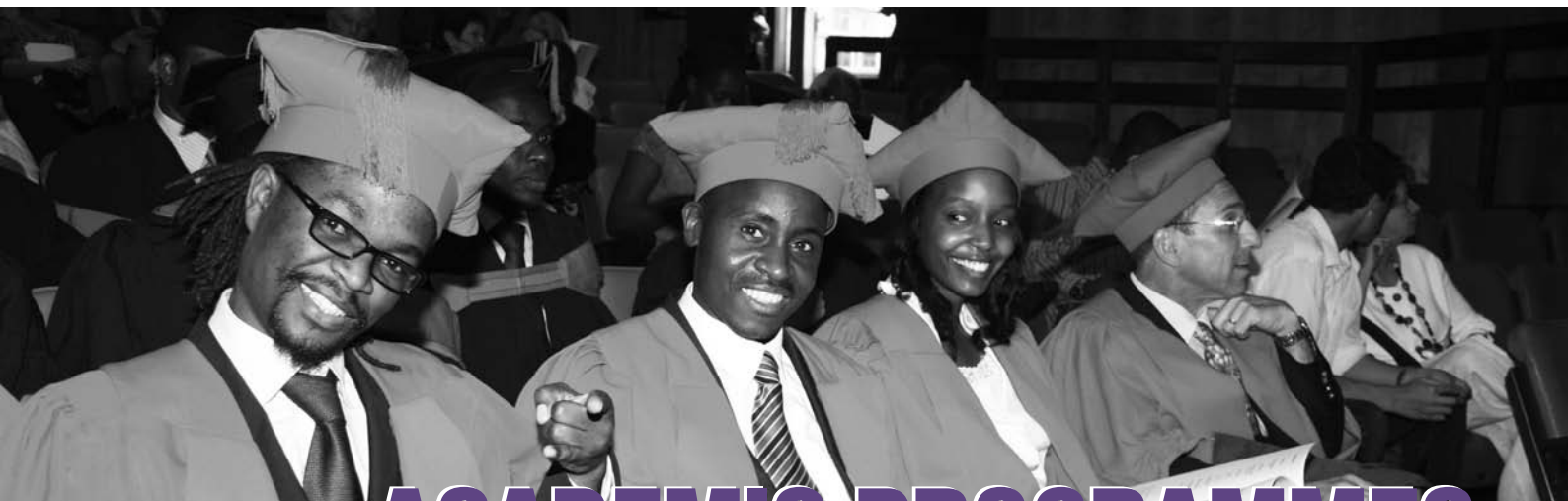
My sincere thanks go to all the dedicated and talented staff of the Centre, who make this the place it is – both in a personal and professional sense. Thank you also to all the many alumni of the various Centre programmes who are our torch-bearers across the continent and with whom we like to keep in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

Thirty-two students were registered for the LLD (Human Rights) in the Centre, under the supervision (or co-supervision) of Professors Christof Heyns, Frans Viljoen, Michelo Hansungule and Dr Magnus Killander. Monthly LLD meetings were held, at which doctoral candidates present their work in progress.

In 2010, three candidates completed their studies and graduated on 10 December. They are Tarisai Mutangi (Zimbabwe), Waruguru Kaguongo (Kenya), and Mwiza Nkhata (Malawi). Ms Hye Young Lim (South Korea) also completed her studies successfully by the end of 2010, but will graduate in the Autumn of 2011.

Prof Danny Bradlow was the first person in the Faculty to obtain the LLD degree by virtue of publications. The degree was also awarded on 10 December.

As far as the doctoral programme in the International Development Law Unit is concerned: At the start of 2010, there were two continuing LLD students and one student who began her studies. They were joined by a second new student in the middle of the year. During the course of the year, IDLU lost two

of these doctoral students, who each decided to become part-time LLD students so that they could seek outside employment. As a result, IDLU ends the year with two doctoral students, both of whom have successfully defended their dissertation proposals and so will begin writing their dissertations in 2011.





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

In 2010, the Centre admitted 30 students on the LLM programme. The students were drawn from 20 African countries.

The LLM is presented in partnership with the following universities: Addis Ababa University (Ethiopia), Université d'Abomey-Calavi (Benin), American University in Cairo (Egypt), Catholic University of Central Africa (Cameroon), Universidade Eduardo Mondlane (Mozambique), Université Gaston Berger (Senegal), University of Ghana, University of Lagos (Nigeria), Makerere University (Uganda), University of Mauritius and University of the Western Cape (South Africa). At the end of 2010 the partnership was expanded to include the University of Venda (South Africa).

The students spent the first semester in Pretoria. This was the period January to July 2010. As in the past years the first semester was very busy for the students. They attended lectures and undertook study visits. Students had to complete six modules and were also required to study a language. The majority of the students studied beginners French while a small group studied advanced English and others studied beginners Portuguese. Lecturers who taught on the programme included experts in the fields of human rights and democratisation, coming from all over the world.

The students undertook a study visit to the Constitutional Court of South Africa, where they attended a case and had to write a shadow judgment which was then assessed.

In April, the students were divided into four groups and undertook field trips to Botswana, Swaziland, Zimbabwe and a group remained in South Africa. Before embarking on the study visits each student selected a topic in the area of human rights or democratisation and this formed the basis of his or her research during the study visit. The students were accompanied by academic and administrative staff on road trips to these destinations. In the different locations they interviewed government officials, members of civil society, academics and visited places and institutions of relevance to their research.

A dissertation exercise was also held at the University of Pretoria. This was attended by academics and tutors and the students presented their dissertation proposals and received feedback on these.

Small groups of between 2 to 5 students then spent the second semester at the partner universities. With the exception of Université d'Abomey-Calavi (Benin), American University in



Cairo (Egypt) and University of Lagos (Nigeria), all partner universities hosted students.

At the partner universities the students continued with their academic work. They wrote their dissertations, attended human rights courses, attended language classes and served internships at human rights institutions. With the exception of one student, all completed the first and second semesters successfully and graduated on Friday 10 December – International Human Rights Day.

During 2010 the LLM (Human Rights and Democratisation in Africa) was sponsored by the European Union, the Dutch Ministry of Foreign Affairs, DAAD and the Raoul Wallenberg Institute.





LLM (Master of Laws) (International Trade & Investment Law in Africa)

The last LLM programme in trade and investment law presented at UP began in July 2009 and 19 students graduated in May 2010. The programme is divided into two semesters. During the first semester the students undertake intensive course work and, as a result, spend the whole first semester, from July to December 2010, in residence at UP. During the second semester, from January to May 2010, the students were engaged in conducting research for and writing their mini-dissertations. Some of them were also working in internships either in South Africa or their home countries. This meant that during 2010, very few of the students were actually on campus and, as a result, IDLU only had intermittent contact with them.

The 2009-2010 LLM programme was the first time that International Development Law Unit (IDLU) had been responsible for the programme. It was also the first year that we were unable to send any students abroad to study at the partner universities. Consequently, this year was an important learning experience for IDLU. There were three important lessons learned. First, since we are unlikely to be in a position to send many students abroad in the future, the demand for internships in South Africa is likely to be high in future years. As a result, there is a need to develop

more contacts with institutions that could offer our students internships of various kinds. Second, since there were no students at the overseas partner institutions, there were more students who needed support in connection with the research and writing of their mini-dissertations. In future, IDLU will address this issue by appointing 3 or 4 tutors, drawn primarily from among the LLD students. Third, the administrative support capacity for the programme needs to be enhanced. This necessarily follows from the need to provide students with more 'in-house' support in connection with the research and writing of their dissertations and with the increased demand for internships. In the short run this support is provided by a mix of an academic associate, IDLU's 3 LLD students, and a portion of the time of Emily Laubscher, the Assistant Financial Manager at the Centre for Human Rights. During 2011, this capacity will be enhanced by the appointment of a full time administrative assistant.

