



ANNUAL REPORT 2012

Centre for Human Rights | University of Pretoria



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Centre for
Human Rights

UNIVERSITY OF PRETORIA

'Fireside chat' with Mary Robinson, Extraordinary Professor at the Centre for Human Rights



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Professor Frans Viljoen, Director, Centre for Human Rights

DIRECTOR'S MESSAGE

As this Annual Report testifies, the Centre was in 2012 as busy as ever with academic programmes and a variety of projects aimed at promoting and protecting human rights in Africa. Two highlights should be mentioned. The first is the coming of age of the African Human Rights Moot Court Competition. The Moot turned 21 in Maputo, Mozambique, as the Law Faculty of Eduardo Mondlane University became the first of the hosting institutions to organise the Moot for a second time.

The second highlight is the award, by the African Commission on Human and Peoples' Rights, of its NGO Human Rights Prize to the Centre, on the occasion of the Commission's 25-year anniversary. Through this award, the Commission not only recognised the Centre's role in supporting and collaborating with the African Commission (for example, by placing interns, publishing its 'law reports', co-hosting the Moot Court Competition, and supporting the mandate of various Special Rapporteurs), but it also acknowledged the contribution of the Centre's extended family. This family consists of the partner institutions with whom we have over the years collaborated on the LLM (Human Rights and Democratisation in Africa) and the Moot, as well as the LLM graduates. These graduates are not only agents for change and activists for human rights all over the continent, but are also the face of the Centre to the world.

An award of this nature is encouraging in that it recognises that the Centre has over an extended period of time contributed meaningfully to improve human rights in Africa. More gratifying, perhaps, is the (implicit) acknowledgment that the Centre has, as an institution, evolved into a fixed feature on the African landscape. As such, the Centre holds quite a unique position in its combination of acting as academic department, presenting academic programmes and research, on the one hand, and as "NGO" engaged in advocacy, informal training and awareness-raising, on the other.

Many other significant Centre events took place in 2012. The first group of students on another programme presented by the Centre, the LLM (International Human Rights Law and HIV in Africa) also graduated on 10 December this year. This programme is a unique collaboration between the Centre and an NGO, the Human Rights Development Initiative (HRDI). In total sixty three LLM coursework students graduated from Centre programmes in 2012.

As this year ends, we thank all of you who supported us, worked with us and took part in the Centre's activities. As much as the African Commission's award gave us cause for modest celebration, it also challenges us all to devote more of our time, energy and skills to make human rights on our continent more tangible, better understood and more relevant to people's lives.

The Centre thanks everyone with whom we had the privilege of collaborating in 2012, and who contributed to our activities.

Prof Frans Viljoen

Director, Centre for Human Rights

ACADEMIC PROGRAMMES

Three doctoral and sixty-three LLM students on the Centre's programmes graduated in 2012.

LLD Programme

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

In 2012, three candidates completed their studies and graduated. They are Olufemi Sojeyu (Nigeria), Adem Kassie (Ethiopia) and Prudence Acirokop (Uganda).

One of the doctoral students of the Centre, Sheila B. Keetharuth, was appointed as the UN Special Rapporteur on the situation of human rights in Eritrea in 2012.

LLM (Human Rights and Democratisation in Africa)

Thirty students from 17 countries were admitted to the LLM programme in 2012, 18 women and 12 men. One student was an exchange student from Brazil who only attended the first semester of the course in terms of the North-South-South agreement involving the Centre for Human Rights and four other universities, two in Africa and two in Finland.

Students spent a successful first semester at the University of Pretoria. During this time the students attended formal lectures; they also listened to a case at the Constitutional Court and wrote a shadow judgment. Study visits to Botswana, Lesotho, Swaziland, Venda and Zimbabwe took place. Here students undertook research on various issues dealing with human rights or democracy. Some of the topics which they investigated dealt with the protection of human rights defenders, traditional leadership, women's rights and elections.

During the first semester the students also worked in human rights clinics dealing with women's rights; communications (to African Commission, African Children's Rights Committee, African Human Rights Court, and sub-regional Courts); human rights advocacy; access to information; disability rights; making a documentary; extrajudicial executions; state reporting; and access to medicines and HIV.

All students passed their examinations and were allowed to proceed to the second semester where the class was divided into groups of between 2 to 3 students each. Each group was then sent to spend a semester at a partner university: one of 11 partner universities in Africa Abo Akademi University in Finland under the North-South-South agreement.

During the second semester students wrote their dissertations, attended internship and courses in the field of human rights and democratisation. They then returned to Pretoria for a specially arranged graduation ceremony on 10 December, International Human Rights Day.

In the days leading to the graduation, students and partner representatives attended a seminar where students presented their dissertations with a view to possible publication in peer-reviewed journals.

Advocate Thuli Madonsela, South African Public Protector, LLM (Human Rights and Democratisation in Africa) Opening Ceremony





LLM (Human Rights and Democratisation in Africa) and
LLM (HIV and International Law in Africa) Graduation Ceremony

The seminar also provided an opportunity for representatives of partner universities, students and other interested parties to discuss the Universal Peer Review of the United Nations and assess its successes and failures in the countries where the partner universities are based. The partner universities held the annual partners' meeting on 8 December 2012.

Twenty-nine students graduated on 10 December 2012. The keynote speaker at the graduation ceremony was Ms Jane Connors, Chief of Special Procedures at the Office of the High Commissioner for Human Rights.

