Centre for Human Rights - Annual Report 2006/2007





















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INTRODUCTION

The Centre for Human Rights celebrated its 'coming of age' in 2006, after being established in May 1986. The Centre has become a fully-fledged academic department within the Faculty of Law, University of Pretoria, and has a staff complement of 21 full-time staff members, as well as five tutors.

The Centre presents three Master's programmes, a doctoral programme, and does extensive research. In addition it presents advanced short courses and the annual African Human Rights Moot Court Competition. A number of publications have also been published through the Pretoria University Law Press, which originated and functions in the Centre The central focus remains human rights law in Africa, but other aspects of international development law (such as democratisation, good governance and trade) are also included.

Prof Christof Heyns ended his 8-year term as Director of the Centre at the end of 2006, when he became Dean of the Faculty of Law. Norman Taku was Acting Director from January to September 2007 when Prof Frans Viljoen was appointed as the new Director.

The Centre was awarded the prestigious UNESCO Prize for Human Rights Education in 2006.











Prof Christof Heyns

DIRECTORS' MESSAGES

Outgoing Director

During 2006 the Centre for Human Rights consolidated the shift of its focus of the last few years to a more explicit academic one, which culminated in the Centre becoming a fully-fledged academic department of the Faculty of Law.

The Centre celebrated its 20th anniversary during 2006. The main speaker at the celebrations was the first director of the Centre, Johann van der Westhuizen, now a justice of the Constitutional Court. It was particularly gratifying that the work of the Centre over many years was recognised by the United Nations, when the Director-General of UNESCO announced on 10 December 2006 that the Centre had won the UNESCO Prize for Human Rights Education:

The decision was taken in recognition of the Centre's active participation in the construction of a democratic, apartheid-free society in South Africa and its significant contribution to the building of a culture of human rights by means of education and training in South Africa and on the African continent. The Centre has received world-wide acknowledgment for its academic activities and its two flagship programmes – the Master's Degree in Human Rights and Democratisation in Africa and the African Human Rights Moot Court Competition.

My own situation, after 19 years at the Centre, changed when I was appointed as Dean of the Faculty of Law at the end of 2006. I will still be responsible for the Centre as one of the departments within the Faculty, but others will now manage the Centre in a hands-on way.

I have often said that if I had to write my own job description, and choose the time in history when I would want to make a contribution, I would not have been able to choose anything more challenging, invigorating and rewarding than that which the Centre has offered me. I also had the chance to work with some truly exceptional people. I will always be grateful for this opportunity, to everyone – colleagues, partners, sponsors, students – who have made this possible.

I have full confidence that the Centre will continue to make a distinct contribution to our society and our continent, based on a belief in the importance of the irreducible values of excellence and humanity.

Chinua Achebe took the title of one of his best known books from Yeats' line "Things fall apart, the centre cannot hold". The Centre for Human Rights has held for 20 years. May it continue to help keep things together – and indeed may it help our country and continent to thrive for many years to come.

CHRISTOF HEYNS
Outgoing Director

DIRECTORS' MESSAGES

Acting Director

Coming as it did in October 2006, just prior to the UNESCO award, my appointment as Acting Director for almost a year between two Directors is, without doubt, the most challenging and humbling exercise I have had to perform at the Centre for Human Rights. In providing leadership and management to my colleagues and friends, I am fortunate to have worked closely with Prof Heyns for the past decade which prepared me well for the rigours and demands of the work involved.

At the Centre, an incredible amount of work is done by a relatively small staff complement. The pressure from heavy workloads and looming deadlines is matched only by the skill and dedication of the people who work here. As I saw it, my biggest challenge was to keep the ship afloat and on course, working to ensure the successful presentation of our established programmes and keep the colleagues motivated and focused.

Keenly aware of the unique challenges occasioned by transitions of this nature, the staff of the Centre adopted a 'high alert' position and a renewed dedication. Each one in their own way worked to ensure a seamless transition between two directors. Reference is often made to 'Centre people'. It is clear to me that there is indeed such a thing as a 'Centre person' – one who personifies the synthesis of excellence and *ubuntu*. This, in these pages, is their story.