During 2010 the LLM (Trade and Investment Law in Africa) was sponsored by AUSAID, and the IDLU is supported by the National Research Foundation.



LLM/MPhil in Multidisciplinary Human Rights

In 2009, the Centre introduced a new LLM programme in multidisciplinary human rights and is offered to candidates in possession of an LLB degree from a recognised university.

Non-holders of an LLB degree but who hold an honour's degree in another field are admitted to the MPhil (Multidisciplinary Human Rights) stream of the programme. The first students graduated from this programme in 2010.

Fourteen students registered for the LLM (Multidisciplinary Human Rights) and five new students registered for the MPhil (Multidisciplinary Human Rights) in 2010.





HUMAN RIGHTS EDUCATION

Nineteenth African Human Rights Moot Court Competition

The African Human Rights Moot Court Competition is the largest annual gathering of African law faculties and one of the most important human rights educational initiatives in Africa. Since its inception in 1992, it has been hosted in 16 countries and has brought together 129 of approximately 150 law faculties in Africa representing 48 of its 53 countries.

The students argue a hypothetical human rights case under the African Charter on Human and Peoples' Rights before benches of law lecturers and human rights experts. Separate preliminary rounds are held in English, French and Portuguese. The best teams from each language group then advance to the final round where, by draw of lots they merge to form two new combined teams of three universities on each side (one anglophone, one francophone and one lusophone team on each side). The judges in the final round are international human rights lawyers of the highest standing, and simultaneous translation is provided.

In 2010 the Moot was hosted at Université d'Abomey-Calavi from 4 to 9 October 2010 in Cotonou, Benin. The hypothetical case argued in 2010 dealt with several human rights questions including HIV/AIDS, polygamy and the rights of women, and political participation.

In total 174 participants from 58 universities representing 28 African countries took part in the Moot in Benin. Two universities, from Uganda and The Gambia, participated for the first time: the Christian University in Uganda and the University of The Gambia. Once again, the participants of the Benin Moot reflected the diversity of the African continent with teams coming from the different sub-regions of Africa as well different official languages groups.

After two full days of preliminary rounds, the best four English-speaking and the best two French-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 Francophone team on each side. (There were not enough Lusophone teams to allow for a team in the final round)

This year the following teams were finalists:

Final round Applicant

- Université d'Abomey-Calavi, Benin
- University of Lagos, Nigeria
- Kwame Nkrumah University of Science and Technology, Ghana



Final round Respondent

- Université de Cocody, Cote D'ivoire
- University of Namibia, Namibia
- Rhodes University, South Africa

The winning team was the one arguing for the Respondent.

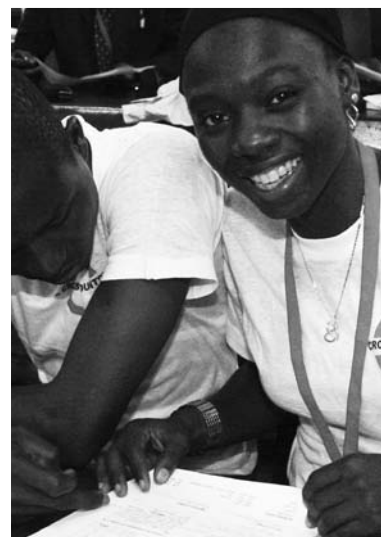
The judges in the final round were:

- Advocate Robert Dossou, President of the Constitutional Court of Benin
- Advocate Reine Alapini Gansou, Chairperson of the African Commission on Human and Peoples' Rights
- Dr David Padilla, Former Assistant Executive Secretary, Inter American Human Rights Commission
- Dr Hélène Lambatim Nadjilengar, Vice President of the Economic and Social Council of Chad
- President of the Chadian Women Lawyers Association
- Mrs Nana-Oye Lithur, Director, Commonwealth Human Rights Initiative, Ghana
- Justice Johan van der Westhuizen, Judge of the Constitutional Court of South Africa
- Dr Farida Mamad, Faculdade de Direito, Universidade Eduardo Mondlane, Moçambique

The 2010 Moot once again reached a new group of aspirant lawyers, exposing them to the real possibility and tangible benefits of making use of the African regional human rights system. It definitely contributed to the development of human rights litiga-

tion in Africa. With the human rights moot court competition, Africa is definitely on track to moving from human wrongs to human rights.

During 2010 the Moot Court Competition was sponsored in South Africa by the European Union, Agence Universitaire de la Francophonie, UNESCO, UNAIDS, UNFPA and the French Government through the Embassy. In Benin the sponsors were the Government of Benin, the Konrad Adenauer Foundation and Moov Etisalat.





Seventh Annual African Trade Moot

The Seventh Annual African Trade Moot competition was presented at the University of the Western Cape from 27 September to 1 October. The following universities participated:

- Midlands State University, Zimbabwe
- Moi University, Kenya
- University of Bouake, Cote d'Ivoire
- University of Forte Hare, South Africa
- University of the Western Cape, South Africa
- University of Zululand, South Africa
- Walter Sisulu University, South Africa

During the final round which took place between the University of Zululand, South Africa and the Midlands State University, Zimbabwe, the panel consisted of Dr Boitshoko Ntshabele (Dept of Agriculture, Forestry & Fisheries); Ms Aegyung Jung (WTO) and Ms Lindi Benić (SATI/HORTGRO)

The competition was won by Midlands State University, Zimbabwe.

The competition is an unique opportunity for students from African countries to engage in topical trade issues related to international trade law as argued before the WTO Trade Dispute Settlement Body.





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 2010 were:

International Law (January); Socio-economic Rights (March); Sexual Minority Rights (April); Forced Migration (April); Human Rights in Africa (May); Human Rights and Access to Medicines (May) Good Governance (July); Gender Equality (September); International Humanitarian Law (November) and 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 in the continent.

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

During 2010, 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.

During 2010 the Good Governance Programme was sponsored by the Open Society Foundation, the Foundation Open Society Initiative, Open Society Initiative for Southern Africa and the International Organization for Migration.

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



RESEARCH & ADVOCACY

State Reporting Project

The State Reporting Project started in January 2009, and is a collaboration with the South African Department of Justice and Constitutional Development.

According to 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 or Degrading Treatment or Punishment (CAT).

In 2010 draft reports under the four treaties were prepared, and are being finalised for adoption in 2011.

During 2010 this project was sponsored by the Department of Justice.





Gender Unit

The Centre for Human Rights (CHR), in partnership with UNIFEM, has undertaken a project to support the implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in Southern African and Indian Ocean Region.

The project has the following components:

1. Development of a common agenda for gender equality advocates on aid effectiveness
2. Regional training on CEDAW reporting
3. CEDAW and gender equality training
4. CEDAW report writing support and technical assistance to identified states
5. Dissemination of knowledge emerging from, and relevant to, the project is fundamental to its success.

All research and reports emerging from the project as well as documentation related to the implementation of CEDAW in the regions will be made available on this site including, but not limited to, primary international legal texts, State and civil society reports to the CEDAW Committee, case law, and literature. This website is envisioned to serve as a comprehensive knowledge bank for government and civil society.