The partner universities involved in the LLM programme are: Université d'Abomey Calavi (Benin), Addis Ababa University (Ethiopia), American University in Cairo (Egypt), Catholic University of Central Africa (Cameroon), Universidade Eduardo Mondlane (Mozambique), Université Gaston Berger de Saint Louis (Senegal), University of Ghana (Ghana), University of Lagos (Nigeria), Makerere University, University of Mauritius (Mauritius), University of Venda (South Africa) and the University of the Western Cape (South Africa).

The LLM Alumni Association is now fully operational. A database of LLM (Human Rights and Democratisation in Africa) graduates is available. A full-time Alumnus Coordinator was for the first time appointed in 2012.

The programme was financially supported by: The European Union (main funder), Deutscher Akademischer Austausch Dienst (DAAD), Royal Netherlands Government and the Open Society Initiative of Southern Africa (OSISA).

LLM/MPhil (Multidisciplinary Human Rights)

The LLM/MPhil programme in multidisciplinary human rights is offered to candidates in possession of an LLB degree from a recognized university (who graduate with an LLM) and non-holders of an LLB degree but who hold an honours degree in another field (who graduate with an MPhil (Multidisciplinary Human Rights)). Six students graduated on the LLM (Multidisciplinary Human Rights) programme in 2012.

LLM (HIV and International Law in Africa)

Collaborating with the Human Rights and Development Initiative (HRDI), and in particular with its director, Ms Asha Ramgobin, extraordinary lecturer in the Centre, a new degree programme was introduced by the Centre in 2011. This LLM programme is the only one of its kind. In 2012, the first group of students on this programme returned to the law clinics at faculties of law in Southern and Eastern Africa, where they are based, to write their dissertations. Twelve students graduated in 2012.

LLM (International Trade and Investment Law in Africa)

This programme is presented at the Centre every second year. During 2011, 16 students from 12 countries attended the LLM (International Trade and Investment Law in Africa) programme. All these students completed their studies and graduated in 2012.

The LLM (International Trade and Investment Law in Africa) programme is financially supported by the National Research Foundation and AusAID.

HUMAN RIGHTS EDUCATION

African Human Rights Moot Court Competition

The African Human Rights Moot Court Competition (the Moot) is the largest annual gathering of African law faculties and one of the most important human rights educational initiatives in Africa. It offers unparalleled opportunity for networking among young scholars, academics, judges and human rights experts. Since its inception in 1992, it has been hosted in 17 countries and has brought together 129 of approximately 150 law faculties in Africa representing 49 of its 54 countries.

The students argue a hypothetical human rights case under the African Charter on Human and Peoples' Rights, before benches of law professors 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). The judges in the final round are international human rights lawyers of the highest standing, and simultaneous translation is provided.

The 21st African Human Rights Moot Court Competition was held at the Universidade Eduardo Mondlane (UEM) from 1 to 6 October 2012. 66 universities from across Africa attended. The Moot also included a high-level conference on the 50 years of the African Union was organised in partnership with the newly-established African Foundation of International Law (AFILA). This conference aimed to provide a forum for reflection on the pan-African organisation in the specific context of human security, peace and development in Africa, and how the OAU/AU has responded to challenges in these areas. After two days of preliminary rounds, the top teams from each of the language groups are selected for the final round and re-constituted into two teams. This year the following teams were finalists:

For the Respondent: North West University (Potchefstroom Campus), South Africa; Universidade Eduardo Mondlane, Mozambique; and Université Gaston Berger, Sénégal. For the Applicant: University of Namibia; Universidade Aghostino Neto, Angola; and Université des Lagunes CIDD, Côte d'Ivoire. The winners were the combined team that argued for the Respondent.

The Moot Court Competition expenses incurred by the Centre were financially supported by the Open Society Initiative West Africa (OSIWA), European Union (EU) and the Flemish Delegation to South Africa.

Advanced Human Rights Courses (AHRC)

The Advanced Human Rights Courses (AHRC) 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 successfully by the Centre over the last decade with significant participation from decision-makers across Africa, and lecturers who are internationally recognised as leaders in their field.



Opening Ceremony, 21st African Human Rights Moot Court Competition



Short Course Participants: 'The Role of Men and Boys in Achieving Gender Equality'

Courses presented during 2012 were: International Law (January); Judicial Enforcement of Socio-economic Rights (March); Sexual Minority Rights (April); Disability Rights in an African Context (May); Human Rights and Access to Medicines (May); Indigenous Peoples' Rights (September); African Human Rights in Comparative Perspectives (October); Right to Development (October - November) and the Role of Men and Boys in Achieving Gender Equality (November).

During 2012, a total number of 367 participants attended courses from 38 different countries across the globe.

A number of partnerships were formed with various renowned institutions locally and internationally. These partners include the following: three Belgian universities - the Catholic University of Leuven, the University of Antwerp, and Ghent University; as well as Sonke Gender Justice Network.

The course has impacted on participants' ability to manage, teach and transfer knowledge to others within their organisations thereby broadening human rights education and knowledge on the African continent.

The short courses were financially supported by The Flemish Delegation, Open Society Foundation of South Africa, Foundation Open Society Initiative, International Labour Organization, International Working Group for Indigenous Affairs, Sonke Gender Justice Network and the Royal Norwegian Embassy.