I welcome with great pleasure the appointment of Prof Viljoen as our new Director. His friendly ways and uncompromisingly high standards are legendary in many of the Centre's projects. On behalf of all the staff members, I pledge to him our support and confidence as we look to the future with hope and anticipation. Looking back on a successful year, including the UNESCO award, we are reminded of the endless possibilities that are created when excellent ideas are taken up by extraordinary people.

NORMAN TAKU Acting Director



Mr Norman Taku



Prof Frans Viljoen

DIRECTORS' MESSAGES

Incoming Director

Any new Director of the Centre has to tread carefully to find the right balance between maintenance and innovation. In 2006, the Centre received the UNESCO Prize for Human Rights Education. I am acutely aware that merely maintaining the current momentum and excellent standards of all the Centre's programmes is a significant challenge. There is a need to ensure that the programmes are further supported and strengthened, not only to ensure their survival, but also their further growth. Fortunately, with a professional, dedicated and experienced staff core, the Centre has been running like a well-oiled machine, and is poised to continue doing so. In particular, I acknowledge the dedication and professionalism of Norman Taku, who acted as Director during much of 2007. Building on this solid platform, new challenges should be taken up, and further possibilities should be explored, in particular (1) more focus on research; and (2) building a multi-disciplinary environment.

Poised between the world of academics and of activism, the Centre must also maintain a fine balance and strengthen the complementarity between these two approaches. The Centre functions fully as an academic department within the Faculty of Law, with responsibility for the teaching of post-graduate programmes in human rights law. As part of the Faculty, the Centre remains responsible for excellence in teaching and research. Being an academic department has not and should not, however, dilute the Centre's activist history. Born as an NGO, it has grown into a hybrid academic department-NGO. Particularly in the African context, the Centre retains and should expand on its role as an informed participant in debates and discussions.

The Centre is an African-focused institution located in South Africa. The main focus of the Centre should remain on a broader African context, where most of its programmes have found a foothold and left their footprints. At the same time, there should also, to some extent, be a commitment to strengthen the South African constitutional democracy. When the Centre was launched in 1986, its concern was for South African constitutional reform, especially by way of the adoption of a Bill of Rights. After these reforms had been put in place, in 1994, the Centre's focus shifted outwards, to embrace more broadly African concerns. After more than a decade of democracy, the time in my view is ripe to return the focus, at least partially, to South Africa, to assist in strengthening democratic institutions.

A common quest for sustainable development bridges all these potential divides. In all its activities, the main focus of Centre activities has to a great extent been and should increasingly be on the eradication or amelioration of the effects of poverty, and the exploration of imaginative ways in which the law – and human rights law, in particular – may be used to achieve this goal. Whenever possible, our research and teaching programmes should be directed at this aim.

In a nutshell, the Centre's challenge is to maintain its reputation as one of the world's leading human rights educational centres, and to develop into one of the world's primary research centres spear-heading explorations on the role of law and human rights in Africa, particularly in eradicating poverty.

To achieve these goals, the Centre depends on the continued support of all those who have so generously, graciously and keenly worked with us and supported us. On behalf of the Centre, I say thank you for your support in the past; I look forward to working with you, and receiving your constructive criticism and advice, in the future.

FRANS VILJOEN Incoming Director

ACADEMIC PROGRAMMES

LLM in Human Rights and Democratisation in Africa

Currently in its eighth year, the one-year full-time Master of Laws (LLM) degree in Human Rights and Democratisation in Africa is presented in partnership with eight other universities in Africa representing all the sub-regions: the American University in Cairo (Egypt), the Catholic University of Central Africa (Cameroon), the University of Ghana, Makerere University (Uganda), the University of the Western Cape (South Africa), Addis Ababa University (Ethiopia), Universidade Eduardo Mondlane (Mozambique) and the University of Mauritius.

Each year approximately 350 applications are received. Selected students spend the first six months in Pretoria and attend formal lectures presented by human rights experts. The students also participate in field trips to Rwanda, Sierra Leone and Somaliland. The second semester is spent at the partner institutions and graduation takes place in Pretoria on 10 December each year.

