



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Centre for Human Rights

2018
ANNUAL
REPORT



**Centre for
Human Rights**
UNIVERSITY OF PRETORIA

The Centre for Human Rights is an internationally recognised university-based institution combining academic excellence and effective activism to advance human rights, particularly in Africa.

The Centre for Human Rights was established in the Faculty of Law, University of Pretoria, in 1986, as part of domestic efforts against the apartheid system of the time.

The Centre works towards human rights education in Africa, a greater awareness of human rights, the wide dissemination of publications on human rights in Africa, and the improvement of the rights of women, indigenous peoples, persons with disabilities, sexual minorities and other disadvantaged or marginalised persons or groups across the continent.

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

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

In 2006, the Centre was awarded the UNESCO Prize for Human Rights Education, with particular recognition for the African Human Rights Moot Court Competition and the LLM in Human Rights and Democratisation in Africa. In 2012, the Centre for Human Rights was awarded the 2012 African Union Human Rights Prize.

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DIRECTOR'S MESSAGE

In 2018, the Centre – together with the rest of South Africa and the world – celebrated a number of human rights landmarks.

We marked 100 years since the birth of one of the greatest sons of our soil and one of the greatest human rights icons, Nelson Mandela. It was 70 years since the adoption – on 10 December 1948 – of the Universal Declaration of Human Rights. To commemorate those milestones, an honorary degree was awarded to former Deputy Chief Justice Dikgang Moseneke, on the occasion of International Human Rights Day, and a multimedia competition calling for creative portrayals of the Universal Declaration provisions. The tenth edition of the Nelson Mandela World Moot Court Competition also took place in 2018.

The Centre continued its manifold activities towards fostering a human rights culture in Africa, with academic programmes, research, contributing to the human rights discourse in Africa, advocacy and capacity building. The dedication and professionalism of the Centre staff made this possible. Here, I mention just a few highlights.

Academic achievements

Eight Centre-supervised doctoral students graduated in 2018. The excellence of the HRDA cohort was reflected in 8 out of 27 graduating students obtaining the degree with distinction. A new hybrid (online/on campus) Master's programme, in Disability Rights in Africa, was launched in 2018, with the selected students undergoing an orientation week on campus. The addition of this Master's brings the number of Master's programmes in the Centre to five.

Publications

Centre-associated staff contributed 24 accredited journal articles, 3 books, and 21 chapters in books. Staff also made contributions to numerous other (non-accredited) publications.

Human-rights related scholarly discourse

By bringing together African scholars and activists, together with counterparts from elsewhere, the Centre contributed to the human rights-related scholarly discourse in Africa. The annual African Disability Rights Conference focused on the complexities of inclusive education; and the Kéba Mbaye Conference on African approaches to international law (with a focus on human rights) allowed Africans, diaspora scholars and others to reflect on the extent to which Africa has been and can be at the centre of international law. By hosting the African Coalition for Corporate Accountability (ACCA), and spearheading its annual conference, the Centre also stimulates thinking and increases knowledge on pertinent matters related to business and human rights on the continent.

Advancing human rights scholarship

Through its regular academic journals, edited and published from within the Centre, and the Pretoria University Law Press (PULP), based in the Centre, the Centre has been advancing human rights African scholarship. The *African Human Rights Law Journal* in its 18th year, enjoys international recognition; the *African Disability Rights Yearbook* has over the six years of its existence established itself as a unique and important source on disability rights in Africa. PULP in 2018 published its 200th title, a landmark publication (*What is*

Africanness? Contesting nativism in culture, race and sexualities, by Charles Ngwenya) squarely fitting into contemporary discussions on race and identity in South Africa.

#AgeWithRights Campaign

The adoption of the Protocol to the African Charter on the Rights of Older Persons, and the lethargy of states towards its ratification motivated the Centre's campaign #AgeWithRights. A number of sub-regional consultations brought together important stakeholders to discuss the need for the protection of older persons' rights, and the utility of the Protocol. We trust this campaign, which will continue into 2019, will be the spark to fire up AU member states to take on this neglected issue. In addition to this campaign, the Centre involved itself in a number of other advocacy activities.

Capacity-building

Capacity-building remains a priority in Africa. The Centre's programmes and Units have over the years in a number of ways contributed to building capacity in Africa. In addition to Centre graduates entering the professional environments we have supported the African Union's human rights bodies, in particular, by placing interns/legal professionals with these institutions, and by supporting the special mechanisms of the African Commission on Women's Rights, extractive industries, socio-economic rights, and indigenous peoples. Capacity building of state officials has taken place in particular around state reporting under the Maputo Protocol, and by state officials attending the Centre's intensive week-long courses. We also developed tools, such as the guide to implementing Resolution 275, adopted by the African Commission in 2014, to assist states to better protect the rights of LGBT persons.

New Assistant Director

The appointment of an alumna of the Master's in Human Rights and Democratisation in Africa, Dr Nkatha Murungi, as Senior Lecturer in the Centre and Assistant Director (Projects and Programmes), was another highlight. Dr Murungi, who started on 1 September 2018, brings with her an exceptional combination of academic excellence and experience in activism, advocacy and management.

In conclusion, I would like to extend a warm word of thanks to all the funding partners and other collaborating partners and supporters, with whom we had the privilege of working together in 2018.

Frans Viljoen

Director, Centre for Human Rights



**Prof Frans Viljoen, Director,
Centre for Human Rights**

CENTRE MANAGEMENT TEAM

The ability of the Centre to annually celebrate various accomplishments would not be possible without the consistent, dedicated and professional support of the team that ensures that the Centre's heart keeps beating regularly and that the many parts of its body stays healthy.

First, Dr Nkatha Murungi has, since she joined the Centre as Assistant Director, enriched the Centre team with her keen insights and professional approach to management.

Second, there is the one who 'holds it all together', and has been doing so for most of the Centre's life: Carole Viljoen, the Office Manager. Her ability to efficiently multi-task is legendary.

There, there is the financial team, which ensures that the Centre's financial management is impeccable. Harold Meintjes, the Financial Manager, has for many years now worked together with two Assistant Financial Managers, Emily Laubscher and Sarita Pienaar-Erasmus, to ensure that the Centre receives an audit report without any blemish.

Fourth, there is the team that performs the crucial function of presenting the Centre's work activities to a wider audience. Yolanda Boozyen is the Centre's talented Communications and Marketing Manager. She is ably assisted by Simphiwe Khumalo (Communications and Marketing Officer), and Lourika Pienaar (Webmaster). In 2018, in particular, Simphiwe stepped in to take the overall responsibility while Yolanda was on maternity leave. David Ikpo and Lizette Hermann also from time to time assisted in the execution of this function.



Nkatha Murungi



Carole Viljoen



Harold Meintjes



Emily Laubscher



Sarita Pienaar-Erasmus



Yolanda Boozyen



Simphiwe Khumalo



Lourika Pienaar



David Ikpo



Lizette Hermann



Prof Cheryl de la Rey, Justice Dikgang Moseneke and Prof Andre Boraine
Award of Honorary Doctorate, 8 December 2018

ACADEMIC PROGRAMMES

LLD, DPhil, LLM and MPhil degree programmes

DOCTORAL (LLD/DPHIL) PROGRAMMES

More than 50 students were registered for the LLD (on human rights-related topics) in the Centre, under the supervision (or co-supervision) of Professors Christof Heyns, Frans Viljoen, Michelo Hansungule, Charles Fombad, Charles Ngwenya, Danny Bradlow and Magnus Killander. Monthly doctoral meetings were held, at which doctoral candidates presented their work-in-progress.

Graduandi

In 2018, the following eight candidates registered under Centre supervisors graduated with a doctoral (LLD) degree:

- **Ogendi Paul Omondi**
Thesis: Pharmaceutical trade policies and access to medicines in Kenya
Supervisor: Prof UM Killander
External co-supervisor: Dr A Waris (University of Nairobi, Kenya)
- **Vohito ép. Anyanwu Sonia Esther**
Thesis: Constitutionalisation of the rights of political parties in Africa and its impact on constitutionalism: A comparative study of Central African Republic, Senegal and South Africa
Supervisor: Prof CM Fombad
- **Francky Lukanda**
Thesis: Legal accountability of international financial institutions
In financing development: What response to project affected people?
Supervisor: Prof D Bradlow
- **Monicah Kareithi**
Thesis: A legal-historical analysis of women-to-woman marriage in Kenya
Supervisor: Prof F Viljoen
- **Ayeni Victor Oluwasina**
Thesis: State compliance with and influence of reparation orders by regional and sub-regional human rights tribunals in five selected African states
Supervisor: Prof FJ Viljoen
- **Jjuuko Adrian**
Thesis: Beyond court victories: Using strategic litigation to stimulate social change in favour of lesbian, gay and bisexual persons in Common Law Africa
Supervisor: Prof FJ Viljoen
External co-supervisor: Prof J Oloka-Onyango (Makerere University, Uganda)
- **Kamunyu Mariam Wambui**
Thesis: The gender responsiveness of the African Commission on Human and Peoples' Rights
Supervisor: Prof FJ Viljoen
- **Karugonjo-Segawa Roselyn Irene**
Thesis: The right to participation in development: A case study of Uganda
Supervisor: Prof UM Killander



Dr Mariam Kamunyu and
Dr Paul Ogendi

LLD/DPhil(Sexual and Reproductive Rights in Africa)

In 2018, Charles Ngwena was the Academic Coordinator, and Thuto Maqutu the Manager of this programme.

A doctoral programme dedicated to sexual and reproductive rights was introduced in 2018. Three doctoral candidates were selected from more than 150 applications received, and the candidates registered for their first year of study. They also attended the research methodology course as required, developed and defended their research proposals, and undertook related research visits. All the students are expected to graduate in 2020.

The students, topics and supervisors are:

- **Rudo Chigudu:**
A phenomenological study of the gendered and sexualize politics of a lesbian identity in contemporary Zimbabwe (under the supervision of Prof Charles Ngwena).
- **Ayo Sogunro:**
Advocacy, social control, and the criminalisation of same sex relationships: A socio-legal analysis of the evolution and enforcement of the 'anti-gay laws' in Nigeria (under the supervision of Prof Frans Viljoen).
- **Chrispine Sibanda:**
The social inclusion approach to realisation of sex workers rights in Malawi (under the supervision of Prof Charles Ngwena, with Prof Ebenezer Durojaye from the University of the Western Cape as co-supervisor).



LLD Candidate Rudo Chigudu
and Dr Ciara O'Connell, Post-doctoral Fellow



Centre for Human Rights
Graduation Ceremony 2018

MASTER'S PROGRAMMES

In 2018, 32 students graduated with Master's degrees:

- 27 students from the LLM/MPhil programme in Human Rights and Democratisation in Africa (HRDA)
- 5 students from the LLM/MPhil programme in Multidisciplinary Human Rights

LLM/MPhil (Human Rights and Democratisation in Africa) (HRDA)

In 2018, Magnus Killander was the Academic Coordinator, and Ashwanee Budoo the Manager of this programme. Johannes Buabeng-Baidoo was the Programme Officer, and the academic tutors were: Chairman Okoloise, Henrietta Ekefre, Kennedy Kariseb and Trésor Makunya. Many Centre staff members contribute to this programme, including, as teachers, Professors Christof Heyns, Charles Fombad and Michelo Hansungule.

The Centre is a pioneer in African human rights education, having established the HRDA

in 2000 as the first ever Africa-specific human rights Master's degree.

The 19th graduation of the HRDA was held on 8 December 2018 where 27 students (15 men and 12 women) from 14 countries (Botswana, Cameroon, Ethiopia, The Gambia, Kenya, Lesotho, Malawi, Nigeria, Somalia, South Africa, South Sudan, Swaziland, Uganda, Zimbabwe) graduated. In 2018 eight students passed with distinction.

Students spend their first semester in Pretoria and the second semester in smaller groups of 2 or 3 at one of the 12 partner universities across Africa: Université d'Abomey-Calavi (Benin), Addis Ababa University (Ethiopia), Catholic University of Central Africa (Cameroon), University of Nairobi (Kenya), Universidade Eduardo Mondlane (Mozambique), Université Gaston Berger de Saint Louis (Senegal), University of Ghana, University of Lagos (Nigeria), University of Mauritius, Makerere University (Uganda), University of Venda and the University of the Western Cape (South Africa).