The first course focused on the state reporting process under the CEDAW Convention including the role of civil society. Participants were provided with an overview of the substantive provisions of CEDAW and the obligations of states parties under the convention, including compliance with the reporting mechanism. Key human rights issues in Africa were discussed to illustrate the relevance of CEDAW in the region and the participants engaged in lively debates such as the reconciliation of harmful traditional practices with international standards for the protection of women's rights. Synergies between CEDAW and the Protocol to the Africa Charter on Human and Peoples' Rights on the Rights of Women in Africa were identified. The course concluded with a 'mock CEDAW session' involving the participants as the CEDAW Committee, the government delegation, civil society and the media.

The second course on gender equality was for regional experts from government and civil society. Given the wealth of expertise amongst the participants, peer-to-peer learning was engaged, whereby participants were requested to prepare, and present, a 15 minute presentation on a designated topic relating to women's rights in their country. Aside from these presentations, the participants also heard from experts on CEDAW, gender and aid effectiveness, the Universal Periodic Review mechanism, and the gender dimensions of HIV.

In each instance, above and beyond class learning, close connections were formed for ongoing sharing of information and best practices in the region.



During 2010 the Gender Unit was sponsored by UNIFEM.



AIDS and Human Rights Research Unit

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

In the past the Unit provided technical assistance to the Southern African Development Community (SADC) Parliamentary Forum (PF) and participated in the drafting of a law on HIV and the East African Community.

In 2010, the Unit was involved in the civil society campaign to advocate for the establishment of an HIV Committee by the African Commission on Human and Peoples' Rights.

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 Overview report of this study has now been published in English, French and Swahili. An Arabic translation will follow in 2011. The database on indigenous peoples' rights is continuously being updated. See www.chr.up.ac.za/indigenous.

During 2010, this project was sponsored by the International Labour Organization.



UN Glossary on violations of international human rights law and international humanitarian law

The Centre for Human Rights has been contracted by the UN High Commissioner for Human Rights to develop a glossary on violations of international human rights law and international humanitarian law.

The glossary will include key elements of around 280 violations as well as examples illustrating these violations.

During 2010 this project was sponsored by the United Nations.

Workshop on extra-territorial human rights obligations

States do not only have human rights obligations towards their own inhabitants. They also have the duty to ensure that they do not violate the human rights of people abroad.

States thus have extra-territorial obligations (ETOs) for example in the areas of investment, trade and development assistance.

They must also ensure that their corporations operating abroad do not violate human rights. In order to discuss these issues and provide input to the process of developing a document on ETO principles, two members of the steering group of the ETO consortium (<http://www.fian.org/programs-and-campaigns/projects/the-eto-consortium>) met with African stakeholders, including Commissioner Mumba Malila of the African Commission on Human and Peoples' Rights, at the Centre for Human Rights on 1 and 2 November 2010. A public seminar 'Globalization, poverty and borders: Do states have duties to realize socio-economic rights beyond their own borders?' was held at the Constitutional Court in Johannesburg in the evening of 1 November which further enriched the discussions.



Disability Rights Project

A week-long workshop/training session on 'Human Rights and Persons with Disabilities' was held at Makerere University, Uganda from 15 to 19 March under the aegis of the North-South-South programme presented by the Centre for Human Rights, among others.

The lectures were attended by thirty students, most of them in undergraduate programmes from the Universities of Dar Es Salaam, Makerere, Pretoria, Zanzibar, and Abo Akademi. The lectures were interdisciplinary and presenters were professors in geography, political science, philosophy, and law. Aside from lecture presentations, group discussions and a moot court were held. The moot problem involved a person with a mental disability being arrested by police and charged with malicious damage to property.

During May a Disability Rights Roundtable was held at Universidade Eduardo Mondlane, Mozambique to further discuss issues of disability rights and to present the findings of a research project managed by Hermien Kotze, together with the Centre for Human Rights whereby a comprehensive overview of disability policy and legislation in nine Southern African countries was discussed.

This workshop was followed up with another two-day workshop held at the University of Pretoria in November where curriculum development of disability rights was discussed.

During 2010 the disability rights programme was sponsored by the Open Society Institute of Southern Africa.





Workshop on freedom of expression / Access to information model legislation

The Centre, with the African Commission's Special Rapporteur on Freedom of Expression, has in 2010 embarked on a consultative process towards the adoption of a model law on access to information for African states, as well as an explanatory memorandum and guideline for implementation.

A workshop of important role players was held in October 2010 at the Centre for Human Rights to decide on principles to guide this process. The African Commission subsequently formally endorsed this process, which will continue in 2011.

During 2010 this workshop was sponsored by the Open Society Institute of Southern Africa.





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 three law journals – the Constitutional Court Review, University of Botswana Law Journal and the Pretoria Student Law Review; discussion papers on topical issues (PULP Fictions); and guides on legal writing and academic publishing in law.

During 2010 PULP attended various conferences as exhibitors and/or sponsors of books including the Human Rights Indaba in Potchefstroom, the Grootboom conference in Pretoria and the 19th African Human Rights Moot Court Competition in Benin.

Books published by PULP during 2010

- Constitutional Deference, Courts and Socio-Economic Rights in South Africa Kirsty McLean
- African Human Rights Law Reports 2008 Centre for Human Rights
- Perspectives on the rights of minorities and indigenous peoples in Africa Solomon Dersso
- Compendium of South African Environmental Legislation – 2nd edition Morne vd Linde and Loretta Feris
- Pretoria Student Law Review (2009) 3 Student editors
- PULP Guide: Finding legal information in South Africa 2010 Shirley Gilmore
- Compendium of African sub-regional human rights documents Solomon Ebobrah & Armand Tanoh
- Legal aspects of banking regulation: Common law perspectives from Zambia Kenneth K Mwenda
- Recueil Africain des Décisions des Droits Humains – 2003
- Fostering Constitutionalism in Africa Charles Fombad and Christina Murray
- Mobilising social justice in South Africa Jeff Handmaker & Remko Berkhout
- Compendium of key human rights documents of the African Union – 4th edition Christof Heyns & Magnus Killander
- PULP Fictions - On 'Shoot the Boer' Karin van Marle
- The University of Botswana Law Review - Volume 9, December 2009
- PULP Guide: Where to publish articles on the law – 3rd edition Shirley Gilmore
- The University of Botswana Law Review - Volume 10, June 2010



- 'Reap what you have not sown' George Sombe Mukuka
- International law and domestic human rights litigation in Africa Magnus Killander
- Politokrasie: 'n Peiling van die dwanglogika van die territorial Koos Malan

PULP books in various stages of production to be released early in 2011:

- Botswana law Reports Volume 4
- Public interest litigation and the promotion and protection of human rights in Uganda
- Constitutional Court Review 2009
- Land Planning Regulation in Africa
- Land Reform in Africa
- Disability law in Southern Africa
- The balancing of interests in environmental law in Africa
- Excise tax in Africa
- VAT in Africa
- Property law in Namibia

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

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

During 2010 PULP was sponsored, in part, by the World Bank.



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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; Board for Human Rights and Extraordinary Professor, Faculty of Law, University of Pretoria, South Africa

Summary
this contribution is a reworked version of a paper presented at the 10th Anniversary Celebrations of the African Human Rights Commission, Pretoria, South Africa, 2009.