During 2006, thirty one students were drawn from 20 African countries to attend the programme. In 2007, 27 students from 16 African countries graduated from the programme.



The programme, which focuses on trade and investment law from an African perspective, is offered in partnership with the University of the Western Cape (UWC), the University of Amsterdam in the Netherlands and the Washington College of Law, American University in Washington DC.

The first semester intakes are alternated between the University of the Western Cape and the University of Pretoria.

In 2006 the intake was at UWC and over 180 applications were received from which 17 students from ten African countries as well as one from Europe were admitted to the programme.

In 2007 the intake was at UP and from the 188 applications received, 22 students from 11 African countries and one from China were admitted.

Students spend the first semester in South Africa and then have the option of spending the second semester at one of the overseas partners. Internships are also arranged for the students with organisations such as the Trade Law Centre for Southern Africa (TRALAC). South African Institute of International Affairs (SAIIA), the Trade Policy Centre and others.

The Third Annual African Trade Moot Competition was presented in Pretoria by WTO officials in 2006. This intensive five-day programme combined training in dispute settlement with a dispute simulation session. Students and faculty representatives from five universities representing five African countries participated in this event organised by the Centre for Human Rights.

The Fourth Annual African Trade Moot Competition in 2007 was presented in Cape Town by the University of the Western Cape. Eight law faculties from eight countries across Africa participated in the competition. The Moot is a unique opportunity for students from English speaking African countries to engage in topical trade issues related to international trade law as argued before the WTO Trade Dispute Settlement Body.











This LLM aims to provide students with a solid grounding in both international and South African human rights law, as well as an in-depth focus on the practice of human rights law in South Africa. It is intended for those interested in the practice of constitutional law and human rights in South Africa, as well as those intending to pursue an academic career in these fields.

The course is presented part-time with evening classes running over two years. It consists of four modules, each lasting a semester

The course consists of the following modules:

Research components as prescribed; Human Rights in the SA Constitution; International Human Rights; Introduction to the SA Constitution and Human Rights; and any ONE of the following modules: Advanced International Law; Advanced Jurisprudence; Advanced Social Security Law; Constitutional Interpretation; Land and Land Reform Law; or Municipal Law.

Instruction is by way of formal lectures and practical exercises. Emphasis is placed on classroom participation. Students can make use of extensive library facilities and have access to computers. Admission is on a competitive basis. Twenty-six students were registered for the course in 2006 and twenty in 2007.



Doctoral Programme

During 2006 five full-time and 11 part-time students worked on their doctoral dissertations. In 2007 there were six full-time and 13 part-time doctoral candidates. They attend regular monthly meetings where progress is discussed and the students are expected to present chapters of their thesis orally to their fellow students. The full-time doctoral students are required to publish articles in accredited journals.

OTHER PROJECTS

Annual African Human Rights Moot Court Competition

The 15th Annual African Human Rights Moot Court Competition was held in Addis Ababa, Ethiopia in August 2006.

Hosted by the Addis Ababa University and the Centre for Human Rights, the competition brought together 61 teams (consisting of two students and a lecturer each) from 29 countries in Africa to argue and debate selected human rights issues. The final round was held in the Plenary Hall of the African Union. The Vice-President of the Federal Supreme Court of Ethiopia presided over a panel of international jurists, which included SA Constitutional Court Judge Yvonne Mokgoro; Justice Rita Makarau, the recently-appointed Judge President of the High Court of Zimbabwe; Ms Julia Joiner, Commissioner for Political Affairs, African Union; Commissioner Bahame Nyanduga of the African Commission; and Mr Said Al Habsy, Chief Legal Counsel of the Africa Practice Group of the World Bank, among others.

During the closing session of the competition, the Chairperson of the African Union Commission, Mr Alpha Oumar Konaré said of the Moot "... you have made the African Human Rights Moot Court Competition the most important annual gathering on human rights in Africa".