International Development Law Unit (IDLU)

The SARChI Chair on Development Law, held by Prof Danny Bradlow, is located in the Centre, and functions within the International Development Law Unit. In March the CHR, IDLU and ICLA, hosted a roundtable discussion with the focus on: 'The future role, responsibilities and terms of reference of the Southern African Development Community (SADC) Tribunal.' Also in March was the official book launch, in South Africa, of "International Financial Institutions and Global Legal Governance" edited by H Cisse, D Bradlow and B Kingsbury (The World Bank 2012). In July IDLU organized, with the Department of Political Science a conference on "Post-2015 Development Goals, Targets and Indicators: African Perspectives".

IDLU teamed up with the South African Institute of International Affairs (SAIIA) in a joint project on Global Economic Governance. A workshop focusing on a critical assessment of the G20 was held. The focus of the project is to conduct a critical assessment to assess how effectively the interest and needs of African countries are being addressed within the G20 processes.

In May, a panel discussion focusing on the role of South Africa in the G20 was organised by Oxfam in partnership with SAIIA and IDLU. The discussion created a platform in which insights and perspectives on the role of South Africa in the G20 could be expressed and discussed among South African government officials and interested stakeholders.

In partnership with Alan Hirsch of the South African Presidency, IDLU held a brainstorming session focusing on the Future Development Agenda in the G20 and what the G20 should take into consideration as priorities when setting its development agenda.

During August, a G20 study group meeting was addressed by the Deputy Governor of the South African Reserve Bank. The focus area of the Study Group meeting was on South Africa's role in the G20 and the challenges and opportunities that come with this.

IDLU, in partnership with SAIIA, has successfully launched a new website focusing on Global Economic Governance issues affecting African countries. The website serves as a platform to provide updated information, news and articles relating to global economic governance within Africa, furthermore it allows for interaction and discussions on such issues. The name of the website is GEGAFRICA.

IDLU was financially supported by the National Research Foundation. The GEG Africa project is supported by funding from the Department for International Development, United Kingdom (DFID); the German International Cooperation (GIZ) and the Swiss Agency for Development and Cooperation (SDC).

World Human Rights Moot Court Competition

The 4th annual World Human Rights Moot Court Competition was organised and hosted by the Centre. Every university in the world is invited to present a team of two students to this unique event. The objective of the Competition is to promote cooperation between faculties in the world. The competition also aims to foster exchanges between legal systems and traditions. Teams are invited to prepare and send memorials based on a hypothetical case based on United Nations Human Rights treaties. The fifteen top teams representing the five UN regions are then selected to come to Pretoria and participate in the semi-finals and the final round. The competition is organised in partnership with the Office of the High Commissioner for Human Rights.

In 2012 teams from the following universities were represented: From the African region: University of Nairobi, Kenya and University of Namibia, Namibia. From the Asian Region: Universitas Trisakti, Indonesia and Universitas Katolik Parahyangan, Indonesia. From the Eastern European Region: Charles University, Czech Republic; University of West Bohemia, Czech Republic; Nicolaus Copernicus University, Poland and West University of Timisoara, Romania. From the Western European and Others Region: Bond University, Australia; University of New South Wales, Australia; University of Auckland, New Zealand; University of Lucerne, Switzerland and Yale University, USA. From the Latin American and the Caribbean Region: University of Buenos Aires, Argentina; University of Sao Paulo, Brazil and Norman Manley Law School, Jamaica.

The final of the World Moot is held on 10 December, the day of celebration of International Human Rights Day. In 2012, the following teams advanced in the final round: Norman Manley Law School, Jamaica (Applicant) and the University of Auckland, New Zealand (Respondent).

Judges in the final round were: Mrs Jane Connors, Chief of Special Procedures Branch, OHCHR, Geneva; Prof Christof Heyns, United Nations Special Rapporteur on summary executions and extrajudicial killings; Dr Aderlardus Kilangi, Chairperson of the African Union Commission on International Law; and Mrs Monica Mbaru, Judge of the High Court of Kenya.

The winners were the Norman Manley Law School from Jamaica, for the third year running.

The World Human Rights Moot Court Competition was financially supported by the Flemish Delegation of the Embassy of Belgium in South Africa and the United Nations Office of the High Commissioner for Human Rights.



Closing Ceremony, 4th Annual World Human Rights Moot Court Competition



RESEARCH AND ADVOCACY

Gender Unit

In 2012 the Gender Unit continued to promote women's human rights in Africa. A priority for the Unit is the implementation of the African Women's Rights Protocol. In collaboration with the Special Rapporteur on the Rights of Women in Africa, the Centre consulted with regional experts to draft a General Comment on article 14(1)(d) and (e) of the Protocol. The General Comment, which defines the nature and scope of the selected provisions and outlines state obligations, was adopted by the African Commission on Human and Peoples' Rights at its 52nd session in Ivory Coast. Significantly, it is the first time the Commission has adopted a General Comment to interpret provisions of its guiding instruments.

Another highlight of 2012 was a visit by Ms Navi Pillay, the UN High Commissioner for Human Rights, who was invited to deliver the annual Helen Kanzira Lecture. Each year the lecture focuses on the theme of reproductive health rights to honour the memory of a former student of the Centre, Ms Kanzira, who passed away in Uganda during childbirth. Approximately 200 people attended the public lecture this year.

Human rights education is also a priority of the Gender Unit, in particular on themes relating to women's human rights and gender equality in the region. For the second consecutive year, a short course on gender mainstreaming was presented by the gender unit in partnership with Irish Aid. For the first time, the Unit in 2012 worked together with Sonke Gender Justice to present an advanced human rights short course on the role of men and boys towards achieving gender equality.