Centre for Human Rights
Graduation Ceremony 2018



HRDA students meeting with
Dr Vera Chirwa in Malawi

Training on the HRDA programme is a blend of theory and practice, including field study in South Africa and neighbouring countries (Zimbabwe, Malawi, Mozambique, Botswana and Venda).

An intense programme, training on the HRDA programme includes expert knowledge and, especially, the development of research, writing, critical thinking and analytical skills.

Students undertaking the field study to Malawi had occasion to meet Dr Vera Chirwa, who lent her name to an annual award made to one of the HRDA alumni.

Students graduated on 8 December 2018 in a special ceremony organised by the University of Pretoria to mark International Human Rights Day on 10 December.

The event, at which an honorary doctorate was awarded to Justice Dikgang Moseneke, the previous Deputy Chief Justice of the South African Constitutional Court, also marked the Centre's celebration of 70 years since the adoption of the Universal Declaration on 10 December 1948. The ceremony was attended by representatives from all twelve HRDA partner universities.

The graduation ceremony was preceded by a two-day Kéba M'Baye conference on the theme 'Placing African approaches at the centre of international law'.

Prizes for 2018 HRDA students:

- **Nelson Mandela Prize** for best overall performance:
Nimrod Muhumuza (Uganda)
- **Kéba M'Baye Prize** for best mini-dissertation:
Nimrod Muhumuza (Uganda)

- **Victor Dankwa Prize** for best student in African Human Rights (co-awarded):
Marystella Simiyu (Kenya) and
Nimrod Muhumuza (Uganda)
- **Ubuntu Prize** for the student who best captured the values of humanity:
Basiru Bah (Gambia)

The prestigious annual **Vera Chirwa Prize** for outstanding achievement in furtherance of human rights and democracy was awarded to Joojo Cobbinah (Class of 2013) for impactful and courageous journalism. It was the first time that the recipient of this award was an MPhil graduate.

Internships and other opportunities awarded to students in the Class of 2018, to be taken up in 2019:

- Teaching Fellow, Faculty of Law, University of The Gambia:
Samuel Ade Ndasi (Cameroon)
- African Committee on the Rights and Welfare of the Child:
Henok Ashagrey (Ethiopia)
- African Commission on Human and Peoples' Rights:
Chaan Tutlam (Ethiopia)
- African Court on Human and Peoples' Rights:
Debbie Solademi (Nigeria)
- Doctoral candidate and tutor, Centre for Human Rights:
Marystella Simiyu (Kenya)
- Doctoral candidate and alumni coordinator, Centre for Human Rights
Tomiwa Ilori (Nigeria)
- Nigerian Human Rights Commission:
Theophilus Odaudu (Nigeria)

LLM/MPhil (Sexual and Reproductive Rights in Africa) (SRRA)

In 2018, Professor Charles Ngwenya was the Academic Coordinator, and Thuto Maqutu the Manager of this programme. The assistance of Professor Ebenezer Durojaye, University of the Western Cape, is also gratefully acknowledged. Dr Nkatha Murungi, Dr Ciara O'Connell and the doctoral candidates also provided invaluable assistance.

The LLM/MPhil in Sexual and Reproductive Rights in Africa is the Centre's first hybrid learning programme. The programme is delivered on-line as well as through in-class block weeks.

The third cohort on this programme completed their first year in 2018 and they are in the process of registering for the 2019 academic year.

Fifteen students from 11 Africa countries have been selected for the fourth cohort beginning in 2019.

LLM/MPhil (Disability Rights in Africa) (DRIA)

In 2018, Ilze Grobbelaar-Du Plessis was the Academic Coordinator, and Innocentia Mgijima the Manager of this programme. Jehoshaphat Njau and Dianah Msipa made considerable contributions.

The Centre, together with the Department of Public Law, Faculty of Law, UP, introduced and ensured the approval of a new Master's degree programme, the LLM/ MPhil (Disability Rights in Africa). The Master's programme focuses on the implementation of disability rights in Africa in line with the Convention on the Rights of Persons with Disabilities (CRPD) and the newly adopted Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Protocol).

The mission of the programme is to educate passionate defenders of the rights of persons with disabilities with a deep understanding

of the rights of persons with disabilities and providing tools to work towards reasonable accommodation and against discrimination and stigma of persons with disabilities.

Similar to the LLM/MPhil (Sexual and Reproductive Rights in Africa), this programme is presented as a hybrid, with on-line learning combined with block-weeks on the UP campus. During 2018, the Centre and Department of Public Law finalised the curriculum, with the assistance of UP's Department of Education Innovation.

The first cohort of 11 students were selected, and during December 2018 attended a 'Week Zero', during which the students were introduced to staff and each other, became acquainted with UP, its systems and processes, were exposed to ClickUp, and engaged in basic research methodology.

LLM/MPhil (Multidisciplinary Human Rights) (MDHR)

In 2018 Frans Viljoen and Michelo Hansungule were the Academic Coordinators, and Rutendo Chinomona the Manager of this programme.

This programme is offered on a part-time basis, over two years, principally for students with full-time employment.

During 2018, 16 new students registered on the programme. Five students completed the programme and graduated in 2018.

POST-DOCTORAL FELLOWS

Three Post-doctoral Fellows were involved in the Centre's work in 2018:

- **Dr Ciara O'Connell**, who was awarded the Vice-Chancellor's Post-doctoral Fellowship, worked in the area of women's rights;
- **Dr Romola Adeola** (LLD, UP 2016) returned to the Centre, worked in the area of migration; and
- **Dr Oyeniyi Abe** was appointed as Postdoctoral Fellow under the SARChI Research Chair within IDLU.



**DRIA Week Zero
10 – 14 December 2018**





LLM/MPhil (Sexual and Reproductive Rights in Africa)
Class of 2018

RESEARCH

Publications by staff

In 2018, Magnus Killander was the Centre's Research Manager.

Journal articles

Adeola, A & Viljoen, F 'Climate change, development projects and internal displacement in Africa' (2018) 62 *Journal of African Law* 335-350

Allain, J 'The right to safe food: Can the international food system deliver to the United Kingdom?' (2018) 22 *International Journal of Human Rights* 350-369

Bradlow, D 'International financial regulatory standards and human rights: Connecting the dots' (2018) 15 *Manchester Journal of International Economic Law* 2-44 (with M Aizawa & M Wachenfeld)

Bradlow, D 'A human rights based approach to international financial regulatory standards' (2018) *SouthView* (publication of the South Centre, [available here](#)).

Bradlow, D 'International Financial Regulations and Human Rights: Connecting the Dots' (2018) *Manchester JIEL* 2-144 (with Aizawa and Wachenfeld)

Budoo, A 'Analysing the monitoring mechanisms of the African Women's Protocol at the level of the African Union' (2018) 18 *African Human Rights Law Journal* 58-74

Fombad, C 'The rule of law in sub-Saharan Africa: Reflections on promises, progress, pitfalls and prospects' (2018) 18 *African Human Rights Law Journal* 205-212 (with E Kibet)

Fombad, C 'An overview of the crisis of the rule of law in Africa' (2018) 18 *African Human Rights Law Journal* 213-243

Fombad, C 'Constitutional entrenchment of decentralization in Africa: An overview of trends and tendencies' (2018) 62 *Journal of African Law* 175-200

Fombad, C 'Actualising the right to development in Africa' (2018) 47 *Africa Insight* 6-26 (with S Kamga)

Fombad, C 'Comparative research in contemporary African legal studies' (2018) 67 *Journal of Legal Education* 984-1004

Imiera, P 'Therapeutic jurisprudence and restorative justice: Healing crime victims, restoring the offenders' (2018) 51 *De Jure* 82-101

Killander & MG Nyarko 'Human rights developments in the African Union' (2018) 18 *African Human Rights Law Journal* 732-757

Msipha, D 'Implementing article 13 of the Convention on the Rights of Persons with Disabilities in South Africa: Reasonable accommodations for persons with communication disabilities' (2018) 6 *African Disability Rights Yearbook* 99-120 (with R White)

Nabaneh, S 'The Gambia' (2018) 6 *African Disability Rights Yearbook* 230-246

Ngang, C 'Poverty eradication through global partnerships and the question of the right to development under international law' (2018) 47 *Africa Insight* 39-58

Ngwena, CG 'Using health committees to promote community participation as a social determinant of the right to health: Lessons from Uganda and South Africa' (2018) 20 *Health and Human Rights* 11-17 (with M Mulumba & L London & J Nantaba)

Nyarko, MG 'Protection of environmental assets in urban Africa: Regional and sub-regional human rights and practical environmental protection mechanisms' (2018) 24 *Australian Journal of Human Rights* 182-200 (with M Addaney & E Boshoff)

Nyarko, MG 'Selected developments in human rights and democratization during 2016: Sub-Saharan Africa' (2017) 1 *Global Campus Human Rights Journal* 497-521

Nyarko, MG & Makunya, T 'Selected developments in human rights and democratization during 2017: Sub-Saharan Africa' (2018) 2 *Global Campus Human Rights Journal* 147-173

Nyathi, M 'Supreme in letter, supreme in spirit, supreme in deed: An exposition of the SADC Summit's overarching powers in the SADC regional integration project' (2018) 31 *Speculum Juris* 1-13

Okoloise, MC 'Circumventing obstacles to the implementation of recommendations by the African Commission on Human and Peoples' Rights' (2018) 18 *African Human Rights Law Journal* 27-57

Ozoemena, RN 'Shining the light on Africa' (2018) 47 *Africa Insight* 27-38

Sogunro, A 'Citizenship in the shadows: Insights on queer advocacy in Nigeria' (2018) 45 *College Literature* 632-640

Stein, MA 'Mainstreaming disability in the United Nations treaty bodies' (2018) 17 *Journal of Human Rights* 1-24 (with K Skarstad)

Stein, MA 'Involuntary mental health treatment in the era of the United Nations Convention on the Rights of Persons with Disabilities' (2018) 1 *Plos Medicine* 1-9 (with F Mahomed & V Patel)

Viljoen, F 'Understanding and overcoming challenges in accessing the African Court on Human and Peoples' Rights' (2018) 67 *International & Comparative Law Quarterly* 63-98

Viljoen, F 'Comparative regional human rights regimes: Defining a research agenda' (2018) 16 *International Journal of Constitutional Law* 128-135 (with B Cali & M Madsen)

Viljoen, F 'Inaccessible apexes: Comparing access to regional human rights courts and commissions in Europe, the Americas and Africa' (2018) 16 *International Journal of Constitutional Law* 161-186 (with F Hampson & C Martin)

Policy Briefs

Bradlow, D 'Scaling Development Finance for Our Common Future' (co-authored with K. Gallagher, L.A. Serino, J. Siabe Serrate) T20 Task Force 9: International Financial Architecture for Stability and Development (May 2018) available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3202308

Books and chapters in books

Adeola, R 'The right to development under the African Charter: Is there an extraterritorial reach' in C Ngang, S Djoyou Kamga, V Gumede (eds) *Perspectives on the Right to Development* Pretoria University Law Press (2018) 34-46

Adeola, R 'The protection of and assistance to internally displaced persons in Africa' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 296-305

Adeola, R 'Protecting conflict-induced displaces in Northern Nigeria: Assessing the compliance of the state with article 9(2) of the Kampala Convention' in Iyi & Strydom (eds) *Boko Haram and international law* Springer (2018) 293-310