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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 could be sold. 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... Although the fight... Clapham (n 8); Gifford (n 7); S Ellis 'Liberia 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, a 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 2010 two volumes were published, marking ten years of continuous publication of the Journal. The Journal enjoys accredited status with the Department of Education and is included on the IBSS.

During 2010 the Journal was sponsored by the European Union.





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 Reports are edited by Magnus Killander, Christof Heyns, Frans Viljoen and Michelo Hansungule.

The African Human Rights Law Reports 2008 was published in 2010. The 2003 volume of Recueil Africain des Décisions des Droits Humains, the French version, was published and translations of the 2004, 2005 and 2006 volumes were prepared and edited. The Reports are available in hardcopy and free of charge in pdf format at: http://www.chr.up.ac.za/centre_publications/ahr/r/ahr.html.

During 2010 the Law Reports were sponsored by the PA & Alize Malan Trust.





Oxford Reports on International Law (ORIL)

INTERNATIONAL LAW IN DOMESTIC COURTS (ILDC)

The Centre is responsible for the African component of ILDC, a comprehensive database of cases and case discussions of case-law on the application of international law in domestic courts. ILDC forms part of the Oxford Reports on International Law (ORIL).

The Centre has established an extensive network of reporters across the continent. There are 72 cases from Africa on ILDC from 18 jurisdictions. More than 100 NGOs, law firms, courts etc across the African continent have free subscriptions to ILDC. As part of the ILDC project the Centre arranged seminars with judges, lawyers and academics in Kampala (Uganda), Pretoria, Cotonou (Benin) and Zaria (Nigeria). A book on international law and domestic human rights litigation in Africa based on a conference held in Lagos in 2009 was published by PULP in December 2010.

INTERNATIONAL HUMAN RIGHTS LAW

Magnus Killander is editor of cases from Africa for the International Human Rights Law section of ORIL. Cases and analyses of 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 were published in 2010.

During 2010 the above projects were sponsored by the John D and Catherine T MacArthur Foundation.



STAFF

Interns at the Centre for Human Rights

In 2010 the Centre once again benefited from the hard work and talent of several interns from different parts of the world.

Juliette Becuwe from France spent five months here, Edward Maiketso, from Lesotho was here for six months, Theo Chiviru from Zimbabwe spent five months at the Centre and Matthieu Ciaba from the DRC also spent five months doing research at the Centre.

Staff Members

Executive Committee

Frans Viljoen
Director

Norman Taku
Assistant Director

Carole Viljoen
Office Manager

Harold Meintjes
Financial Manager

Staff Members

Dennis Kwaku Antwi
Project Manager: Good Governance Programme

Lizette Besaans
Manager: Pretoria University Law Press (PULP)

Japheth Biegon
LLD Candidate & Researcher



Yolanda Booyzen

Senior Internet Administrator

Cherryl-Lee Botterill

Consultant: Gender Unit

Danny Bradlow

SARCHI Chair in International Development and African Economic Relations

Danie Brand

Research Associate; Senior Lecturer in the Faculty of Law

Elize Delport

Advisor: Gender Unit

Isabeau de Meyer

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

Solomon Ebobrah

Post-Doctoral Research Fellow

Michelo Hansungule

Professor in Human Rights Law
Academic Co-ordinator: LLM (Multidisciplinary Human Rights) and MPhil (Multidisciplinary Human Rights)

Edouard Jacot Guillarmod

Voluntary Consultant

Waruguru Kaguongo

LLD Candidate & Tutor: LLM (Human Rights and Democratisation in Africa)

Berita Kopolo

LLD Candidate & Researcher

Magnus Killander

Head of Research

Emily Laubscher

Assistant Financial Manager

David Legodi

Assistant: Pretoria University Law Press (PULP)

Eric Taseera Lwanga

Administrative Assistant

Phenyo Maganedisa

Administrative Assistant: Good Governance Programme (GGP)

Mxolisi Makinana

Researcher



Mampolokeng Mary-Elizabeth Monyakane

LLD Candidate/Researcher/Admin Assistant
(International Development Law Unit)

Chacha Bhoke Murungu

LLD Candidate & Tutor

Mwiza Nkhata

LLD Candidate & Researcher

Martin Nsibirwa

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

Sarita Pienaar-Erasmus

Assistant Financial Manager

Wezi Phiri

Academic Associate

Karen Stefiszyn

Gender Unit Coordinator

Armand Tanoh

LLD Candidate, Moot Court Coordinator

John Wilson

Project Coordinator: LLM (Human Rights and Democratisation
in Africa)

Board Members

Justice Johann Kriegler

Retired Judge of the Constitutional Court

Justice Yvonne Mokgoro

Retired Judge of the Constitutional Court

Justice Johann van der Westhuizen

Judge of the Constitutional Court

Prof Kader Asmal

Former Minister of Education

Ms Shirley Mabusela

Former Chairperson of the South African Human Rights
Commission

Honorary Professors

Justice Yvonne Mokgoro

Retired Judge of the Constitutional Court



Extraordinary Professors

Mr Mustaqeem da Gama

Department of Trade and Industry

Prof John Dugard

UN Special Rapporteur

Mr Jody Kollapen

former Chair of the South African Human Rights Commission

Judge Johann Kriegler

retired Judge of the Constitutional Court

Prof Edward Kwakwa

World Intellectual Property Organization

Prof Cephas Lumina

United Nations Special Rapporteur

Prof Kenneth Mwenda

World Bank

Dr David Padilla

former Assistant Executive Secretary,
Inter-American Commission on Human Rights

Ms Mary Robinson

former United Nations High Commissioner for Human Rights

Prof Theunis Roux

University of New South Wales, Australia

Extraordinary Lecturers

Mr Jean Allain

Lecturer, Queens University of Belfast

Ms Cecille Aptel

Legal Advisor to the UN International Independent
Investigation Commission, Lebanon

Ms Elize Delpoit

Gender Consultant

Ms Nicole Fritz

Executive Director, Southern Africa Litigation Centre

Mr Gus Waschefort

LLD candidate, School of Oriental and African Studies,
University of London



STAFF ACTIVITIES

Staff Activities and Staff Publications

FRANS VILJOEN

Publications

- 'State compliance with the recommendations of the African Commission on Human and Peoples' Rights' in M Baderin & M Ssenyonjo M (eds) *International human rights law: Six decades after the UDHR* Aldershot: Ashgate (2010)
- 'Reflections on the legal protection of indigenous peoples' rights in Africa' in S Dersso (ed) *Perspectives on the rights of minorities and indigenous peoples in Africa* Pretoria: Pretoria University Law Press (2010) 75-94

Teaching on academic human rights programmes at foreign universities

- LL.M./MA, Essex University, United Kingdom, January/February
- MA, University of Bilbao, Bilbao, Spain, February
- United Nations University of Peace, St José, Costa Rica, March
- Advanced International Human Rights Programme, Institute for Human Rights, Åbo Akademi, Turku, Finland, August
- European Master's in Human Rights and Democratisation, Venice, Italy, September

Presentations at conferences/workshops

- Workshop on African Commission's mandate, Dakar, Senegal, June
- Workshop of National Human Rights Institutions (NHRIs) (Theme: The role of NHRIs in implementing African Commission's findings), Johannesburg, July
- Workshop of NHRIs (Theme: Socio-economic rights), Mombassa, Kenya, September
- Launch by Namibian government of report on indigenous peoples by ILO/African Commission Working Group, with the Centre as implementing agency, Windhoek, Namibia, October
- Mini-conference of invited speakers on implementation of international human rights norms, New York University, New York, USA, October