Finally, having identified the need to promote gender equality closer to home, within the University of Pretoria, the Gender Unit has undertaken to facilitate a gender audit of the institution. The audit will measure the extent to which gender equality is entrenched at the University, identify areas where inequality is most prevalent, and make recommendations to address the identified inequalities. It is also envisioned that the tool created for the audit can be replicated and administered at other academic institutions in the region after it is piloted at the University of Pretoria.

The Gender Unit was financially supported by Irish Aid, Solidarity for African Women's Rights Network, UNAIDS and the Royal Norwegian Embassy.

Disability Rights Project

The Centre partnered with the Open Society Initiative for Southern Africa (OSISA) to contribute to and monitor the Disability Rights and Law Schools Project in Southern Africa. The project aimed to introduce the teaching of disability rights/law courses in Southern African law schools.

Every year since 2011, the Centre admits 2 African scholars to the LLM (Human Rights and Democratisation in Africa) programme with a view to providing advanced training to them in order for them to return to their home countries where a module on disability rights will be included in the university curriculum. In 2012 these students were Natasha Banda (Zambia) and Peter Shuguru (University of Dodomo, Tanzania). Students with disability training are now based at the University of Malawi, Eduardo Mondlane University (Mozambique), Midlands State University (Zimbabwe), University of Zambia and Dodoma University (Tanzania). The Centre plays an oversight role in curriculum development and other activities in respect of these partner universities.

The Centre is also part of a larger global network for disability rights, together with other partners with the support of the Open Society Foundation.

In particular, the Centre has been responsible for the process of soliciting and selecting African students for Master's studies to be undertaken at partner universities in Europe and North America.

The Disability Rights Project is sponsored by Open Society Foundation of South Africa, the Open Society Initiative of Southern Africa and the Foundation Open Society Institute.

International Conference on How to End Mass Atrocities in Africa

The Centre for Human Rights in collaboration with the Department of Political Sciences, hosted an international conference in December 2012, under the over-arching theme: 'Article 4(h) @ 10: How to End Mass Atrocities in Africa.' The conference was held in commemoration of 10 years of the Constitutive Act of the African Union, which ushered in a normative change to the pan-African peace and security agenda, particularly regarding the parameters of sovereignty and intervention for humanitarian ends. At the front and centre of this paradigm shift is Article 4(h) of the Constitutive Act, which allows the African Union to intervene in a member state in the face of war crimes, genocide and crimes against humanity.

The Conference sought to provide an opportunity for academics, judges, practitioners, policy makers, military personnel, government officials and other commentators to consider legal, procedural and practical challenges in the implementation of Article 4(h). The Conference provided a forum for important issues to be addressed through evidence-based research and policy debate. Some of the most prominent speakers at the Conference included Justice Richard Goldstone, Professor Jeremy Levitt, Professor Brian Leppard, Professor Ademola Abbas, Dr Jakkie Cilliers, Dr Tim Murithi, Ms. Jane Connors, General Henry Odillo, Major General Fred Mugisha. The Conference also facilitated a debate to draw a 'statement on the role of the African Union in ending mass atrocities in Africa'. The overriding aim of the statement or communiqué is to provide guidance on how to prevent and end mass atrocities in Africa on the basis of Article 4(h). The guidelines will also seek to provide context in which the right of intervention under Article 4(h) should be understood within the framework of the African Union.

The conference was financially supported by the Royal Norwegian Embassy.

Freedom of Expression Project

In March 2012, the programme began a project in collaboration with the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Pansy Tlakula, aimed at the decriminalisation of laws limiting freedom of expression in Africa.

Stakeholders Meeting

A stakeholders meeting on the decriminalisation of laws limiting freedom of expression in Africa, was convened by the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Pansy Tlakula, in collaboration with the Centre for Human Rights, University of Pretoria (CHR) and the United Nations Educational Scientific and Cultural Organisation (UNESCO). The meeting took place on 6 May 2012, immediately following the UNESCO World Press Freedom Conference in Tunis, Tunisia. This meeting brought together organisations that have worked on the decriminalisation of laws limiting freedom of expression within Africa in the past, those that are well positioned to do so in the future, as well as representatives of media groupings whose activities are most jeopardised by the existence of these laws. It was an organisational and planning event for what is expected to be an extended campaign on repealing these laws.



Commencement of Pilot Research

As part of the decriminalisation project, research into the use and impact of criminal laws which limit freedom of expression is to be commissioned. As a prelude to this, a pilot study is presently underway in Zambia, to test the efficacy of the research template, in preparation for the actual research.

Regional Symposium on Hate Speech

In collaboration with the Panos Institute for West Africa and Article 19, the Centre organised a regional symposium on hate speech from 3-4 October 2010, in Saly, Senegal. The symposium was led by Mr Frank La Rue, the UN Special Rapporteur for Freedom of Opinion and Expression, and Mr Alexey Avtonomov, Chair of the UN Committee on the Eradication of Racial Discrimination, with participation as well by Dr Bideri Diogene of the National Commission for the Fight Against Genocide. Participants were drawn equally from NGOs and professionals working on freedom of expression, and from NGOs and professionals working against discrimination, particularly in support of groups that may be targets of hate speech, as well as representatives from regulators who have had to respond to hate speech.

The project is financially supported by the Open Society Initiative of Southern Africa and the Foundation Open Society Institute (OSI-ZUG).

Access to Information Project

The Centre is engaged as coordinator in a collaborative project with the African Commission's Special Rapporteur on Freedom of Expression and Access to Information. This project is mainly aimed at the development of a Model Law on Access to Information in Africa. In the process of developing this Model Law, a number of regional consultations have been held in 2011. In 2012, two further major milestones have been reached.