- Biegon, J 'The incorporation of the thematic resolutions of the African Commission into the domestic laws of African countries' O Shyllon (ed) *The Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa* Pretoria University Law Press (2018) 190-215
- Boshoff, E & Owiso, O 'Pan Africanism and development in the twenty-first century: A critical analysis of the New Partnership for African Development (NEPAD) in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 266-277
- Bradlow, D *Negotiating International Business Transaction: A Practical Skills Approach through an Extended Simulation Module Utilizing Collaborative Teaching Methodology*" (co-authored with Jay Finkelstein) (2018)
- Budoo, A 'Adoption of a human rights approach to budgeting as a step to release the right in education in African countries' in Onuora-Oguna et al (eds) *Education law, strategic policy and sustainable development in Africa: Agenda 2063* Macmillan (2018) 29-50
- Dube, H 'Women's human rights in twenty-first century Africa: Taking stock of the Maputo Protocol' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 306-324
- Fombad, C 'The diffusion of South African-style institutions? A study of comparative constitutionalism' in Dixon (ed) *Constitutional triumphs, constitutional disappointments: A critical assessment of the 1996 South African Constitution's local and international influence* Cambridge University Press (2018) 359-388
- Heyns, C 'The right to life and the progressive abolition of the death penalty' in de Guzman (ed) *Arcs of global justice* Oxford University Press (2018) 117-137 (with T Probert & T Borden)
- Ho Tu Nam, N 'Civil society and the right to access to information in the Ghanaian oil industry' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 66-81
- Ikpo, D 'The African dream: Attitudes and prejudices in African schools' in A Onuora-Oguno, W Egbewole, T Kleven (eds) *Education Law, Strategic Policy and Sustainable Development in Africa* Macmillan (2018) 249-276
- Kabumba, B 'Soft law and legitimacy in the African Union: The case of the Pretoria Principles on Ending Mass Atrocities Pursuant to Article 4(h) of the AU Constitutive Act' O Shyllon (ed) *The Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa* Pretoria University Law Press (2018) 165-189
- Kariseb, K 'Women's political participation in decision-making processes and organs in Ghana: Trends, practices and social realities' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 101-120
- Kuwali, D 'Africa and the international criminal court in Nagar & Mutasa (eds) *Africa and the world* Macmillan (2018) 371-402
- Kuwali, D 'Squaring the circle: The role of the African peace and security architecture' in Karbo & Virk (eds) *The Palgrave Handbook of Peacebuilding in Africa* Macmillan (2018) 45-64
- Kuwali, D 'Reckless business: Corporate accountability for atrocities' in Cernic & Carrillo-Santarelli (eds) *The future of business and human rights: Theoretical and practical considerations for a UN Treaty* Intersentia (2018) 209-228
- Kuwali, D 'Eradicating extremism: A ten Cs approach' in Iyi & Strydom (eds) *Boko Haram and international law* Springer (2018) 353-370
- Mukulwamutiyo, G 'Towards a human rights based approach for countering economic crises: Ghana and Zambia's experiences with the global financial crises' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 217-244
- Okeowo A 'Article 46A: Accountability according to the Leaders of Africa' in C Rodriguez-Garavita & M Morris (eds) *Justice Through Transitions - Conflict, Peacemaking, and Human Rights in the Global South* Dejusticia (2018) 90 - 103.
- Ngang, C 'Access to justice as a mechanism for the enforcement of the right to development in Africa' in C Ngang, S Djoyou Kamga, V Gumede (eds) *Perspectives on the Right to Development* Pretoria University Law Press (2018) 47-69 (with E Durojaye & O Adeniyi)
- Ngang, C 'The right to development: An African feminist view' in C Ngang, S Djoyou Kamga, V Gumede (eds) *Perspectives on the Right to Development* Pretoria University Law Press (2018) 97-119 (with R Ige)
- Ngang, C 'O Cameroon, though cradle of our fathers ...: Land of promise and the right to development' in C Ngang, S Djoyou Kamga, V Gumede (eds) *Perspectives on the Right to Development* Pretoria University Law Press (2018) 182-202 (with S Kamga)
- Ngwena, CG *What is Africanness: Contesting nativism in race, culture and sexualities* Pretoria University Law Press (2018)
- Njau, J 'Article 29: Participation in political and public life' in I Bantekas, M Stein, D Anastasiou (eds) *The UN Convention on the Rights of Persons with Disabilities: A Commentary* Oxford (2018) 834-862 (with I Grobbelaar du Plessis)
- Nkrumah, B 'Ghana's poverty alleviation strategy: Promising start, but bleak future?' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 382-100
- Nyarko, MG 'Governance and human rights in twenty-first century Africa: An introductory appraisal' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 2 - 15
- Nyathi, M *Southern African Development Community and Law* Macmillan (2018)
- Okoloise, MC 'Transnational democracy in Africa and the African Union's Agenda 2063: Beyond Nkrumah's Pan-Africanist pushbacks' in Addaney & Nyarko (eds) *Ghana@60: Governance and human rights in twenty-first century Africa* Pretoria University Law Press (2018) 325-354
- Onuora-Oguno, AC *Development and the right to education in Africa* MacMillan (2018)
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OTHER RESEARCH

Human Rights Law Implementation Project (HRLIP)

The Centre participated in the Human Rights Implementation Project (HRLIP), a collaborative project between 4 leading academic human rights Centres (Bristol, Essex, Middlesex and Pretoria) and the Open Society Justice Initiative. The aim of the project is to examine the factors which impact on human rights law implementation by nine states across Europe, Africa (Burkina Faso, Cameroon, Zambia) and the Americas, looking at (i) selected decisions deriving from individual complaints to UN treaty bodies; and (ii) selected judgements and decisions of the bodies in the three regional human rights systems. The Project explores an issue which is concern to state actors (governments, legislatures and judiciaries); civil society actors; human rights bodies; and victims (and potential) victims of human rights violations. It is hoped that the research will impact on the actual compliance by the states with selected decisions and thereby result in greater justice for individual victims.



The Impact of the UN Human Rights Treaty System

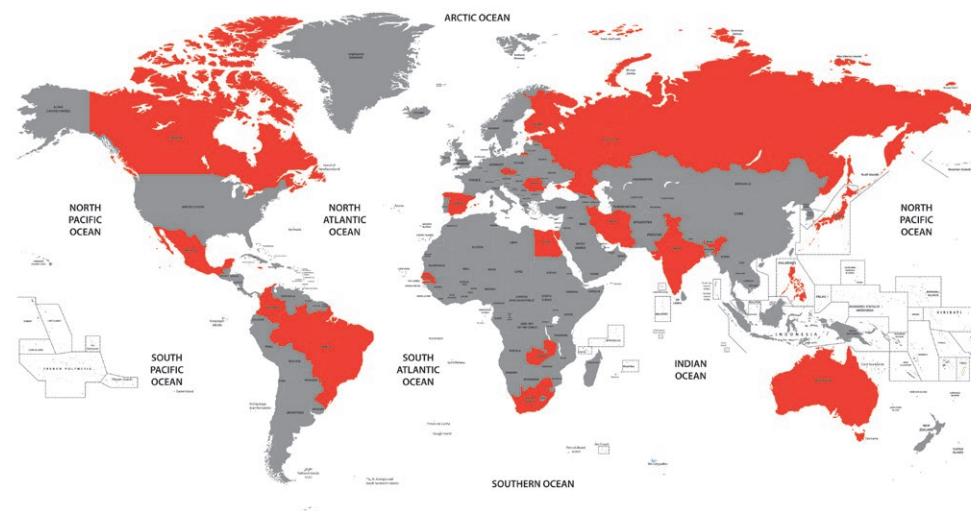
Prof Heyns, Director of ICLA, and Frans Viljoen, oversee a research project on the impact of the UN human rights system in 20 states. The main question addressed in this project is: What has been the influence to date of the main United Nations human rights on the domestic level, worldwide?

A team of 20 researchers in as many countries worldwide is currently conducting the most comprehensive study yet undertaken on this question. The study is conducted in collaboration with the UN Office of the High Commissioner for Human Rights. Twenty years ago, the same two researchers conducted a similar study in the same countries, also in collaboration with the UN OHCHR.

The 20 researchers are all based in the countries that they study, each working from the same template of questions provided by the

study leaders. They look at the relevant primary sources in those countries (such as white papers and policy documents) and conduct interviews with government officials and NGO, to answer questions such as the following: What evidence is available about the influence of the UN treaties, and the work of the treaty bodies, on the constitution of the country in question; on its legislation; on its policies; has the work of the treaty bodies been cited in the courts; is it taught in the universities; is it covered in the newspapers? Also, to what extent have the views and the concluding observations of the treaty bodies been implemented? The countries covered by this part of the study are Australia; Brazil; Canada; Colombia; Czech Republic; Egypt; Estonia; Finland; India; Iran; Jamaica; Japan; Mexico; Philippines; Romania; Russia; Senegal; South Africa; Spain; and Zambia.

Full information is available at www.icla.up.ac.za/research/impact-of-the-un-human-rights-treaties-on-domestic-level





LLD Candidate Chrispine Sibanda and Prof Charles Ngwena at the launch of Prof Ngwena's book *What is Africanness: Contesting nativism in race, culture and sexualities*

EDUCATION PROJECTS

Moot court competitions and short courses

African Human Rights Moot Court Competition

In 2018, Yusuf Sayaad was the African Human Rights Moot Court Competition Manager.

The 27th edition of the African Human Rights Moot Court Competition was hosted and held at the University of Ghana, Legon, from 6 to 11 August 2018. The event brought together 40 Anglophone, 5 Francophone and 3 Lusophone teams.

The preliminary rounds involved all participating teams arguing the hypothetical case four times; twice as Applicant and twice as Respondent. The rounds are held separately in English, French and Portuguese and scores are awarded by a panel of judges made up of Faculty Representatives.

The following teams emerged as winners of the preliminary rounds and made it to the final round: University of Pretoria, South Africa; Makerere University, Uganda; Université des Lagunes, Côte d'Ivoire; University of Ghana, Legon; Universidade Eduardo Mondlane, Mozambique and University of Nairobi, Kenya

By draw of lots, these six finalists teams were reconstituted into two new combined teams with two English and one French-speaking team on one side, and two English and one Portuguese-speaking team on the other. By a further draw of lots, each new combined team was assigned a side of the case to argue:

Applicant

- University of Ghana, Legon
- Universidade Eduardo Mondlane, Mozambique
- University of Nairobi, Kenya

Respondent

- University of Pretoria, South Africa
- Makerere University, Uganda
- Université des Lagunes, Côte d'Ivoire

In the spirit of bridging the artificial divide of language and legal tradition, these young human rights defenders were required to work together to prepare new, combined arguments for the final round.

An essential component of the Moot week is the one-day International Human Rights Conference. Organised in partnership with the United Nations Office on Drugs and Crime (UNODC) on 21 September, the conference was themed: Human Rights, Securitisation and Counter-Terrorism in Africa. The one-day conference brought together academics, human rights activists, NGOs, government and law students from across the continent.

The final round was held at the Law Courts Complex in Accra and the following people served as judges:

- Hon Justice Sophia Akuffo
Chief Justice of Ghana
- Prof Laurence Burgorgue-Larsen,
Judge of the Constitutional Court of Andorra
- Dr David Padilla
Former Assistant Executive Secretary Inter American Commission on Human Rights
- Dr Attila Teplan
Head of Legal Division, Registry, European Court of Human Rights
- Dr Katja Samuel
Director, Global Security and Disaster Management Ltd
- Anastasio Miguel Ndapassoa
Lecturer, Universidade Católica de Moçambique

The winning team of the African Moot Competition was the combined team that argued the case for the Respondent and represented the University of Pretoria (South Africa), Makerere University (Uganda) and Université des Lagunes (Côte d'Ivoire).

For more information, please visit
www.chr.up.ac.za/moot

“AFRICA: FROM HUMAN WRONGS TO HUMAN RIGHTS”

«L'AFRIQUE: DE LA MÉCONNAISSANCE À LA RECONNAISSANCE DES DROITS DE L'HOMME»

AFRICAN HUMAN RIGHTS MOOT COURT COMPETITION

27

COMPETIÇÃO AFRICANO DE JULGAMENTO SIMULADO DOS DIREITOS HUMANOS


2018


Legon, Accra
GHANA
06.08.2018 – 11.08.2018

UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

www.chr.up.ac.za/moot

Organised by the
**CENTRE FOR HUMAN RIGHTS,
UNIVERSITY OF PRETORIA**
in collaboration with the
UNIVERSITY OF GHANA

 **Centre for
Human Rights**
UNIVERSITY OF PRETORIA





Hon Justice Sophia Akuffo, Chief Justice of Ghana, with the combined winning team of the African Moot

Nelson Mandela World Human Rights Moot Court Competition

In 2018, Eduardo Kapapelo was the Nelson Mandela World Human Rights Moot Court Competition Manager.

The 10th Nelson Mandela World Human Rights Moot Court Competition was held in Geneva, Switzerland, from 15 to 20 July 2018. The World Moot was established in 2009, with the objective of bringing together students, law professors and human rights lawyers from different legal systems to debate and discuss contemporary cross-cutting human rights issues. The Competition is organised by the Centre for Human Rights, Faculty of Law, University of Pretoria (Centre), in collaboration with the United Nations Office of the High Commissioner for Human Rights (OHCHR). The World Moot Court Competition brings together the best teams from the five United Nations regions.

In 2018, the Competition not only expanded its numbers from 5 to 10 teams per UN region, along with including French as a language of the Competition, but its structure was also changed. Such change has been through the inclusion of semi-final rounds.