Research and other visits

- Finalisation of constitutional comparison: Brazil-India-South Africa, São Paulo, Brazil, March
- Consultation of OHCHR on collaboration between regional and global human rights mechanisms, May
- 44th session of African Commission on Human and Peoples' Rights (presentation at LGBT Forum), May
- External examiner: University of Ghana, August



- External accreditation of new academic programmes: Ghana, August
- Visit to explore potential partnership in LLM: University of Venda, Thohoyandou, July
- Partner's meeting, Regional Human Rights Master's Programmes, Venice, Italy, September
- African Human Rights Moot Court Competition, Cotonou, Benin, October
- 45th session of African Commission, Banjul, The Gambia, November
- LGBT Conference, Cape Town, November
- Norwegian Centre for Human Rights, Oslo, Finland, November/December
- CHARI meeting (Centre for HIV/AIDS Research Initiative), Namibia, December

MICHELO HANSUNGULE

Publications

- 'The Historical Development of International Human Rights', in Azizur Rahman Chowdhury & Md Jahid Hossain Bhuiyan (eds) *An Introduction to International Human Rights Law*: BRILL Academic Publishers, 2010, ISBN 9004179720, 9789004179721
- 'Women's Rights in International Law', as above
- 'Domestication of international human rights law in Zambia', in M. Killander (ed) *International law and domestic human*

rights litigation in Africa (2010) Pretoria: Pretoria University Law Press 71-81

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
- Responsible for one of the modules in the LL.M in Human Rights and Democratisation in Africa (first semester)
- Taught a number of topics in LLM in Human Rights and Democratization in Africa first semester
- Continued to supervise two LLM candidates by research
- Supervised three LL.M dissertations (Multidisciplinary) Human Rights
- Continued to supervise ten LLD candidates, two successfully defended their Oral defences
- Supervised Fourteen (6) LLB University of Pretoria Faculty of Law dissertations

Key note addresses

- Keynote address to the workshop on the Rule of Law and Human Rights organised by the International Commission of Jurists (ICJ) in Maseru, Lesotho, March



- Keynote address to the workshop on Business and Human Rights organised by the International Commission of Jurists (ICJ) in Geneva, June
- Keynote address to the African Human Rights Day organised by the Ministry of Justice, Lesotho, 8 December

Papers presented

- Workshop on Rule of Law and Human Rights for Lesotho and SADC judges at Maseru, Lesotho, March
- South African Human Rights Commission to celebrate Human Rights Day, October
- Seminar organised by UN Expert on Debt and Human Rights at Addis Ababa, Ethiopia, July
- Workshop on Constitutionalism in Africa organised by the African Union/IDEA at Nazareth, Ethiopia July
- Workshop for Zimbabwe Legal Practitioners organised by the Zimbabwe Law Society in Harare, September
- Workshop for Zimbabwe Judges organised by the Zimbabwe Law Society at Victoria Falls, October
- Workshop on phenomenon of land grabbing organised by the Zambian Land Alliance in Lusaka, Zambia, September
- Workshop on justiciability of socio-economic rights organised by the International Commission of Jurists (ICJ) in Johannesburg, South Africa, September
- Seminar organised by the Office of the UN High Commissioner for Human Rights for West African Members of Parliament and National Human Rights Institutions in East and West Africa, at Monrovia, Liberia, November

External Examinations

- Served as an external examiner for LLB, LLM and LLD students at the following institutions: University of South Africa (UNISA) and the University of Witwatersrand in Johannesburg.
- Served as External Examiner for a PhD student at the University of Sussex, United Kingdom

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. In particular, I worked with: International Commission of Jurists (ICJ) Africa Office; Law Society of Zimbabwe; Human Rights Institute of Southern Africa (HURISA); Freedom House and Zambia Land Alliance. Also worked with: UN High Commissioner for Human Rights, Geneva; South African Human Rights Commission; and Ethiopian Human Rights Commission

External appointments

- Appointed as Member of Section 5 Committee on the Rights of the Child, South African Human Rights Commission



- Continued to serve as Commissioner in the International Commission of Jurists (ICJ)
- Continued to serve as Member of the Advisory Board of UNIFEM
- Continued to serve 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

- Continued the consultancy with the African Development Bank on 'Review of the Independent Review Mechanism (IRM)' of the Bank Group
- Continued the consultancy on developing the Complaint Manual of the Ethiopia Human Rights Commission (EHRC)

DANNY BRADLOW

Publications

- 'International law and the operations of the international financial institutions' in D Bradlow & DB Hunter (eds) *International financial institutions and international law* Kluwer Law International (2010)
- 'The future of international law and international financial institutions' in D Bradlow & DB Hunter (eds) *International financial institutions and international law* Kluwer Law International (2010) (co-authored with DB Hunter)

- 'Assessing International Financial Reform' in J. Faundez & C. Tan (eds) *International Law, Economic Globalization and Developing Countries*, Edward Elgar Press, 2010
- 'Reforming Global Economic Governance: A Strategy for Middle Powers in the G20' Paper prepared for the workshop on 'Going Global: Australia, Brazil, Indonesia, Korea and South Africa in International Affairs', Jakarta, Indonesia, May 25-26, 2010 also available on SSRN at: <http://ssrn.com/abstract=1624909> and a shorter version is available at: <http://www.voxeu.org/index.php?q=node/5403>
- 'Independent Accountability Mechanisms at International and Regional Development Banks' in Held & T. Hale (eds) *Handbook of Innovation in Transnational Governance* (forthcoming) (co-authored with Andria Naude Fourie)

Presentations, Participation in Workshops and Media

- 'Land Grabs in Africa and Their Implications', presentation as part of panel on 'Food Security, the Financial Crisis and International Regulation: Perspectives from Africa', AALS Annual Meeting, New Orleans, January
- Moderator and Discussion Leader, Roundtable Discussion on 'The Global Financial Crisis and Beyond-Reform and Restructuring at International Financial Institutions', ASIL Annual Meeting, March
- 'Global Systems: Middle Powers and The G20' presentation at workshop on 'Going Global: Australia, Brazil, Indonesia,



Korea and South Africa in International Affairs' Jakarta, Indonesia, May, (organised by Konrad Audenaur Foundation and Australian Institute for International Affairs for invited delegations from Australia, Centro Brasileiro de Relacoes Internacionais, Centre for Strategic and International Studies (Indonesia), Institute for Foreign Affairs and National Security (Korea) and the South African Institute for International Affairs)

- 'G20 as a Premier Forum for International Cooperation: Institutional Issues' presentation as part of panel on this topic at 'Dialogue on South Africa and the G20', co-sponsored by National Treasury, Centre for Human Rights, University of Pretoria, South African Institute for International Affairs, Pretoria, May
- 'Some Suggestions on Harmonisation of IAM Rules and Procedures', presentation at 7th Annual Meeting of the Principals of the Independent Accountability Mechanisms, Tokyo, Japan, June
- Discussant on Three Papers Presented at 6th Annual Global Administrative Law Conference, Viterbo, Italy, June
- Independent Accountability Mechanisms: An Overview' presentation at 'IFI's Accountability Mechanisms and Human Rights', organised by the European Investment Bank and the African Development Bank, Johannesburg, July
- 'Principles and Proposals for an Apartheid Reconciliation Fund: A Proposal for a Reconciliation and Development Bond', presentation to 'Reparations Workshop: Strategic