Northern Africa Consultation

The Northern African Consultation was held from 16-17 June 2012, in collaboration with the United Nations Educational, Scientific and Cultural Organisation (UNESCO). Financial support was provided by the Middle East and North Africa Programme of the Open Society Foundation.

Participants at the consultation included academics, government officials, journalists and civil society organisations from Algeria, Egypt, Libya, Morocco, and Tunisia. The purpose of the consultation was to review and discuss in detail, the content of the Draft Model Law for African Union Member States on Access to Information, which has been developed pursuant to Resolution 167 (XLVIII) 2010 of the African Commission, authorising the Special Rapporteur to initiate the process of developing a model access to information legislation for Africa.

Development of Draft Model Law on Access to Information

A meeting of the Model Law Working Group was held from 6-8 July 2012 in Pretoria, South Africa to finalise the draft Model law. At this meeting, all comments received electronically and at each of the sub-regional consultations on the Model Law, were considered by members of the Working Group and amendments to the draft Model Law, agreed upon. The final draft of the Model Law was then forwarded to the ACHPR, for consideration during its 52nd Ordinary Session in Yamoussoukro, Ivory Coast. On 18 October 2012, members of the Model Law Working Group presented the final draft of the Model Law to the African Commission. Following the presentation, the Working Group received suggestions and extensive feedback, on the basis of which the Draft Model law will now be finalised for final consideration at its 13th Extra-Ordinary Session, taking place from 18-23 February 2013.

The project is financially supported by the Open Society Initiative of Southern Africa, the Foundation Open Society Initiative and the Open Society Initiative of West 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, and administered from the Centre, 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.

In keeping with PULP's access to information policy, all the books are available online in electronic format at no charge.

PULP now publishes five law Journals – the *Constitutional Court Review*, *African Human Rights Law Reports*, *Pretoria Student Law Review*; *Botswana Law Review* and the first open-access law journal of the Faculty of Law *De Jure*, discussion papers on topical issues (*PULP Fictions*); and guides on legal writing and academic publishing in law.

Books published by PULP during 2012

- *Aspects of disability law in Africa*
- *Beyond the law: Multi-disciplinary perspectives on human rights*
- *Adams & Adams Practical Guide to Intellectual Property in Africa*
- *The balancing of interests in environmental law in Africa*
- *The University of Botswana Law Review - Volume 13, December 2011*
- *Politocracy: An assessment of the coercive logic of the territorial state and ideas around a response to it*
- *The impact of the African Charter and Women's Protocol in selected African states*
- *Is This Seat Taken? Conversations at the Bar, the Bench and the Academy about the South African Constitution*
- *Constitutional Court Review* (2011)
- *Pretoria Student Law Review* (2011)
- *De Jure* - open access online journal (3 editions)
- *African Human Rights Law Reports* (2010 and 2011)
- *Recueil africain des décisions des droits humains* (2006, 2007 and 2008)

Visit the Pretoria University Law Press (PULP) website: www.pulp.up.ac.za

The "Rule of Law in Africa" series of books published by PULP was funded by the World Bank.

African Human Rights Law Journal

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

During 2012 two volumes were published, in May and November, with a total of 22 articles.

The Journal enjoys accredited status with the South African Department of Higher Education and Training and is included on the IBSS.

During 2012, the Journal was partly 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 and Court 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 (who acts as chief editor), Christof Heyns, Frans Viljoen and Michelo Hansungule. The African Human Rights Law Reports 2010 and 2011 were prepared for publication in 2012 as well as the 2006 to 2008 volumes of the French version of the Reports, the Recueil africain des décisions des droits humains.

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

The Law Reports are financially supported by the PA & Alize Malan Trust and the Open Society Foundation of South Africa.



African Commission on Human and Peoples' Rights awards the NGO Human Rights Prize to the Centre, on the occasion of the Commission's 25-year anniversary



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Tutor, LLD Candidate

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Professor of International Human Rights Law

Board Members

In 2012 the Board consisted of 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 and Ms Shirley Mabusela, former Chairperson of the South African Human Rights Commission. During 2013 the Centre's Board will be reconstituted.

Honorary Professors

Justice Yvonne Mokgoro, retired Judge of the Constitutional Court; Justice Johann van der Westhuizen, Judge of the Constitutional Court.

Extraordinary Professors

Prof Jakkie Cilliers, Executive Director, Institute of Security Studies; Mr Mustaqeem da Gama, Department of Trade and Industry; Prof John Dugard, UN Special Rapporteur; 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.

Extraordinary Lecturers

Ms Elize Delpont, Gender Consultant; Dr Oagile Dingake, Judge, High Court of Botswana; Dr Solomon Ebobrah, Lecturer, Niger Delta University, Nigeria; Ms Nicole Fritz, Executive Director, Southern Africa Litigation Centre; Mr Jody Kollapen, former Chairperson, South African Human Rights Commission; Ms Sarah Knuckey, Centre for Human Rights and Global Justice, New York University; Ms Asha Ramgobin, Executive Director, Human Rights Development Initiative.

Sheila B. Keetharuth was appointed as the UN Special Rapporteur on the situation of human rights in Eritrea



STAFF ACTIVITIES

Frans Viljoen

Publications

- International Human Rights Law in Africa (2nd ed) Oxford University Press 2012
- 'Disciplinary beyondness: A background to the conference and collection of papers' in Beyond the Law: Multi-disciplinary perspectives on human rights Pretoria University Law Press 2012

Teaching

Taught on the post graduate level at Essex and Oxford Universities, United Kingdom; Eduardo Mondlane University, Mozambique; University for Peace, Costa Rica; and the Abo Akademi, Finland.