During the pre-final rounds all teams argue the hypothetical case four times, twice for the respondent and twice for the applicant. The top four teams from these rounds advance to the semi-finals and then the top two teams go into the final round.

The finalists in 2018 were St. Thomas University (Canada) and the University of Buenos Aires (Argentina), and the final round was won by the University of Buenos Aires.

The Nelson Mandela World Human Rights Moot Court Competition has established itself as the largest university level world event in the field of

human rights. In only ten years, approximately 280 teams from 70 countries have taken part in this global celebration of human rights.

The cooperation and collaboration between the Centre for Human Rights and the Office of the UN High Commissioner for Human Rights has been strengthened. The possibilities for ancillary growth, such as the establishment of internships for the Moot winners in Geneva, have shown that the World Moot Competition is only the peg on which the organisers hang a rich and multi-faceted experience for all involved. The World Moot is a unique initiative that promotes the message of human rights through cooperation between law faculties and legal systems.

For more information, please visit www.chr.up.ac.za/worldmoot



Ms Kate Gilmore, UN Deputy High Commissioner for Human Rights, addressing participants of the World Moot

10TH WORLD HUMAN RIGHTS MOOT COURT COMPETITION 2018

NELSON MANDELA

10^E CONCOURS MONDIAL DE PROCÈS SIMULÉ DES DROITS DE L'HOMME 2018

Members of the regard and conscience of mankind believe and people, Whereas against tyranny potential to provide United Nations with the human progress themselves to achieve observance rights and freedom General Assembly achievement for giving this Declaration these rights universal and effective among the people equal in dignity together in a spirit Declaration, every opinion, no made on the

world, When we outraged freedom of speech of the commission, to rebellion law, Whereas the peoples of the dignity gained to promote universal respect understanding of the Now, Therefore non standard organ of social promote respect, to secure the States themselves are born fact towards demands set forth region, political distinction should or territory

15 – 20 July 2018
Palais des Nations, Geneva, Switzerland
 Students from all universities in the world are invited to argue a hypothetical human rights case before a panel of top international lawyers.

15 – 20 juillet 2018
Palais des Nations, Genève, Suisse
 Des étudiants de toutes les universités du monde sont invités à plaider une affaire de droits humains devant un groupe d'éminents juristes internationaux.

Nelson Mandela Centenary 2018
 Celebrating **100 years** since the birth of Nelson Mandela, **70 years** since the adoption of the Universal Declaration of Human Rights and **10 years** since the inception of the Nelson Mandela World Human Rights Moot Court Competition.

Nelson Mandela Centenaire 2018
 Célébration **100 ans** depuis la naissance de Nelson Mandela, **70 ans** depuis l'adoption de la Déclaration Universelle des Droits de l'Homme, et **10 ans** depuis le lancement du Concours Mondial de Procès Simulé des Droits de l'Homme Nelson Mandela.

www.chr.up.ac.za/worldmoot

Nations Unies

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

NELSON MANDELA World Human Rights Moot Court Competition Concours Mondial de Procès Simulé des Droits de l'Homme

Centre for Human Rights UNIVERSITY OF PRETORIA

SOUTH AFRICAN PERMANENT MISSION GENEVA

Confédération suisse Confederazione Svizzera Confederaziun Svizra



**Hon Justice Mogoeng Mogoeng, Chief Justice of South Africa,
with the runner-up team of the World Moot**



Advanced Human Rights Courses (AHRC)

In 2018, Dennis Antwi was the Advanced Human Rights Courses Manager. He was assisted by Linda Ajemba.

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 by the Centre for Human Rights in a highly successful way over the past 18 years with significant participation from decision-makers across Africa, and lecturers who are internationally recognised as leaders in their field.

During 2018 the following courses were presented:

- Sexual Minority Rights (February)
- Disability Rights in an African Context (March)
- Race and Common Citizenship (April)
- Judicial Enforcement of Socio-Economic Rights (May)
- Effective and Accountable Policing (May)
- Civil Society Law in Africa (July)
- Children's Rights in Africa (July)
- Right to Development (August)
- Police oversight and Accountability in Africa (September)
- Indigenous peoples' rights (September)
- African Human Rights in Comparative Perspectives (October) and
- Gender inequality: Rights, Roles and Responsibilities (November)

All courses covered the main principles relating to the respective fields they address, but seen from a specifically African perspective, focusing



**Advanced Human Rights Course: Disability Rights in an African context
12 – 16 March 2018**

on the issues of relevance in the continent. Lecturers and experts from around the world are brought in to teach on the programme.

During 2018, over 550 participants attended courses presented by AHRC. Although participants were mainly from Africa, a number of participants came from Europe, Asia and the USA.

A number of partnerships were maintained and strengthened with various renowned institutions locally and internationally. These partners include the following: The Institute for Human Rights Law, Catholic University of Leuven, Belgium; University of Antwerp, Belgium; Ghent University, Belgium; Sonke Gender Justice Network; Centre for Child Law, University of Pretoria, Dullah Omar Institute, University of the Western Cape; Centre for Sexualities, AIDS and Gender, University of Pretoria; The International Centre for Not-For-Profit Law and African Policing Civilian Oversight Forum (APCOF).

The short courses have 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.

For more information, please visit www.chr.up.ac.za/ahrc



Advanced Human Rights Course: Women's Rights in Africa
26 – 29 March 2018

DURING 2018,
OVER 550
PARTICIPANTS
ATTENDED COURSES
PRESENTED
BY THE ADVANCED HUMAN
RIGHTS COURSES (AHRC).

RESEARCH UNITS

Activism and research-based advocacy through our 10 Research Units

Advocacy Unit

In 2018, Adebayo Okeowo was the Unit Manager. He was assisted by David Ikpo.

In 2018, the Advocacy Unit played an important role in giving visibility to the Centre's year-long campaign around the rights of older women, which came to be referred to as #AgeWithRights.

A short film was produced to draw attention to the struggle for property rights encountered by many widows across Africa. Screening sessions were held for this short film in Accra and Pretoria and it created an avenue for discussions around the way forward. The short film continues to be used as an advocacy tool for confronting the injustices suffered by older widows across Africa.

Further to this, in November 2018, the Prides and Plights Visual Art Exhibition was held in collaboration with the Women's Rights Unit and Cliffe Dekker Hofmeyr law firm at Sandton. This exhibition provided the opportunity to address corporate South Africa, including the judicial branch, about the vital role they can play in eradicating the series of violations suffered by senior citizens, most especially older women. As a result of the sale of exhibition photographs during the event, a sizable financial donation was made to Eersterust Welfare Organisation for the Aged – a home that houses and caters to old women and men in Pretoria.

As part of the #AgeWithRights campaign, the clinical group of the Advocacy Unit organised an online social media engagement which resulted in greater visibility and awareness around the issues of older women's rights. The engagement attracted hundreds of people on Twitter and thousands on Facebook who debated and interacted with the posts in one way or another.

In addition to the #AgeWithRights campaign, the Advocacy Unit was also involved in promoting the rights of other groups such as persons with albinism and intersex persons. This was achieved through visual storytelling and provided knowledge dissemination about how these vulnerable groups are overcoming daily societal challenges.

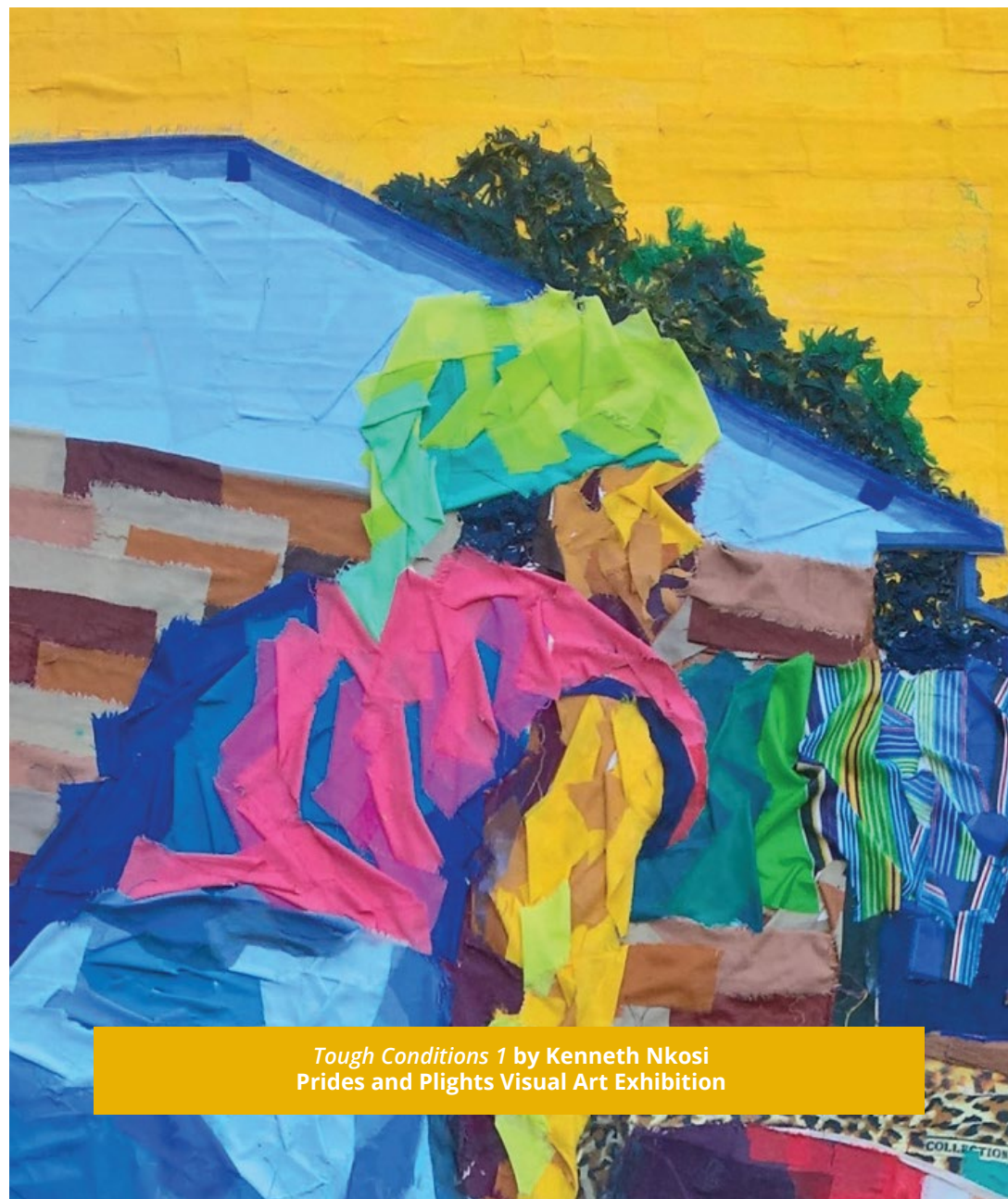
Also in 2018, the Unit organised the second edition of FACES competition. The purpose of the competition is to encourage students from Africa to express themselves and to engage with human rights issues of relevance to Africa, using cellphone technology. The competition attracted quality submissions that tackled issues ranging from child marriage to the right to life and the right to education.

Throughout 2018, the Unit continued its work under the DVC project in partnership with Amnesty International and contributed significantly to investigative reports pertaining to Sudan as well as the Democratic Republic of Congo.

Additionally, the Advocacy Unit provided technical support to the projects of other Units of the Centre such as the Disability Rights Unit, the SOGIESC Unit (with its project on Transwomen), the Women's Rights Unit and the Moot Courts.

The visual approach to human rights promotion, which has been adopted by the Advocacy Unit, made it possible for our campaigns to infiltrate different spaces in 2018 – from Constitution Hill to the Pan African Parliament, amongst others.

For more information, please visit www.chr.up.ac.za/advocacy-unit



Tough Conditions 1 by Kenneth Nkosi
Prides and Plights Visual Art Exhibition

Business and Human Rights Unit

In 2018, Josua Loots was the Unit Manager. Damian Oakes and Guillaume Koko managed ACCA.

The Business and Human Rights (BHR) Unit at the Centre for Human Rights has been operational since 2013, with a focus on research driven projects, education, and capacity building. During the course of 2018, the BHR was involved in a number of exciting projects – the Valuing Respect Project, the African Coalition for Corporate Accountability (ACCA), and a multi-focus project in support of the African Working Group on Extractive Industries, Environment, and Human Rights.