Priorities in the Struggle for Reparations for Apartheid Victims and Survivors', organised by the Institute for Justice and Reconciliation and Kulamani Support Group, Johannesburg, July

- Participated in invitation only workshops on G20 Working Groups on IMF Reform and Development, organised by National Treasury and the SA Presidency, August
- Panelist 'Global Financial Reform and its Effects on SACU Trade in Financial Services', South African Institute for International Affairs, Johannesburg, August
- Presentation to University of Witwatersrand Law School on 'Money, Missions and Immunity: The Troubling Cases of the IMF and the World Bank', October
- Lead Discussant and Moderator, 'Challenging Governance Paradigms', Conference on 'Globalisation and Governance', University of Witwatersrand, October
- Moderator/Panelist, 'Navigating the Muddy Waters of Politics in International Development Finance: Should the Political Prohibition in the Charters of International Financial Institutions Be Revisited?' Law, Justice and Development Week, World Bank, Washington DC, November.
- Panelist, 'Immunities of International Financial Institutions: Necessity or Anachronism?'. Law, Justice and Development Week, World Bank, Washington DC, November
- Panelist, 'Globalisation, Poverty and Borders: Do States Have Duties to Realise Socio-Economic Rights Beyond Their Own Borders?', organised by SAIFAC (in conjunction



with the University of Johannesburg Faculty of Law and the University of the Witwatersrand Business School) together with the Centre for Human Rights, University of Pretoria and the Extra-Territorial Obligation Consortium, Johannesburg, November

- Participated in workshop on extra-territorial human rights obligations organised by the Centre for Human Rights, University of Pretoria, and the Extra-Territorial Obligation Consortium, University of Pretoria, November

Media

- ‘Social Bonds: Way for Financial Institutions to Embrace Social Challenge’ *Business Day*, 10 March 2010
- Interview on G20 Financial Ministers Meeting on Summit TV, October 22, 2010
- Interview on AM Business, CNBC Africa, 3 February 2010 (on financial prospects in Asia)

Work in Progress:

- Article on participation in policy making in international financial institutions, Invited article for a law journal
- Report to ILA Study Group on Responsibility of International Organisations—focus is on rule making procedures in international organisations

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, Program Committee
- Member, Advisory Boards for *Law, Social Justice and Global Development*, *American University International Law Review*, and *Sustainable Development Law and Policy*
- *Co-Rapporteur*, *International Law Association Study Group on Responsibility of International Organisations*
- *Consultant, Commonwealth Secretariat*—lead researcher on study of incorporation on international standards into financial supervisory structures in SACU member states—wrote 4 briefing papers for policy makers and regulator on international standards (the Basel Committee on Banking Supervision’s Core Principles for Effective Banking Supervision (BCP); the International Organization of Securities Commissions’ Objectives and Principles of Securities Regulation (OPSR); the International Association of Insurance Supervisors’ Insurance Core Principles and Methodology (ICPM); the Core Principles for Systematically Important Payment Systems that was prepared by the Committee on Payment and Settlement Systems (CPSIPS); and the Recommendations for Securities Settlement Systems and the Assessment Methodology for the Recommendations for the Securities Settlement Systems (RSSS-AM), both of which were jointly prepared by the Committee on Payment and Settlement Systems and the Technical Committee of the International Organization of Securities Commissions.); supervised comparative studies



on financial regulation in each of the 5 SACU countries and undertook a comparative analysis of the incorporation of the international standards into the domestic statutes of the 5 countries. Report to be published by Commonwealth Secretariat

- Lecturer, LL.M in International Trade and Investment Law, University of the Western Cape

Journal Reviewer:

Was anonymous reviewer for articles for South African Journal of International Affairs, Water Alternatives; African Human Rights Law Journal; Cambridge University Press

Lectures and Conferences Organised

- Panel on Social Impact Litigation (co-sponsored with SAIFAC) event at Constitutional Court, (speakers were Claudio Grossman, Brenda Smith, Adila Hassim and Jason Brickhill with Arthur Chaskalson as Moderator) Second Session on May 13, 2010 (presenters were Ann Skelton, Gilbert Marcus, and Fayyeza Kathree and Edwin Cameron was the Moderator), March
- Study Group on FDI and South Africa—first meeting on February 4 (presenters: Stephen Gelb and Laurence Boule); second meeting on April 8 (presenters Randall Williams, DTI and Helena Barnard, GIBS) third meeting on September 16 (presenters Ernest Mazansky, Werksmans, and Brendan Vickers, DTI)

- ‘Dialogue on South Africa and the G20’, co-sponsored by National Treasury, Centre for Human Rights, University of Pretoria, South African Institute for International Affairs, Pretoria, May
- ‘Review of Seoul G20 Summit and Prospects for France 2011’ Study Group on Global Economic Governance and Scoping Workshop for Project on Global Economic Governance, organised International Development Law, Centre for Human Rights, University of Pretoria, South African Institute for International Affairs and the Konrad Adenauer Foundation, Pretoria, November

NORMAN TAKU

Conferences attended

- Unconstitutional Constitutional Amendments, Round Table of the International Association of Constitutional Law, Jerusalem, Israel, April
- Constitutions and Principles, World Congress of Constitutional Law, Mexico City, Mexico, December

Research and other visits

- Visit to plan capacity development at LL.M partner, Université Gaston Berger de Saint-Louis, Senegal, February
- Visit to explore potential partnership in LL.M: University of Venda, Thohoyandou, July
- Partner’s meeting, Regional Human Rights Master’s Programmes, Venice, Italy, September



- African Human Rights Moot Court Competition, Cotonou, Benin, October

MAGNUS KILLANDER

Editorships

- Editor-in-chief: *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

- *International law and domestic human rights litigation in Africa* (editor), Pretoria University Law Press (2010)
- 'International law and domestic human rights litigation in Africa: An introduction' (with Horace Adjolohoun) in Magnus Killander (ed) *International law and domestic human rights litigation in Africa* (2010) Pretoria: Pretoria University Law Press
- 'Africa' (with Christof Heyns) in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds) *International human rights law* (2010) 479-497 Oxford: Oxford University Press
- 'Towards minimum standards for regional human rights systems' (with Christof Heyns) in Mahnoush H. Arsanjani, Jacob

Katz Cogan, Robert D. Sloane & Siegfried Wiessner (eds) *Looking to the future: Essays on international law in honor of W. Michael Reisman* (2010) Martinus Nijhoff Publishers

- 'Human rights developments in the African Union during 2009' (with Japhet Biegon) (2010) 10 *African Human Rights Law Journal* 212-232
- 'Det afrikanska människorättssystemet' in Anna Lundberg (red.) *Mänskliga rättigheter – juridiska perspektiv* (2010) Malmö: Liber
- 'African human rights law in theory and practice' in Sarah Joseph and Adam MacBeth (eds) *Research handbook on human rights* (2010) 388-413 Cheltenham: Edward Elgar
- *Compendium of key human rights documents of the African Union* (ed with Christof Heyns) (2010) Pretoria: Pretoria University Law Press

Conferences and other activities

- Roundtable discussion on international law for judges from the East Africa region in Kampala, Uganda, July
- Workshop on the use of international law in domestic courts in West Africa, Cotonou, Benin, October
- One-day seminar on the application of International Law in Regional and Domestic Courts, Zaria, Nigeria, November
- Workshop on extra-territorial human rights obligations, Pretoria, November