Danny Bradlow

Publications

- "How Well Does the G20 Reflect African Interests and Priorities?: Some Thoughts Following the Los Cabos, Mexico Summit", paper prepared for the South African Foreign Policy Initiative, Open Society Foundation, August 2012
- "SA Must Invest in UN's 8 Millenium Development Goals" Sunday Independent, 12 August 2012
- "The World Bank and Civil Society" a chapter for a book on the World Bank edited by A. Bhattacharya and D. Lombardi (OUP, forthcoming)
- "Positioning Africa for a Role in Global Economic Governance", Sunday Independent, 10 June 2012
- "Campaign for World Bank Head Offers Africa Lessons", Mail & Guardian, 25 April 2012, available at: <http://mg.co.za/article/2012-04-25-campaign-for-world-bank-head-offers-africa-lessons>
- "Roundup: Does Kim Signal World Bank Change?" (with 3 co-authors) Council of Foreign Relations at <http://www.cfr.org/world-bank/does-kim-signal-world-bank-changes/p27994> , 18 April 2012
- "We Must Lead in Putting Africa First" Mail and Guardian, 9 March 2012, <http://mg.co.za/article/2012-03-09-we-must-lead-in-putting-africa-first> "Let's Help Elect a Female World Bank Head" Business Day, 1 March 2012, <http://www.businessday.co.za/articles/Content.aspx?id=166279>
- "Rethinking Global Financial Governance", The World Financial Review, January-February, 2012

Presentations, Participation in Workshops and Media

- Panelist, "Strengthening IFIs to Promote Effective International Cooperation", CIGI'12 Conference on "5 Years After the Fall: The Governance Legacies of the Global Financial Crisis", November 2012, Waterloo, Canada
- Panelist, "Report of the Bellagio Group on Post 2015 Development Agenda" Center for Global Development, Washington DC, November 2012
- "A Framework for Assessing Global Economic Governance", presentation on panel on "Globalization, Deregulation, Power and Agency", at symposium on "The Future of Law and Power in a Globalized World", Boston College Law School, Boston, USA 12 October 2012
- "The Future of International Law" panellist, International Legal Studies Program 30th Anniversary, American University Washington College of Law faculty, 11 October, 2012
- "A Framework for Assessing Global Economic Governance", presentation to American University Washington College of Law faculty, Sept 21, 2012

- Discussant, "The BRICS and Global Economic Governance: Perspectives from South Africa and Switzerland", Seminar on South Africa, the BRICS and Global Economic Governance, the Global Economic Governance Africa Project, Pretoria, 6 August 2012
- "Indicators for Global Governance as a Post 2015 Development Goal" presentation to "Indicators for Post 2015 Development Goals", Conference organized by Centre for Human Rights and Department of Politics, University of Pretoria as part of its partnership in the project on the Post 2015 Development Goals (Partners are: Centre for International Governance Innovation, Korean Development Institute, International Federation of the Red Cross and Red Crescent Societies, Getulio Vargas Foundation, Tata Centre for Disaster Management and International Poverty Reduction Centre of China), July 19-20, 2012
- Moderator, Experts "Brainstorming Session on G20 Development Agenda", the Office of the Presidency, Republic of South Africa, and the Centre for Human Rights, University of Pretoria, Pretoria, July 18, 2012
- Panellist, "Maximizing Social and Economic Returns from Infrastructure Projects", Infrastructure Africa Conference, NEPAD Business Foundation, Sandton, July 11, 2012
- Panellist, "Concluding Roundtable at Asian Perspectives on the Post-2015 Development Agenda: Taking Stock, Harnessing Knowledge, Achieving Results", UNDP and Korean Development Institute, Seoul, June 13, 2012
- Participant in Expert workshops on post 2015 development agenda in Beijing (organized by Centre for International Governance Innovation-CIGI and International Poverty Reduction Centre in China) on June 11, 2012 and Seoul (organized by CIGI and Korean Development Institute), on June 12, 2012
- Panellist, "Hitching Business and Development: An Uncomfortable Partnership or Good for Both?", Openforum 2012: Money, Power and Sex: The Paradox of Unequal Growth, Open Society Africa Foundations, Cape Town, South Africa, 22 May 2012
- "Methodology for a General Critical Assessment of G20 and its Relevant", panellist on Session on Draft G20 Critical Assessment Methodological Framework" SAIIA-IDLU, Joint Project on Global Economic Governance Workshop on G20 Critical Assessment" Pretoria, May 8, 2012
- Rapporteur on Application of G20 Critical Assessment Methodology to Financial Issues, SAIIA-IDLU, Joint Project on Global Economic Governance Workshop on G20 Critical Assessment" Pretoria, May 8, 2012
- "The Prospects for Multilateralism in Global Economic Governance" Presentation on Panel on "The Past and Present of Multilateralism", Conference on "Multilateralism in 21st Century: Perspectives from Africa, Europe and Asia, Dept of Politics, University of Pretoria, 17 April 2012
- "Indicators for Global Governance Reform" Experts Workshop on "Post-2015 Development Goals: Potential Targets and Indicators", hosted by OECD/DAC and sponsored by CIGI and Korean Development Institute, Paris, France April 9, 2012
- "Bretton Woods Institutions and Human Rights" lecture to LLM in Human Rights Students, U. Pretoria, 5 April 2012
- "Reform of the International Financial Institutions and Implications for Global Economic Governance", public lecture, Wayne State Program of International Legal Studies, Detroit, USA, March 27, 2012
- "Perspectives on Extractive Industries and Human Rights", presentation at meeting of ACHPR Working Group on Extractive Industries and Human Rights and the Latin American and African Network on Human Rights, Land and Indigenous People, March 19, 2012, University of Pretoria
- "IFIs and Global Governance: Selected Issues", presentation at Book Launch, "International Financial Institutions and Global Legal Governance" edited by H. Cisse, D. Bradlow and B. Kingsbury (The World Bank 2012), held at University of Pretoria, 13 March 2012.