Valuing Respect Project

The Valuing Respect project consists of a global collaborative platform, led by the Shift Project based in the USA, created to research and co-create better ways of evaluating business respect for human rights. Over the next three years (2018 - 2020), the project partners will develop tools and insights that can help both companies and other stakeholders focus their resources on actions that effectively improve outcomes for people.

The Valuing Respect project involves a number of regional partners. The Centre is the Africa regional project partner in the Valuing Respect group. Other project partners include the Polish Institute for Human Rights and Business, and the ASEAN CSR Network.

The first year of the project (2018), was dedicated to crystallisation, preliminary background research, and a series of consultations within each of the project regions. The Centre, together with Shift, did background research on the way that companies currently understand, measure, and report on their human rights obligations. The research was

followed by a multi-stakeholder consultation session in Johannesburg, South Africa, where the project was discussed with a number of key stakeholders and experts.

Over the remaining project period, the project group will start developing tools and recommendations on how the duty to respect could be improved.

The African Coalition for Corporate Accountability (ACCA)

The Centre is proud to host the ACCA, a coalition of more than 130 organisations working on BHR and corporate accountability around Africa. ACCA is an ongoing initiative, and is supported by the 11th Hour Project, the Open Society Foundation, and the Ford Foundation.

The ACCA had a number of activities in 2018, of which the first was the convening of an ACCA Steering Committee (SC) meeting, held in Cape Town in January. This also allowed the ACCA Steering Committee members to attend the Alternative Mining Indaba, which is held in Cape Town, South Africa, on an annual basis. During the SC meeting in January, the ACCA's activities and outputs were discussed, and the planning for the rest of the year finalised.

Since the ACCA has grown tremendously over the last few years, both in membership numbers and also in workload, the ACCA hired a full-time Projects Coordinator in April 2018. The Projects Coordinator will focus on ACCA's substantive work, and will take the lead on activities such as research, writing/ publications, and other substantive engagements. The former Coordinator, who was responsible for all the activities of the ACCA, has now moved into a communications and development role, which focuses on membership engagement, liaising with the SC, and communications.

The main event on the ACCA calendar each year, is the Annual General Assembly (AGA), which took place in October 2018 in Nairobi, Kenya. This year, the ACCA AGA brought together approximately 150 participants from across the globe. The AGA format allowed for a number of capacity building exercises, substantive panel presentations, an NGO fair aimed at networking and knowledge sharing, as well as time to discuss internal ACCA matters. The feedback from participants was very positive, and the ACCA AGA is rapidly becoming the largest annual gathering on business and human rights on the African continent.

In addition to the events and activities that the ACCA organised and participated in, the ACCA also finalised and published two reports this year - one on access to financial remedies for victims of corporate human rights abuse, and another on free, prior and informed consent (FPIC). These reports are available on the ACCA website, and also in hard copy from the CHR. The ACCA finished the year by participating in a panel discussion at the UN Forum on Business and Human Rights in Geneva, Switzerland.

The African Working Group on Extractive Industries, Environment, and Human Rights (WGEI)

The Centre has been supporting the WGEI since 2013. The mandate of the WGEI is contained in Resolution 148 of the African Commission on Human and Peoples' Rights (ACHPR), and has a strong focus on research and information gathering. To that end, the CHR has been supporting the WGEI on a number of research activities. In 2018, the CHR supported the WGEI by completing two studies - a background paper on the human rights and environmental impacts of the extractive industries in Africa, and another paper exploring the links between illicit financial flows (IFF) and human rights in Africa. The project on IFF is in support of a joint mandate between the WGEI and the Working

Group on Economic, Social and Cultural Rights (WGESC), and is done in collaboration with the Human Rights Development Initiative (HRDI).

Both studies followed a similar process. Initially, discussion papers were developed that looked at existing literature and the current state of the extractive industries and IFF in the regional context. Following the development of the discussion papers, the CHR hosted consultation sessions in Pretoria, South Africa, where a number of experts, academics, civil society, government representatives, and representatives from the WGEI and WGESC gave their input on the discussion documents. The consultation on IFF was co-hosted with the HRDI. The discussion papers, together with the input gathered during the consultation sessions, formed the basis of the studies.

Towards the end of 2018, both studies were completed. During the Ordinary Session of the ACHPR in October 2018, the CHR and HRDI presented the paper on IFF during a side session. The session was well-received, and garnered a lot of interest in the project going forward. While both papers are essentially finished, they will be discussed and finalised at the joint special mechanism meeting of the WGEI and the WGESC scheduled for February 2019, and will be published in April 2019.

For more information, please visit www.chr.up.ac.za/business-human-rights-unit



ACCA General Assembly
October 2018, Nairobi, Kenya

Children's Rights Unit

In 2018, Alina Miamingi was the Unit Manager.

In collaboration with the Centre for Child Law, University of Pretoria and Dullah Omar Institute for Constitutional Law, Governance and Human Rights, University of the Western Cape, the Children's Rights Unit organised the 6th edition of the Advanced Course on Children's Rights in Africa. The course took place from 23 to 27 July 2018 at the University of Pretoria and brought together a sizeable group of participants from academia, civil society, the judiciary and the African Children's Rights Committee.

Having been granted observer status with the African Children's Rights Committee, the Children's Rights Unit participated in the 31st Ordinary Session of the African Children's Rights Committee, which took place in Bamako, Mali, between 24 April and 4 May 2018. During the session, the Centre's representative delivered the Centre's statement and took part in a panel discussion on the topic of child marriage.

The Children's Rights Unit also participated in the 13th edition of the Civil Society Forum, which took place in Addis Ababa, Ethiopia from 9 to 11 November 2018, and the 32nd Ordinary Session of the African Children's Rights Committee, which held in Addis Ababa, Ethiopia between 12 -20 November 2018. This initiative is just one aspect of the multifaceted collaboration between the Centre for Human Rights and the African Children's Rights Committee towards promoting and protecting the rights of children on the African continent.

For more information, please visit www.chr.up.ac.za/childrens-rights-unit



Michael Nyarko delivered the Centre's statement at the 31st Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child

Democracy, Transparency and Digital Rights Unit

Dr Lola Shyllon was the Unit Manager until 30 June 2018.

In May 2018, Bonolo Makgale was appointed as Project Coordinator in the Unit to implement the Pan African Parliament (PAP) project subsequent to the established partnership with PAP through a Memorandum of Understanding signed on October 2017.

In August 2018, another Project Coordinator, Hlengiwe Dube was appointed to work on freedom of expression, access to information and digital rights component of the Unit that was previously under Dr Shyllon's portfolio.

The year 2018 was aimed at supporting the mandate of the Special Rapporteur on Freedom of Expression and Access to Information in Africa through the development normative framework and advocacy; enhancing digital rights in Africa and operationalising the MOU with PAP, whose aim is to enhance the visibility of PAP, foster a strong interaction between PAP and Civil Society Organisations (CSOs) on the continent and capacity building of parliamentarians.

Freedom of Expression, Access to Information and Digital Rights

The Unit worked on a number of activities on access to information, freedom of expression and digital rights. In May 2018, the Guidelines on Access to Information and Elections for Africa (the Guidelines) that the African Commission had adopted in November 2017, were launched. Subsequently, the unit was able to commence advocacy activities aimed at popularising these Guidelines in Nigeria, Zimbabwe and The Gambia through the Special Rapporteur's advocacy visit, African

Commission session and workshops. Regarding advocacy, the unit supported the Special Rapporteur's advocacy visit to raise awareness on right to freedom of expression and access to information. In addition, the unit also supported the Special Rapporteur's mandate through reviewing article 9 issues in periodic reports submitted to the African Commission. In this regard shadow reports and questions were submitted to the Commission. In terms of developing the normative framework on article 9 of the Charter, the unit was participated in the revision of the 2002 Declaration of Principles on Freedom of Expression in Africa (the Declaration). Two meetings were held in Nouakchott-Mauritania and Mombasa-Kenya to deliberate on the approach and process for undertaking the revision of the Declaration and to propose the broad principles to be contained in the revised Declaration. A consultant is currently working on the draft. On the digital rights component, the Unit started developing a MOOC on privacy, which will be available online in 2019. The course was validated at the data protection conference in Mauritius in November 2018. The book, Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa, edited by Dr Ololade Shyllon was published by the Pretoria University Law Press (PULP).

Pan African Parliament

Through the partnership the Unit aims to expose and familiarise law students with the work of the PAP through internship placements and attendance of the PAP proceedings (sessions and Committee Sittings). The LLM/ MPhil in Human Rights and Democratisation in Africa (HRDA) class of 2018 attended the opening ceremony during the PAP Ordinary Session in May 2018. In addition, the PAP legal officer delivered a two-hour lecture to the HRDA students on the work of the PAP. The unit hosted two civil society organisations forum. A half-day dialogue was held on the sidelines of

the PAP committee sittings in August 2018. The forum which targeted South Africa-based CSOs, was designed to start the discussions and lay the ground for a larger forum, which was to be held on the sidelines of the PAP October 2018 Ordinary Session in Kigali, Rwanda.

A full day forum was held in October on the sidelines of the PAP Ordinary Session in Kigali, Rwanda. The forum attracted 47 participants from the East African region: Tanzania, Kenya, Uganda and Rwanda. This included members of civil society networks, academics and law students from Kigali University and Rwanda University. The main objective for hosting these two forums was to identify gaps and challenges relating to civil society engagement with AU institutions, especially the PAP and devise common strategies for addressing them. The ultimate goal is to establish a formal mechanism of engagement with PAP and CSOs and form PAP NGO coalition.

Building on its mandate to facilitate the establishment of a PAP NGO coalition, dedicated to facilitating greater citizen and civil society participation in the work of the PAP, the unit attended the NGO forum at the African Commission's 63rd Ordinary Session in Banjul. The purpose of attending the forum was to draw inspiration from models used by the NGO forum that could inform the establishment of the PAP NGO coalition; network with CSOs present at the forum to increase public interest in the Pan-African Parliament and participate in side events.

For more information, please visit www.chr.up.ac.za/democracy-transparency-digital-rights-unit



CSO Forum on the sidelines of committee sittings which focused on the theme 'Effective Engagement with the Pan-African Parliament'

Freedom from Violence Unit

In 2018, Dr Thomas Probert was the Unit Manager.

Previously called 'Unlawful Killings Unit', the Freedom from Violence Unit works with the African Commission on the Right to Life and efforts to abolish the death penalty in Africa. It works closely with the African Commission's Working Group on the Death Penalty and Extrajudicial Summary or Arbitrary Executions.

For more information, please visit www.chr.up.ac.za/freedom-from-violence-unit

Race and Common Citizenship Unit

In 2018, Prof Charles Ngwena was the Unit's manager.

The Race and Common Citizenship Unit was launched in 2017, with Prof Charles Ngwena at the helm, this was brought into being. Its objectives are to develop and provide academic programmes on race; to promote and undertake research on race; contribute towards public debates on race; and to build capacity in teaching about race. A first short course on race and common citizenship was developed and took place in 2018.

For more information, please visit www.chr.up.ac.za/race-common-citizenship-unit



6th Annual Disability Rights Conference 6 - 7 November 2018



Disability Rights Unit

In 2018, Innocentia Mgijima was the Unit Manager. She was assisted by Dianah Msipa, Jehoshaphat Njau, Moyahabo Thoko and Maria Nantege.

The Disability Rights Unit contributes to the formulation, domestication and implementation of disability rights in Africa, through academia, promoting awareness, capacity building and improving collaboration between African scholars by strengthening the network of law faculties in Africa engaged in disability rights curriculum development and clinical legal education.

The Unit has been instrumentally involved and significantly contributed to the continent's disability rights discourse that has included amongst other participation in the drafting process of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, research and publication, teaching and holding training workshops and conferences on the rights of persons with disabilities.

Disability Rights Scholarship Programme

In partnership with Open Society Foundation (OSF), the Unit through the Disability Rights Scholarship Programme has for the last six years provided awards to disability rights advocates, lawyers, and educators from the continent to undertake a master's degree study on disability rights. Successful applicants undertake their respective studies at one of the partner universities that have demonstrated cutting-edge capacity for legal education in international disability rights. These institutions are National University of Ireland, Galway, McGill University, University of Leeds, Syracuse University and American University.