MARTIN NSIBIRWA

Visits

- Visit to plan capacity development at LLM partner, Université Gaston Berger de Saint-Louis, Senegal, February

WARUGURU KAGUONGO

November-December 2010 - conducted preliminary meetings with prospective stakeholders in Cape Town and Kenya for proposed right to housing and budgeting project

SOLOMON EBOBRAH

Publications

- Subregional mechanisms for the protection of socio-economic rights in Africa: Reflections on the budding jurisprudence of the ECOWAS Court, (2010) 11 *ESR Review* 9
- *Compendium of African Sub-regional Human Rights Documents*, (2010) Pretoria University Law Press (co-editor with Tanoh Armand)
- 'Human rights developments in African sub-regional economic communities during 2009', (2010) 10 *African Human Rights Law Journal* 233
- 'Is the SADC Tribunal under judicial siege in Zimbabwe? Reflections on *Etheredge v Minister of State for National Security Responsible for Lands, Land Reform and Resettlement and another*' (co-authored with Nwiza Nkhata)

(2010) 43 *Comparative and International Law Journal of South Africa* 1

- 'Critical issues in the human rights mandate of the ECOWAS Court of Justice' (2010) 54(1) *Journal of African Law* 1

Conference and workshop papers/presentations

- 'The use of international law in human rights litigation in domestic courts: Trends from West Africa' Paper presented at the ILDC/ABU Zaria Seminar on the Application of international law in regional and domestic courts, Zaria, Nigeria, November
- 'Judicial dialogue as a means to enhance the African human rights system' Paper presented at the ILDC one day workshop on the use of international law in domestic courts, Université d'Abomey-Calavi, Cotonou, Benin, October
- 'The use of international law in domestic courts: the West African experience' Paper presented at the ILDC Roundtable on the use of international law in domestic and regional courts, Kampala, Uganda, July
- 'Public Interest Litigation: Concepts, Roles and Strategies' Paper presented at the Alliances for Africa Workshop 'Making Governments Accountable for Women's Rights', Arusha, Tanzania, May/June
- 'The ECOWAS Court and Women's Rights – An evaluation of the *Hadijatou Mani Koraou* case' Paper presented at the Alliances for Africa Workshop 'Making Governments Accountable for Women's Rights' Arusha, Tanzania, May/June



- 'Enforcement/sanctions in the SADC Treaty framework: Implications for state compliance with decisions of the SADC Tribunal' Conference paper presented at a symposium on Administration of Justice in Southern Africa organised by the SADC Tribunal and other partners, Windhoek, Namibia, February

Workshop participation

- Participated and contributed at the Technical Workshop on the Right of Indigenous Peoples to Participate in Decision-Making organised by the Office of the UN High Commissioner for Human Rights, Geneva, Switzerland, March
- Participated at South-South Learning Exchange Conference on democratisation hosted by the Carter Centre, Rights & Democracy, Canada and IDASA, Pretoria, South Africa, April
- Participated at the Mo Ibrahim foundation/SOAS London organised Residential School on Governance and Development in Africa, Entebbe, Uganda, April
- Participated at AU Validation Workshop on the Review of the PAP Protocol and the expansion of the jurisdiction of the African Court of Justice and Human Rights, Pan African Parliament, Midrand, South Africa, August

Teaching

- Guest Lecturer, Addis Ababa University LLM in Human Rights programme, December

- Presenter, Good Governance Programme, Centre for Human Rights, University of Pretoria, July
- Lecturer/Presenter, Human Rights Litigation Institute, Africa Human Rights Consortium, Gaborone, Botswana, May

JAPHETH BIEGON

Publications

- 'The African Union Convention for the protection of and assistance of internally displaced persons in Africa: A panoramic view' (with Sarah Swart) (2009-2010) *African Yearbook of International Humanitarian Law* 20-42
- 'Human rights developments in the African Union during 2009' (with Magnus Killander) (2010) 10 *African Human Rights Law Journal* 212-232

Conferences/workshops attended

- 48th ordinary session of the African Commission on Human and Peoples' Rights, Banjul, the Gambia, 7-13 November 2010
- 3rd Meeting of the Advisory Group of the Implementation of Soft Law Standards Project, 20 May 2010, London, United Kingdom
- Disability Rights Workshop, Maputo, Mozambique, 26 May 2010
- 47th ordinary session of the African Commission on Human and Peoples' Rights, Banjul, the Gambia, 12-18 May 2010



Courses attended

- Advanced course on the International Protection of Human Rights, 16-27 August 2010, Institute for Human Rights, Abo Akademi University, Finland
- Summer courses in Public International Law, 26 July – 13 August 2010, Hague Academy of International Law, The Hague, The Netherlands

ARMAND TANOI

Publications

'International law and domestic rights litigation in Côte d'Ivoire and Benin' in M Killander (ed) *International law and human rights litigation in Africa* Pretoria: Pretoria University Law Press (2010) (co-authored with H Adjolohoun)

Editorships

African Human Rights Law Reports (French) 2004 & 2005, PULP 2010

Conferences attended

- Conference on the application of international human rights in domestic systems, Cairo, Egypt, August
- Conference of the International Law Association (ILA), The Hague, Netherlands, August

Research trips

Research Fellow, CECOJI, University of Poitiers, France, November-December.

Others activities and Projects in 2010

Report on youth and AIDS for UNAIDS

MWIZA NKHATA

Publications

'Is the SADC Tribunal under judicial siege in Zimbabwe? Reflections on *Etheredge v Minister of State for National Security Responsible for Lands, Land Reform and Resettlement and another*' (2010) 43(1) *CILSA* 81-92 (co-authored with S Ebobrah)

KAREN STEFISZYN

- Participated as a panelist in the Committee on Economic, Social, and Cultural Rights' General Day of Discussion on the Right to Sexual and Reproductive Health. I was invited to make a presentation on sexual and reproductive health and HIV
- Attended the annual meeting of the Solidarity for African Women's Rights Network in Nairobi. I made a presentation on the reporting guidelines for the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa



- Participated in the mock CEDAW session in Pretoria organised by the Commission for Gender Equality (with funding and technical support from the CHR) as a facilitator and mock CEDAW Committee member

BERITA KOPOLO

Courses Attended

- Institute for Women's and Gender Studies, University of Pretoria, Winter School on Gender Equality
- African Human Rights Consortium & University of Botswana, Institute on 'Advocacy'

Working Groups/Meetings

- SAILA-National Treasury-CHR, 'Dialogue on South Africa and the G20', Pretoria, South Africa
- Foreign Direct Investment Working Group Meeting(s), University of Pretoria, South Africa
- Centre for Environmental Economics and Policy in Africa, International Seminar on 'Public Policy and Governance Analysis' Pretoria, South Africa