Media

- Interview on Beyond Markets, CNBC Nightly Program on Launch of GEG-Africa, June 5, 2012
- Interviewed by Chris Gibbens on Midday Report, Radio 702, and CII Broadcasting and by LA Times (http://latimesblogs.latimes.com/world_now/2012/04/africa-calls-for-world-bank-reform-after-nigerian-misses-out-on-top-post.html) on 18 April 2012
- Interviewed on Etv News on 17 April 2012
- Interviewed by Chris Gibbens on Midday Report, Radio 702, 29 February 2012
- Other media interviews—Espresso Magazine (Jorge Nascimento Rodrigues); The Daily Maverick (Simon Allison).

Other Activities

- Provided International law advice to creating international norms on budgetary transparency, engagement and participation for the Global Initiative on Fiscal Transparency, a multi-stakeholder initiative involving governments, international organizations and NGOs (November 2011- January 2012)
- Ad Hoc Compliance Review Expert, Project Compliance Review Mechanism, European Bank for Reconstruction and Development (November 2011- March 2012)
- Expert Member, African Commission on Human and People's Rights Working Group on Extractive Industries and Human Rights, (appointed 2011 for 3 years)
- African Development Bank: Chair Roster of Experts, Independent Review Mechanism (June 2007- May 2012)
- 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 Organizations
- Member, Executive Council, American Society of International Law (elected March 2011 for 3 year term)
- Member, Board of Directors, New Rules for Global Finance (elected February 2011)
- Member, International Advisory Board, Financial Regulation and Human Rights Project, Rethinking Bretton Woods, Center of Concern

Meetings/Conferences Organised

- "Indicators for Post 2015 Development Goals", Conference organized by Centre for Human Rights and Department of Politics, University of Pretoria as part of its partnership in the project on the Post 2015 Development Goals (Partners are: Centre for International Governance Innovation, Korean Development Institute, International Federation of the Red Cross and Red Crescent Societies, Getulio Vargas Foundation, Tata Centre for Disaster Management and International Poverty Reduction Centre of China), July 19-20, 2012
- Experts "Brainstorming Session on G20 Development Agenda", the Office of the Presidency, Republic of South Africa, and the Centre for Human Rights, University of Pretoria, Pretoria, July 18, 2012
- "Role of South Africa in the G20", Organized by Oxfam and IDLU-SAIIA Global Economic Governance Project, University of Pretoria, May 9, 2012
- "Report Back on BRICS Think Tank Group Meeting" IDLU-SAIIA Global Economic Governance Project, 12 March 2012
- 'The future role, responsibilities and terms of reference of the Southern African Development Community (SADC) Tribunal.' Co-sponsored with Centre for Human Rights and International and Comparative Law in Africa, University of Pretoria, 13 March 2012,
- Book Launch, "International Financial Institutions and Global Legal Governance" edited by H. Cisse, D. Bradlow and B. Kingsbury (The World Bank 2012), held at University of Pretoria, 13 March 2012.

Michelo Hansungule

Publications

“The African Charter on Human and Peoples’ Rights” in Yusuf & Ouguergouz (eds) *The African Union: Legal and Institutional Framework* Martinus Nijhoff Publishers, 417-453

Charles Fombad

Publications

- “Africa’s Imperial Presidents: Immunity, Impunity and Accountability,” 5 *African Journal of Legal Studies* (2012) (with Enyinna Nwauche) 121-148
- “Internationalization of Constitutional Law and Constitutionalism in Africa,” 60(2) *American Journal of Comparative Law* (2012) 439-473
- *Constitutional Law in Cameroon* Kluwer Law International 2012
- “The African Union and Democratization’, in Jeffrey Haynes (ED), *Routledge Handbook of Democratization*, Routledge, London (2012)
- “Botswana,” in Vernon Palmer (ed) *Mixed Jurisdictions Worldwide. The Third Family*, 2nd Ed, Cambridge University Press (2012) 322-336
- “Special Report on Cameroon” in Vernon Palmer (ed) *Mixed Jurisdictions Worldwide. The Third Family* 2nd Ed, Cambridge University Press (2012) 481-527
- “Cameroon: Commentary (on the Constitution)”, Oxford University Press (2012), pp. 1-37
- *Constitutional Law of Cameroon*, Wolters Kluwer Law & Business, The Netherlands (2012), pp.1-320

Papers presented

- “The Expansion of Judicial Power in Africa and Democratic Consolidation: Opportunities, Challenges and Future Prospects,” at a conference entitled “Elections, Accountability and Democratic Governance in Africa, Institute for African Development, Cornell University, New York
- “Managing Legal Diversity: Cameroonian Bi-juralism at a Critical Crossroad,” at conference on “Mixed Legal Systems, East and West: Newest Trends and Developments, Valetta, Malta
- Chaired Sessions and attended working group meeting, during the African Network of Constitutional Lawyers’ Conference on “Nurturing Judicial Independence and Accountability in African States, African Network of Constitutional Lawyers, Lagos, Nigeria
- “The Cameroonian Judiciary in an Era of Expanding Judicial Power”, Juba, South Sudan