The alumni of the programme have returned to their home countries and significantly contributed to the advancement of the rights of persons with disabilities in different capacities such as implementing teaching programmes at universities, researchers, human rights commissioners, disability rights litigation experts and members of disabled persons organization (DPO) and improve collaboration between African and international scholars on disability rights.

Advocacy and Capacity Building

Annual Short Course on Disability Rights in an African Context

The short course on disability rights is one of nine advanced short courses in human rights that are offered by the Centre. The course attracts over thirty participants from more than twenty different African countries. Participants include persons with disabilities, their families, civil servants, civil society groups of persons with disabilities as well as advocates for disability law reform, lawyers, policy makers and policy analysts.

Annual Conference on Disability Rights in Africa

The 6th Annual African Disability Rights Conference was held from 6 to 7 November 2018 and this year's conference focussed on addressing the barriers to implementation of inclusive education in the African region. The Centre used the conference as a platform to explore ways in which the Protocol can be used as an instrument of progress in the advancements of the rights persons with disabilities but also use the conference as a stage to push African Union member states to ratify the Protocol.

African Union Training

Because of the Centre's experience on advocating for the rights of persons with disabilities in Africa, African Union (AU) through the African Union Commission (AUC) Department of Social Affairs (DSA) consulted the Centre in 2015 and in 2017 to conduct a training of AU member state senior government officials on mainstreaming and implementation of the Continental Plan of Action on the African Decade of Persons with Disabilities (2010-2019) and the CRPD. The objective of this exercise was to develop a five training curriculum, conduct a highly interactive training course and identify relevant reading materials, studies, templates

and tools for an AUC material bank/repository of resources on disability inclusion. The positive feedback from both participants of these two trainings was indicative of the positive step in the right direction taken by AUC in trying to resolve the need to capacitate policy makers and implementers with the right tools that they need to mainstream the rights of persons with disabilities in their respective countries. With the adoption of the Protocol, the Centre sees a continuation of these trainings as a great platform that will see strategies and plans being formulated on the effective ratification of the protocol by the AU member states.



About the Regional Action Plan (RAP) on Albinism in Africa

The Regional Action Plan is the first-ever regional mechanism to proactively address eradicating discrimination and violence against persons with albinism in Sub Saharan Africa. Its overarching objective is to monitor the true impact of efforts to protect and integrate persons with albinism by multiple stakeholders across Africa. In particular, the plan consists of concrete and specific measures to realize the enjoyment of peace and human rights by persons with albinism. It is developed from recommendations made by the Independent Expert, various human rights bodies and mechanisms at the UN and AU levels. These recommendations have been further refined into various objectives which are achievable over the immediate, short to medium term (0 to 5 years) while triggering long term initiatives (beyond five years). The objectives are divided into four clusters: prevention, protection, accountability and equality and non-discrimination.

Supporting the Mandate of the United Nations Independent Expert on the enjoyment of the rights of persons with albinism

On 10 April 2015, resolution A/HRC/RES/28/6 was adopted by the Human Rights Council to establish the mandate of an Independent Expert on the enjoyment of human rights by persons with albinism. This was in recognition of the need to address the continued extreme acts of violence, widespread discrimination, stigma and social exclusion directed at persons with albinism, particularly women and children. The UN Independent Expert in collaboration with the African Commission on Human and Peoples' Rights and multiple stakeholders have recently finalised the development of a Regional Action Plan on Albinism in Africa for the period 2017-2021. The Centre currently supports the Independent Expert's mandate to undertake research on good practices relating to the realisation of the rights of persons with albinism and their participation as equal members of society as a way of fostering implementation of the Regional Action Plan and build capacity of civil society organisations working on albinism.

For more information, please visit www.chr.up.ac.za/disability-rights-unit



In commemoration of International Albinism Awareness Day on 13 June, the Disability Rights Unit celebrated remarkable women with albinism. Photo: Thando Hopa (Model, Actress and Lawyer)

Litigation and Implementation Unit

In 2018, Michael Nyarko and Henrietta Ekefre co-managed the Unit.

The Centre has, since the beginning of 2018, made litigation a permanent feature of its activities through the instrumentality of a Litigation and Implementation Unit which will dedicate itself to strategic human rights litigation and follow-up on implementation of decisions of international and regional human rights bodies.

The aim of the Litigation and Implementation Unit is to strategically use the law through the instrumentality of judicial and quasi-judicial institutions to enforce human rights, prevent violation of human rights and or seek redress for human rights violations. The Unit will pursue litigation to achieve any of these ends but in many instances litigation will be employed as an advocacy tool to support other forms of advocacy within the Centre or other partner institutions to promote, protect and fulfil human rights. While the aim of the Unit is to seek redress for victims of human rights violations, it shall in addition, always endeavour to seek more structural remedies which has the potential to effect law reform and social change. The Unit will also seek to conduct research on the impact of litigation in various contexts in other to enhance the use of litigation as well as research on the implementation of human rights decisions to, for instance, ascertain which remedial orders are more likely to be implemented by states and what factors influence implementation in order to enhance the nature of remedial orders to seek from human rights bodies.

The Centre submitted a case to the African Court against the government of Tanzania, seeking redress for persons with albinism who have been subjected to killings, mutilations and various forms of discrimination in Tanzania. The

application seeks financial compensation and rehabilitation for victims and their dependants, symbolic remedies as well as structural reforms such as legislative changes and efforts on the part of the government to effect social change through public education.

In terms of *amicus curiae* submissions, the Centre intervened as *amicus* in the cases brought by the Democratic Alliance against the government of South Africa on the unconstitutionality of its withdrawal from the Rome Statute without prior public consultation. This case eventually led to the government withdrawing its notice of withdrawal from the Rome Statute and effectively re-joining the ICC.

Additionally, the Centre in collaboration with some partner institutions, submitted an *amicus curiae* application before the African Commission in a case of enforced disappearance pending against Djibouti. The aim of this application is to assist the Commission with information on the standard of proof in cases of enforced disappearances, where the victim in most cases does not have access to essential evidence. The African Commission had initially ruled the case inadmissible on grounds that the applicant could not conclusively prove that he was indeed detained within the jurisdiction of Djibouti and hence we felt strongly that requiring a victim of enforced disappearance to provide “conclusive” proof was too high a standard especially at the admissibility stage since the state is usually the only entity which has access to such evidence in cases of enforced disappearances.

For more information, please visit www.chr.up.ac.za/litigation-implementation-unit



HIGH COURT OF SOUTH AFRICA (GAUTENG DIVISION, PRETORIA)

Reportable/Not of interest to other Judges

CASE NO: 83145/2016

In the matter between:

In the matter between:

DEMOCRATIC ALLIANCE

Applicant

and

**MINISTER OF INTERNATIONAL RELATIONS
AND COOPERATION**

First Respondent

**MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES**

Second Respondent

**PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA**

Third Respondent

SPEAKER OF THE NATIONAL ASSEMBLY

Fourth Respondent

**CHAIRPERSON OF THE NATIONAL COUNCIL
OF PROVINCES**

Fifth Respondent

SOUTH AFRICAN LITIGATION CENTRE

Sixth Respondent

**PROFESSOR JOHN DUGARD AND
PROFESSOR GUENAELE METTRAUX**

Seventh Respondent

**AMNESTY INTERNATIONAL LIMITED
PEACE AND JUSTICE INITIATIVE AND
CENTRE FOR HUMAN RIGHTS**

Eighth Respondent

Ninth Respondent

HELEN SUZMAN FOUNDATION

Tenth Respondent

**COUNCIL FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN CONSTITUTION**

Intervening Party

Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) Unit

In 2018, Geoffrey Ogwaro was the Unit Manager. He was assisted by William Oluchina, David Ikpo and Tapiwa Mamhare.

The SOGIESC Unit is mandated with running the Centre's human rights responses and programmes in the area of lesbian, gay, bisexual, transgender and intersex (LGBTI) human rights in Africa. Its primary objectives are to run advocacy activities strategically geared towards addressing specific and arising LGBTI rights issues on the continent; empowering

LGBTI communities and individuals, activists, allies, and policy makers through capacity building and empowering formal, informal and non-formal education; promoting substantive access to justice for LGBTI persons in South Africa and; engaging with regional human rights mechanisms to advance the rights of LGBTI persons on the continent.

The Unit continued to make visible and normalise LGBTI identities by highlighting more LGBTI icons such as Hon Zakhele Mbhele of the Democratic Alliance party in South Africa, the only openly gay black MP in Africa, and Phuti Minaj, the only contemporary black openly gay professional football player in Africa through its LGBTI icons posters.

In 2018 the Centre, through its SOGIESC Unit, awarded three scholarships to LGBTI human rights defenders working on LGBTI rights in their organisations of employment. These were from Kenya, Malawi and Uganda: Ms Laurah Arudi Maina (Kenya) worked with the Kenya Human Rights Commission (NGO) before joining the Masters programme. Mr Chisomo Chaweza (Malawi) worked with the Centre for the Development of People prior to joining the Masters programme and Mr Mulshid Muwonge (Uganda) worked with Defenders' Protection Initiative (DPI) prior to joining the HRDA programme.

The Unit developed a guide for state implementation of Resolution 275 of the African Commission on Human and Peoples' Rights on *Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity*. This guide was launched, in collaboration with the Network of African National Human Rights Institutions (NANHRI), at the 63rd Ordinary Session of the African Commission as a tool to guide State Parties on how to implement this historic resolution, something which it was realised State Parties would need in order to give more specificity to how to practically and widely implement measures towards the protection and promotion of the rights of LGBTI citizens.

2018 CELEBRATING OUTSTANDING LGBTIQ+ ICONS IN SOUTH AFRICA



ZAKHELE MBHELE

Africa's first openly gay Member of Parliament (Democratic Alliance) Democratic Alliance Shadow Minister for Police



MMAPASEKA 'STEVE' LETSIKE

Renowned women's rights, LGBTI rights & HIV/AIDS activist



LARA KRUGER (RIP)

Popular Transgender South African Broadcasting Service (SABC) radio DJ



PHUTI MINAJ LEKOLOANE

Africa's first openly gay professional footballer. Feather Awards Sports Personality of the Year Nominee 2018



AMSTEL MABOJA

Award winning pop singer, former member of 3SUM – Africa's first openly gay band, actor & LGBTI activist



VIRGINIA MAGWAZA WE NJINJI

Community activist, Socio-economic rights, labour rights, women's rights & LGBTI activist

RESOLUTION 275

WHAT IT MEANS FOR STATE AND NON-STATE ACTORS IN AFRICA

Still at the African Commission on Human and Peoples' Rights, the Unit also continued to advance the rights of Intersex persons through research (efforts still at early stages) and the sensitisation of the African Commission on intersex issues.

The Unit contributed to the annual Advanced Human Rights Course on Sexual and Gender Minority Rights in Africa, targeted at mainstream policy makers, implementers and service providers to familiarise them with LGBTI identities, issues and needs vis a vis their shared rights as citizens in a democratic society. The course was run with the objective of educating front line workers and policy makers in the government and private sectors so that they could offer LGBTI friendly services and help develop LGBTI friendly and inclusive policies. Participants were drawn from across the continent. The Unit also implemented a Strategic Litigation and Advocacy Workshop for LGBTI human rights defenders from across Africa. Participants were drawn from organisations in Mauritania, Uganda, Kenya, Côte d'Ivoire, Tanzania, South Africa, Namibia, Nigeria, Zimbabwe, Malawi, Mauritius and Botswana. The 2018 workshop on strategic litigation and advocacy was tailored to equip LGBTI organisations, one law firm (the law firm was already working with some LGBTI organisations to instigate a case) and individuals to pursue strategic litigation in real time on issues that they were helped to identify as potential or on-going LGBTI rights issues/cases.

The Unit commemorated three LGBTI days through writing opinion pieces and statements and through organising public events. These were the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) (which was organised in conjunction with the Embassy of the Kingdom of The Netherlands), Soweto Pride and International Transgender Day of Remembrance.

For more information, please visit www.chr.up.ac.za/sogje-unit

Women's Rights Unit

In 2018, Patience Mpani was the Unit Manager. She was assisted by Tomi Sode, Satang Nabaneh, and Adetokunbo Johnson. Professor Hansungule assisted with state reporting exercises.

The work of the Women's Rights Unit works to advance the rights of women and girls on the African continent by realising the rights enshrined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The Unit has been able to achieve this through a broad range of research, advocacy and capacity building activities. To this end some of the key achievements of the Women's Rights Unit in 2018 can be summarised as follows.