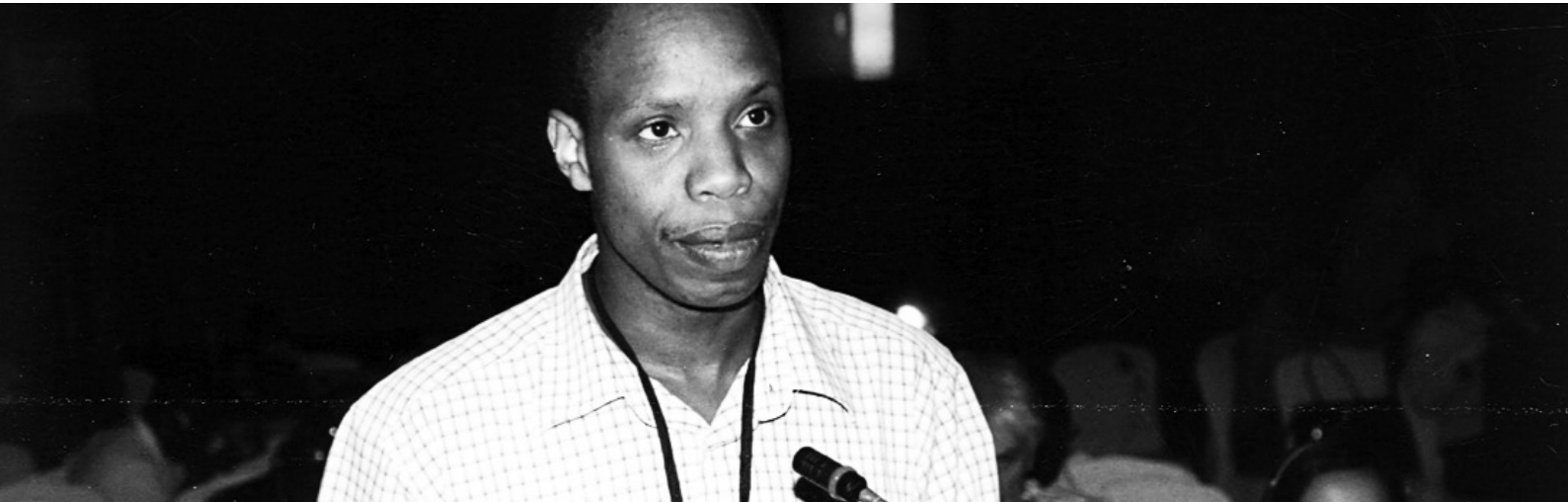
Conferences and workshops

- Institute for Cultural Diplomacy on 'The Rise of Africa', Berlin, Germany
- ICJ-OSISA Camp on 'Socio-Economic Rights', Johannesburg, South Africa

- Southern Africa Resource Watch-SADC PF, on 'the Role of Parliament in Monitoring the Extractive Industries', Johannesburg, South Africa
- Nelson Mandela Institute Conference on 'Globalisation and Governance', Johannesburg, South Africa
- CEF Group Colloquium on 'After Kyoto: A New Deal to Combat Climate Change', Sandton, Johannesburg, South Africa
- UNDP – OSI – HAKI AFRICA Conference on 'The proliferation of anti-counterfeiting legislation in the East African Community: Addressing Public Health and Developmental concerns', Arusha, Tanzania
- University of Pretoria conference on 'ETO', Pretoria, South Africa

Research and Publications

- 'A Common Agenda for Gender Equality Advocates', Report for UNIFEM-CHR Project available at: <http://www.chr.up.ac.za/index.php/cedaw-implementation-project/research-report.html>
- Lectures on 'Gender Equality and Aid Effectiveness' – GGP course on Gender Equality; Training on CEDAW Reporting; Experts' Training



LLM (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

LLM (Human Rights and Democratisation in Africa)

- Clinical Group Supervisor: Access to Medicines

SERGES ALLAIN DJOYOU KAMGA

Teaching activities at the Centre

- 'Indicators and benchmarks on how to assess the realisation of socio-economic rights (state reporting)', lecture at the Socio-Economic Rights Course, Good Governance Programme, February
- 'The right to development in international law', lecture to LLM (Multidisciplinary Human Rights), February
- 'The right to development in the African human rights system', lecture at the Human Rights in Africa Course, Good Governance Programme, October

Involvement in projects

- Appointment as coordinator of the Disability Rights Project, April
- Duties: Coordination of activities between Ms Hermien Kotze (the lead researcher) and countries focal points in regard of

the OSISA and the Centre for Human Rights project focusing on 'A situational analysis of the state and status of disability issues and rights in Southern Africa'

- Participation in the Maputo Roundtable on Disability Rights, Maputo, May
- Contributed to the UN Glossary of Violations of International Human Rights and International Humanitarian Law, October
- UN Project on the development of a glossary of human rights
- Workshop on 'Aligning national legislation and policy in Africa with the UN Convention on the rights of persons with Disabilities' organised by the Centre for Disability Law and Policy of the University of Western Cape, November
- Disability rights curriculum development workshop, organised by the Centre for Human Rights, University of Pretoria, November

Other activities

- Research discussion 'How and how not to measure (in) justice!' organised by Prof Abdul Paliwala from the University of Warwick, Centre for Human Rights, Pretoria, August
- Seminar on the Protection of Information Bill, Centre for Human Rights & Institute for Security Studies, Pretoria, August
- 'Scoping Workshop: Developing the Capacity of CSOs to track the implementation of the APRM', SAIIA, Johannesburg, October



ADEM KASSIE

Publications

'Towards more liberal standing rules to enforce constitutional rights in Ethiopia' (2010) 10(2) *African Human Rights Law Journal*

Workshops/conferences attended

- '2nd Forum on Strategic Impact Litigation' Johannesburg, May
- International Law Association Annual Conference, The Hague, Netherlands, August
- Workshop on 'Transjudicialism and International Law: African perspectives and experiences', SAIFAC, Johannesburg October
- 'X International Human Rights Colloquium', Conectas Direitos Humanos, São Paulo, Brazil, October
- 48th Ordinary Session of the African Commission, Banjul, The Gambia, November
- Workshop on developing model access to information law, Centre for Human Rights & OSISA, Pretoria, November
- Southern Africa NGO Forum, Centre for Human Rights & OSISA, Johannesburg, November

CHACHA BHOKE MURUNGU

Publications

- 'The place of international law in human rights litigation in Tanzania' in M Killander (ed) *International law and human*

rights litigation in Africa Pretoria: Pretoria University Law Press (2010)

- 'Judgment in the first case before the African Court on Human and Peoples' Rights: A missed opportunity or mockery of international law in Africa?' (2010) 3 *Journal of African and International Law* 187-229

Other activities

- Organised and coordinated a Workshop of authors on Prosecuting International Crimes in Africa, University of Pretoria, with the Support of Konrad-Adenauer- Stiftung, Johannesburg, May
- Doctoral Research Scholar at The Hague Academy of International Law, The Netherlands, July - August
- Dialogue of African-Latin American-European Judicial Experts on the Challenges of Complementarity and Cooperation for the International Criminal Court, organised by Konrad-Adenauer-Stiftung, European Office, Brussels, Belgium, November/December



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- Dutch Government (through its embassy)
- European Commission
- Foundation Open Society Institute (FOSI)
- Foundation Open Society Initiative (FOSI)
- French Government (through its embassy)
- German Academic Exchange Service (DAAD)
- Government of Benin
- International Organization for Migration
- International Labour Organization
- John D and Catherine T MacArthur Foundation
- Konrad Adenauer Foundation, Benin
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- Norwegian Centre for Human Rights
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- Open Society Initiative for Southern Africa (OSISA), South Africa
- PA & Alize Malan Trust
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- UNESCO, Ghana
- UNFPA
- UNIFEM
- University of Amsterdam, the Netherlands
- University of Pretoria, South Africa
- United Nations Office of the High Commissioner for Human Rights (UNHCHR)

Centre for Human Rights
Annual Report 2010

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