Other

- Attended the African International Law Association Meeting, Maputo Mozambique
- Attended Round Table and Executive Committee Meeting of the International Association of Constitutional Law (IACL), New York, USA

Charles Ngwena

Publications

State obligations to implement African abortion laws: Employing human rights in a changing legal landscape *International Journal of Gynecology and Obstetrics* 119 (2012) 198-202

Magnus Killander

Editorships

- Editor-in-chief: *African Human Rights Law Reports/Recueil africain des décisions des droits humains* (PULP)

- Associate editor for Africa: Oxford Reports on International Law in Domestic Courts (Oxford University Press)
- Africa editor: Oxford Reports on International Human Rights Law (Oxford University Press)
- Co-editor: African Human Rights Law Journal (JUTA)

Publications

- 'Human rights developments in the African Union during 2010 and 2011' (with Adem Abebe) (2012) 12 African Human Rights Law Journal 199-222
- 'Legal harmonisation in Africa: Taking stock and moving forward' (2012) 47(1) The International Spectator 83-96
- 'The African Commission on Human and Peoples' Rights' in M Ssenyonjo (ed) The African regional human rights system: 30 Years after the ACHPR and beyond (2012) Brill 235-248

Reviewer

Book proposal peer reviewer for Oxford University Press and journal article peer reviewer for Law, Democracy and Development, De Jure and Theoria

Conferences

- Application of the African Charter on Human and Peoples' Rights by South African courts, Cape Town 8-9 November 2012 (presenter, How international law influences domestic law: experiences / examples from other African countries)
- Access to African supranational and regional law, seminar organized by the African Legal Information Institute, Johannesburg, 5 November 2012 (presenter, challenges and opportunities for access to supranational and regional law from Africa)
- Regional access to justice, seminar organized by SALC, Johannesburg, 27 September 2012 (session chair)
- World Conference on Democracy, Strasbourg, France, 7-11 October 2012 (participant)

Trainings

Venice Academy of Human Rights, Venice, Italy, 9-18 July 2012 (participant)

Research visits

- Strasbourg, France, October 2012
- Cairo and Alexandria, Egypt, November 2012

Teaching

- Assistant academic coordinator, LLM in Human Rights and Democratisation in Africa
- Teaching on LLM programme in International Human Rights Law and HIV in Africa and Advanced Human Rights Courses

Student supervision

- LLD students : Melhik Bekele; Victor Lando; Mkhulul iNyathi; Horace Adjolohoun (co-supervisor, supervisor Erika de Wet); Armand Tanoh (co-supervisor, supervisor: Danie Brand); AJ Beredugo (co-supervisor, supervisor: Frans Viljoen)
- LLD students graduated in December 2012: Prudence Acirokop; Adem Kassie Abebe (co-supervisor, supervisor Frans Viljoen)

Committees

Member of the Research Committee and the Research Ethics Committee of the Faculty of Law

Publications by Students and Extraordinary Staff linked to the Centre

- Ebobrah, S "Human rights development in African subregions 2011" 12 African Human Rights Law Journal 223-253
- Ebobrah, S "Application of the African Charter by African sub-regional organisations: Gains, pains and the future" (2012) 16 Law, Democracy and Development 49-68
- Nkhata, M "The role of regional economic communities in protecting and promoting human rights in Africa: Reflections on the human rights mandate of the Tribunal of the Southern African Development Community" African Journal of International and Comparative Law 20.1 (2012) 87-109
- Nkhata, M "Reinforcing duty bearer accountability for socio-economic rights in Malawi: A conceptual alternative" Stell LR 2012 1 95-117
- Kaguongo, W "Resource allocation towards socio-economic rights: Lessons from domestic courts" Human Rights Review (2012) 13 85-105
- Abebe, A "Limitation of the rights of indigenous peoples in Africa: A model for balancing national/state interest in development with the rights of indigenous peoples?" African Journal of International Of Comparative Law 3 (2012) 603-608
- Abebe, A, "Abdication of responsibility or justifiable fear of illegitimacy? The death penalty, gay rights, and the role of public opinion in judicial determinations in Africa (2012) 60(3) American Journal of Comparative Law 1-18
- Abebe A "Human rights developments in the African Union during 2010 and 2011" 12 African Human Rights Law Journal (with M Killander) 199-222
- Acirokop, A "A truth commission for Uganda? Opportunities and challenges" (2012) 12 African Human Rights Law Journal 417-447



LLM (Human Rights and Democratisation in Africa) Opening Ceremony

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- AUSAID
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- Embassy of France
- Embassy of Norway
- European Union
- Flemish Delegation to South Africa
- Foundation Open Society Institute (FOSI)
- German International Cooperation (GIZ)
- International Labour Organization
- International Working Group for Indigenous Affairs
- Irish Aid
- National Research Foundation
- Open Society Foundation of South Africa (OSFSA)
- Open Society Initiative of Southern Africa (OSISA)
- Open Society Initiative of West Africa (OSIWA)
- PA & Alize Malan Trust
- Royal Netherlands Embassy
- Royal Norwegian Embassy
- Solidarity for African Women's Rights Network
- Sonke Gender Justice Network
- Swiss Agency for Development and Cooperation (SDC)
- UNAIDS
- United Nations
- World Bank



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