Support of the Special Rapporteur on the Rights of Women in Africa (SRRWA)

The Women's rights Unit is to provide technical support to the SRRWA. This involves the appointment of a legal assistant to provide research, technical support and other related tasks requested by the SRRWA. This included the development and launch of a Joint General Comment to end Child Marriages and advocacy initiatives to celebrate 15 years since the adoption of the Maputo Protocol and hosting bi-annual information sessions at the ordinary Sessions of the African Commission to sensitize state parties on their state reporting obligation and draw attention to the Guidelines on State Reporting under the Maputo Protocol.

The Women's Rights Unit also spearheaded the Centre Campaign on the rights of older women. The #AgeWithRights campaign, called for increased attention on the situation and lived experiences of older women, improved legal and social protections for older people including the ratification of the Older Persons Protocol. Activities included expert meetings with regional

experts from West and Southern Africa, and inter-generational dialogue, a 10-country study on the plight of older person, photo exhibitions, side events at the African Commission to raise awareness on the Older Persons Protocol and advocacy meetings with state parties to encourage the ratification of the Protocol.

The Unit also joined other Civil society organizations in South Africa composed of a broad collective of human rights and women's rights organizations and organised labour under the #TotalShutDown campaign to the call on the government of South Africa to take immediate and decisive action towards ending violence against women. This culminated in nationwide demonstrations on 1 of August and presentation of 24 demands to the President, of South Africa, Cyril Ramaphosa and a National Gender Summit on 11-12 November. The submit outcome was a declaration of commitment and roadmap for ending violence against women.



AGE
with RIGHTS

RATIFY NOW!

Call on your government to ratify
the Protocol on Older Persons

CLICK HERE
to let your government know
that you support #AgeWithRights!



#AgeWithRights Campaign

The Rights of Older Women in Africa
Centre for Human Rights, University of Pretoria



The Rights of Older Women
with Disabilities



State Reporting

The State reporting training is a central project for the Women's Rights Unit, state reporting plays a fundamental role in monitoring the implementation of the Maputo Protocol. Article 26 (1) of the Maputo Protocol obligates States parties to submit state reports every two years to the ACHPR indicating legislative and other measures undertaken towards the full realisation of the rights enshrined in the Maputo Protocol. 10 Countries were trained in 2018, (Nigeria, Gambia, Uganda, South Sudan, Kenya, Ethiopia, Gabon, Congo Brazzaville, Equatorial Guinea and Djibouti). The training was done with the collaboration and participation of the relevant Ministries, National Human Rights Institutions and Civil Society working on women's rights.

The Women's Rights Unit has also developed a virtual platform, which is a women's rights repository containing all relevant information that state parties need to know to effectively report on the Maputo Protocol. It also provides an interactive space for state parties to receive guidance as necessary on state reporting and also to share experiences. The Women's Right repository is now up and running in all four languages of the African Union (English, French, Portuguese and Arabic) and Afrikaans and Swahili. The repository is being expanded to include all information related to state reporting under the African Human Rights System in general.

To view the repository, please visit:
www.maputoprotocol.up.ac.za

Compliance with Concluding Observations

State parties that have reported to the African Commission are issued with concluding observations and recommendations on the human rights situation in their countries which they are expected to implement before their next report. The Unit has been monitoring how state parties implement these concluding observations and recommendations relating to the Maputo Protocol,

The Centre hosted a focus group discussion in Nigeria to assess how the State Party has responded to, and implemented the concluding observations it received. In addition, the Unit also commissioned the production of academic articles on compliance with concluding observations in three selected countries, Nigeria, South Africa and Malawi. The focus of each paper is to draw out the lessons learnt around framing, implementing and monitoring of concluding observations.

Short Course on Women's Rights

The Women's Rights Unit introduced for the first time, a one week short course examining the international and regional human rights frameworks that guarantee the human rights of women and girls in Africa, with a particular focus on The Maputo Protocol. The course provided an opportunity to critically evaluate the potential of these human rights frameworks to challenge obstacles undermining the effective protection of women's rights in Africa. The course balances theory and practical advocacy skills useful for practitioners from across the continent working in areas relating to women's rights. This course is designed for governmental officials, managers and staff of civil society organisations, judges and magistrates, legal practitioners, as well as academics from Universities in Africa.

For more information, please visit
www.chr.up.ac.za/womens-rights-unit



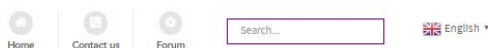
**MAKING WOMEN'S RIGHTS
A REALITY**

**FROM RHETORIC
TO ACTION**

CHR.UP.AC.ZA/WOMENS-RIGHTS-UNIT



**Centre for
Human Rights**
UNIVERSITY OF PRETORIA



Home About State Reporting Concluding Observations Legal Instruments Tools Countries Training News Forum

Maputo Protocol

State Reporting on the Protocol
to the African Charter on
Human and Peoples' Rights on
the Rights of Women in Africa
(Maputo Protocol)

Repository of information relating to women's rights and
the state reporting process on the Maputo Protocol
www.maputoprotocol.up.ac.za





#AgeWithRights

AGE with RIGHTS



PROTECTING the RIGHTS of OLDER WOMEN in AFRICA

#AgeWithRights

TAKE ACTION

PROTECT

RATIFY THE PROTOCOL



The Women's Rights Unit hosted a West Africa expert meeting on the Rights of Older Women, University of Ghana, Legon

www.chr.up.ac.za/AgeWithRights

THE WOMEN'S RIGHTS UNIT
HAS BEEN
MONITORING HOW STATE PARTIES
IMPLEMENT THE
AFRICAN COMMISSION'S
CONCLUDING OBSERVATIONS AND
RECOMMENDATIONS RELATING
TO THE MAPUTO PROTOCOL.

AD HOC EVENTS

Lectures, round tables, symposia and other events

In 2018, Thuto Maqutu managed the Centre's ad hoc projects and events.

Honorary Doctorate

On 8 December the University of Pretoria awarded an honorary doctorate to Justice Dikgang Moseneke, who was nominated by the Centre for the award of the degree.

Justice Dikgang Moseneke retired in May 2016 after serving for more than ten years as the Deputy Chief Justice of the Republic of South Africa. He was a Justice of the Constitutional Court of South Africa since 2002; and before that a judge of the High Court in Pretoria. Justice Moseneke's contribution to the legal profession has been immense. He attained the highest judicial office, and delivered erudite and courageous judgments. Apart from being a committed campaigner for human rights, he also has emerged as a South African with the highest levels of integrity. These characteristics made him an ideal choice to head the recent inquiry into the death of more than 100 patients transferred from Life Esidimeni.

Justice Moseneke was not only born in Pretoria, but spent much of his professional life here, and still lives in the city. The University of Pretoria is therefore extremely proud to honour this son of its soil. Justice Moseneke's life of integrity has been dedicated to the pursuit of human rights. Like few other, he symbolizes the ability of the human spirit to overcome great adversity.

Previous recipients of the honorary LL.D. degrees (honoris causa) awarded within Faculty of Law, by way of nomination by the Centre, include

- former President Nelson Mandela (1997),
- former Chief Justice Ishmail Mahomed (1997),
- Justice Arthur Chaskalson, former Chief Justice of South Africa and the first president

- of the South African Constitutional Court (2007),
- Justice Yvonne Mokgoro Judge of the Constitutional Court (2008),
- Ms Navi Pillay UN High Commissioner for Human Rights (2009),
- Adv Geoge Bizos, anti-apartheid activist and seasoned human rights advocate (2011) and
- Justice Johann van der Westhuizen Judge of the Constitutional Court and (2013).

Kéba Mbaye Conference on African Approaches to International Law

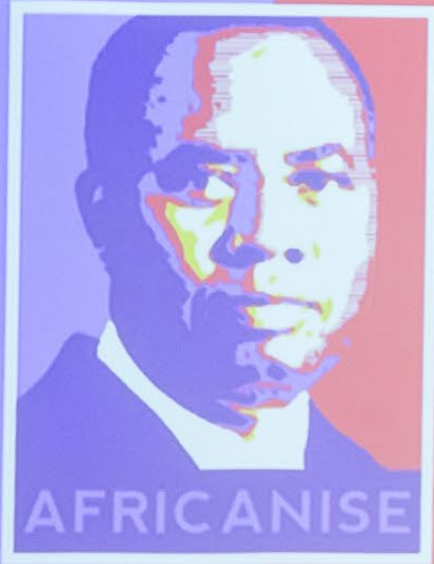
On 5 and 6 December, the Centre hosted the Kéba Mbaye Conference on African Approaches to International Law, with a focus on international human rights law. Some prominent speakers included Prof Chris Maina Peter (member of the International Law Commission) and Professor James Gathii (Loyola University, Chicago). Foluso Adegalu took care of logistical and other conference arrangements.

Colloquium on Sexual and Reproductive Rights in Africa

On 2 and 3 August the Centre hosted a colloquium on the theme: Reading LGBTI category at the locale. Thirteen participants from all over Africa participated in the event. The participants have submitted full articles for review, the articles will be published in a peer reviewed journal during the course of 2019.



Justice Dikgang Moseneke after being awarded an honorary doctorate from the University of Pretoria



Kéba Mbaye Conference

African approaches to international law,
with a focus on international human rights law
5 – 6 December 2018
Centre for Human Rights, University of Pretoria

Professor James Gathii
Professor of International Law, Loyola University, Chicago

Professor Frans Viljoen
Director, Centre for Human Rights, University of Pretoria, South Africa

Professor Hennie Strydom
Professor of Law, Department of Public Law, University of Johannesburg and Research Chair in International Law, National Research Foundation

Prof Maina Peter
Professor of Law

Mr Humphrey Sipalla
Lecturer, Strathmore University

The Centre hosted the Kéba Mbaye Conference on African approaches to international law



CENTRE PUBLICATIONS

Regular Centre-edited publications and PULP

African Human Rights Law Journal

The *African Human Rights Law Journal* is edited by Viljoen, Magnus Killander, Annelize Nienaber, Solomon Ebobrah and Tshepo Madlingozi. The Journal is published by the Pretoria University Law Press (PULP) as an open-access online journal. All the volumes, published from 2001 up to 2018, are available in a searchable format, on www.ahrhj.up.ac.za

A limited number of copies of the Journal are printed, for use by subscribers to the hard copy publication, or printed on demand. During 2018 two volumes appeared, in June and December. The Journal enjoys accredited status with the South African Department of Higher Education and Training and is included on the IBSS. The Journal is presently undergoing the process required for ISI journal accreditation. Isabeau de Meyer is the editorial assistant of the *African Human Rights Law Journal*.

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, Christof Heyns, Frans Viljoen and Michelo Hansungule.

African Disability Rights Yearbook

Since 2013 the *African Disability Rights Yearbook* (ADRY) has been published annually. The Yearbook, a peer reviewed journal highlights efforts over the last few years to bring greater academic attention to the rights of persons with disabilities in Africa. The Yearbook enjoys accredited status with the South African Department of Higher Education and Training. The sixth edition of the Yearbook was published and launched in 2018. The Yearbook is available in print and is also freely accessible on www.adry.up.ac.za.

ADRY is edited by a team comprising Charles Fombad and Nkatha Murungi from the Centre, as well as Dr Ilze Grobbelaar-Du Plessis (Department of Public Law), Prof Serges Kamga (UNISA), and Prof Helene Combrinck (North-West University).

African Human Rights Yearbook

In 2017, the first volume of the *African Human Rights Yearbook* appeared. The African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, and the African Committee of Experts on the Rights and Welfare of the Child collaborate in this joint publication, which is edited by the Centre.

The second (2018) issue appeared early in 2019. The editorial team is coordinated by Frans Viljoen, and its members include the following Centre staff: Nkatha Murungi; Magnus Killander; Romola Adeola; Ashwantee Budoo; Henrietta Ekefre; and extraordinary lecturers Horace Adjolohoun and Patrick Eba. Thomas White and Trésor Makunya provided valuable administrative and editorial assistance.

The Yearbook is available in print and is also freely accessible on www.ahry.up.ac.za.

Global Campus Human Rights Journal

The first issue of the journal of the Global Campus of Human Rights, comprising the various EU-supported human rights programmes, appeared in 2017. A further issue appeared in 2018 (<https://repository.gchumanrights.org/handle/20.500.11825/680>). Frans Viljoen is the convening editor; and Isabeau de Meyer is the editorial assistant of the *Global Campus Human Rights Journal*.



Volume 2 No 1
2018

Global Campus Human Rights Journal



Pretoria University Law Press (PULP)

Lizette Hermann manages the Pretoria University Law Press. In 2018, she was assisted by Sydney Mdlhophpe and Monique Barnard.

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.

Professor Charles Fombad convenes the PULP Editorial Board. The editorial board consist also of: Christof Heyns; Frans Viljoen Gustav Muller; Femida Cassim; Tshepo Madlingozi and Mayuri Pillay.

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

PULP publishes five law journals – the *African Human Rights Law Reports*, *Pretoria Student Law Review*, *De Jure*, the *African Human Rights Law Journal*, the *African Disability Rights Yearbook* and the *African Human Rights Yearbook* – of these, 4 are available as fully open-access, online journals.

On 11 September 2018, PULP marked its 200th publication with the launch of a monograph by Charles Ngwenya, titled *What is Africanness? Contesting nativism in culture, race and sexualities*.

This book has been lauded as a significant contribution to ongoing discussions about race and identity. The launch was a truly collaborative event. It was hosted by the Centre for Gender and Africa Studies, at the University of the Free State, as part of its annual celebrations of Heritage Day. Dr Nadine Lake, of this Centre, started off the launch by introducing the book. At the launch, Tshepo Madlingozi, a colleague of Charles at the

Faculty of Law, UP, gave a perspective on the work and framed some issues for discussion. Professor Ebenezer Durojaye, from the Dullah Omar Institute, at the University of the Western Cape, and an erstwhile student of Professor Ngwena, acted as programme director. The Director of the Centre for Human Rights, UP, where PULP is located, thanked all the collaborative partners, the staff of PULP and Centre, and the author for his very deliberate choice of PULP as the outlet for his research.

This book is also the first publication of PULP that is available for sale in major national bookstores such as Exclusive Books. The free, electronic version of the book was downloaded more than 1500 times during the first 2 months after publication.

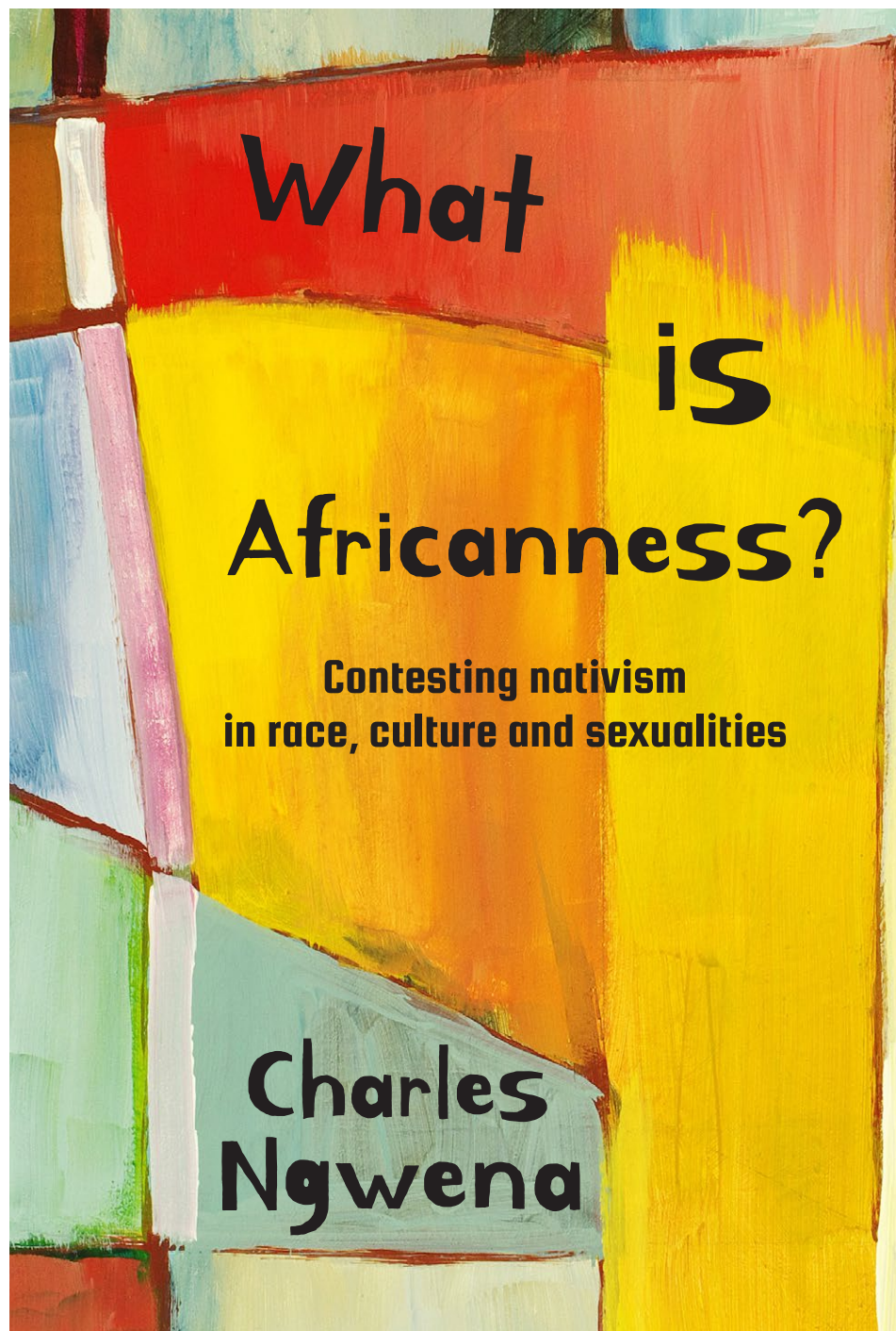
In a report by the Centre for Research on Evaluation, Science and Technology (CREST), on scientific book publishing in South Africa between 2005 and 2014, the contribution of PULP to academic publication is highlighted. In the 10-year period under review in the report, 8 monographs and 89 chapters in edited collections, published by PULP, were considered by the Department of Higher Education as eligible for subsidy.

For more information, please visit www.pulp.up.ac.za

Publications published by PULP in 2018:

Books

- *Shining new light on the UN Migrant Workers Convention*
– Edited by Alan Desmond
- *Making the road by walking: The evolution of the South African Constitution*
– Edited by Narnia Bohler-Muller, Michael Cosser & Gary Pienaar
- *Ghana @ 60: Governance and human rights in twenty-first century Africa*
– Edited by Michael Addaney and Michael Gyan Nyarko



- *Ars Docendi et Scribendi: Essays in honour of Johan Scott*
– Edited by the Faculty of Law, University of Pretoria
- *What is Africanness? Contesting nativism in race, culture and sexualities*
– by Charles Ngwena
- *Perspectives on the right to development*
– Edited by Carol C Ngang, Serges Djoyou Kanga & Vusi Gumede
- Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa
– Edited by Ololade Shyllon
- Compendium on the Legal Protection of Human Rights Defenders in Africa
- Compendium du droit de la protection des défenseurs des droits de l'homme en Afrique
- Compendium on key international & African children's rights instruments
- Recueil de documents clés de l'union Africaine relatifs aux droits de l'homme (2018 edition)

Journals

- *African Human Rights Law Journal Volume 17 No 2 2017*
- *African Human Rights Law Journal Volume 18 No 1 2018*
- *De Jure Volume 2 2017*
- *De Jure Volume 1 2018*
- *Global Campus Human Rights Journal Volume 2 No 1 2018*
- *Disability Rights Yearbook 2018*
- *Pretoria Student Law Review 2018*

Other Centre publications

During 2018, the Centre for Human Rights also published *A Report on Child Marriage in Africa*. The French version of the report is titled *Un Rapport sur le Mariage d'Enfants en Afrique*.

ON 11 SEPTEMBER 2018,
PULP MARKED ITS
200TH PUBLICATION WITH THE
LAUNCH OF A MONOGRAPH BY
CHARLES NGWENA, TITLED
WHAT IS AFRICANNNESS?
CONTESTING NATIVISM IN CULTURE,
RACE AND SEXUALITIES

A REPORT ON

CHILD MARRIAGE IN AFRICA



During 2018, the Centre for Human Rights published
A Report on Child Marriage in Africa

ASSOCIATED UNITS / INSTITUTES

Two entities are closely linked to, and function administratively within the Centre

International Development Law Unit (IDLU)

The South African Research Foundation Research Initiatives (SARChI) Chair on International Economic Law, Prof Danny Bradlow, is located in IDLU. The Chair was in 2017 renewed for a further five years. Prof Bradlow was assisted by Thandeka Rasetsoke.

During 2018 a number of activities were undertaken by Prof Bradlow:

- **Workshop on Accountability at 25: Reflections on IFI Independent Accountability Mechanisms**
The workshop was held at the American University Washington College of Law, 15 November 2018, Washington DC. Co-hosted by American University Washington College of Law Centre for Human Rights and Humanitarian Law and Program on Environmental and Energy Law, The World Bank Inspection Panel, Centre for International Environmental Law, International Development Law Unit, Centre for Human Rights, University of Pretoria and Bank Information Centre.
- **Project on Central Banks and Human Rights**
Joint project of International Development Law Unit, Centre for Human Rights, University of Pretoria and American University Washington College of Law Centre for Human Rights and Humanitarian Law.
- **Project on Finance and Human Rights in Africa**
Joint project of International Development Law Unit, Centre for Human Rights, University of Pretoria and Economic Justice Institute.

- **Law and Development Research Network**
(University of Warwick, University of Antwerp et al: <https://lawdev.org/partner-institutions>)
- **Discussion Group on South African Economy (Fulcrum Forum)**
Joint venture of the International Development Law Unit at University of Pretoria, the School of Economics, Management and Law at University of Witwatersrand and the Department of Politics at University of Johannesburg
- **Joint Book Project**
With the South African Institute for International Affairs on SA Foreign Policy in 2020s - workshops on 3 May and 15-16 October.

For more information, please visit www.chr.up.ac.za/idlu

Institute for International and Comparative Law in Africa (ICLA)

ICLA, headed by Prof Christof Heyns as Director, is a research institute in the Faculty and administratively located in the Centre. He was assisted by Pumeza Matwa. Prof Heyns works on 'freedom from violence'. He has since been serving as a member of the UN Human Rights Committee.

Prof Fombad leads the comparative constitutionalism work of ICLA, which annually organises a Seminar on Constitutionalism in Africa and oversees the African country reporting of the *Oxford Constitutions of the World*.

For more information, please visit www.icla.up.ac.za



The Sixth Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA) 2018, organised by Prof Charles Fombad

CENTRE PERSONNEL

Staff Members, Board Members, Honorary and Extraordinary Professors and Lecturers

With its heavy workload and the broad geographical and thematic spread of its activities, the Centre's staff complement in 2018 was 59 from 17 African and 2 non-African countries.

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Africa Regional Advocacy Coordinator, Amnesty International, Kenya
- **Dr Patrick Eba**
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FUNDERS

Financial contributions of the following institutions are gratefully acknowledged:

- 11th Hour Project
- Åbo Akademi University, Finland
- ABSA
- AMSHER
- Bristol University
- Delegation of Flanders in South Africa
- Deutscher Akademischer Austausch Dienst (DAAD)
- European Union
- Fidelity Charitable Gift Fund
- Ford Foundation
- Foundation for Human Rights
- Society for International Cooperation (GIZ)
- International Working Group for Indigenous Affairs (IWGIA)
- Irish Aid
- Konrad Adenauer Foundation
- Millennium Trust
- National Research Foundation (NRF)
- Norwegian Refugee Council
- Office of the UN High Commissioner for Human Rights (OHCHR), Regional Office for Southern Africa (ROSA)
- Open Society Foundations
- Open Society Initiative for Southern Africa (OSISA)
- Open Society Institute
- Permanent Mission of South Africa to the United Nations at Geneva
- Permanent Mission of Switzerland to the United Nations at Geneva
- Permanent Mission of Ireland to the United Nations at Geneva
- Plan International
- Royal Netherlands Embassy in South Africa
- Royal Norwegian Embassy in South Africa
- Sonke Gender Justice Network
- United Nations Development Program (UNDP)
- University of Bergen



Signing of an agreement between UP and Norway
 UP Vice Chancellor and Principal Prof Cheryl de la Rey and
 Ambassador Trine Skymoen from the Royal Norwegian Embassy in South Africa

GET IN TOUCH

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**Centre for
Human Rights** 2018
ANNUAL
REPORT