In 2007 the Moot Court was hosted by the Université Gaston Berger de Saint-Louis in Senegal from 6 to 11 August. For the first time in the history of the competition the event was hosted in two cities; Saint-Louis and Dakar.

The African Human Rights Moot Court Competition is the largest annual gathering of African law faculties and one of the most important human rights educational initiatives in Africa.

In total 201 participants from 67 universities representing 27 African countries took part in the Moot in Senegal. There were six universities which took part in the moot for the first time. The overall language representation was 64% English, 28% French and 8% Lusophone.

The Moot participants also attended a one-day conference on human rights in Africa. The conference topic covered at the Moot in 2007 was "Slavery, Pan-Africanism and Human Rights in Africa".

Since its inception in 1992, the Moot has been hosted in 15 countries and has brought together 118 of the 140 law faculties in Africa representing 45 of its 53 countries.

Good Governance Programme (GGP)

The Good Governance Programme (GGP) consists of a series of advanced short courses aimed at senior government officials with participants from South Africa, Africa and the rest of the world.

Courses presented during 2006 included: International Law (January); Socio-economic Rights (March); Human Rights in Africa (May); Good Governance (July); The Management of HIV/AIDS (September); and Development and Human Rights (December).

Courses presented during 2007 included: International Law (January); Socio-economic Rights (March); Human Rights in Africa (May); Good Governance (July); Gender Equality (September); International Humanitarian Law (November) and Development and Human Rights (December).

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

During 2006, close to 300 participants attended courses presented by the GGP. Although participants were mainly from Africa, a number of participants came from Europe. During 2007 approximately 240 participants from 31 African countries attended the various courses.

Publications of the Centre for Human Rights

The Centre has a strong focus on research and publications. The Centre's regular publications include:

Constitutional Law of South Africa (CLoSA), edited by Stu Woolman: CLoSA is the textbook on the South African constitution which is most often cited by courts and academics in South Africa and abroad.

African Human Rights Law Journal, edited by Christof Heyns and Frans Viljoen: During 2007 two volumes were published. The Journal enjoys accredited status with the Department of Education and is included on the IBSS. From 2008, Tshepo Madlingozi will join the editorial team as co-editor.

African Human Rights Law Reports, edited by Frans Viljoen, Christof Heyns, Michelo Hansungule & Magnus Killander: These Reports cover human rights cases emanating from the UN, the African Commission on Human and Peoples' Rights, and the domestic courts of Africa. Six volumes, 2000-2005, had been published by the end of 2007.













Pretoria University Law Press

Pretoria University Law Press (PULP) was established to publish high quality legal texts. During 2006 and 2007 the following texts were published:

- Hevns CH & Killander M (eds) Compendium of key human rights documents of the African Union (2nd edition).
- Viljoen FJ & Taku N (eds) Sélection de documents-clé de l'Union Africaine relatifs aux droits de l'homme
- Van Marle K (ed) Sex gender becoming: Post-apartheid reflections
- Hevns CH & Stefiszyn K (eds) Human rights, peace and justice in Africa: A reader
- Juma M (ed) Compendium of key documents relating to peace and security in Africa
- Van der Linde M (ed) Compendium of South African environmental legislation
- Heyns CH & Killander M (eds) Compendium of key human rights documents of the African Union (Arabic translation)
- Chenwi L Towards the abolition of the death penalty in Africa: A human rights perspective
- Tladi D Sustainable development in international law: An analysis of key enviro-economic instruments
- Heyns CH & Killander M (eds) Compendium of key human rights documents of the African Union (3rd edition)
- Van der Linde M (ed) Compendium of South African environmental legislation (reprint)
- If God is male then the male is God September 2007 Pulp Fictions No.3
- Le Roux W & van Marle K (eds) Law, memory and the legacy of apartheid: Ten years after AZAPO v President of South Africa
- Van den Heever P The application of the doctrine of a loss of a chance to recover in medical law
- Viljoen FJ & Precious S (eds) Human rights under threat: Four perspectives on HIV, AIDS and the law in Southern Africa
- African Human Rights Law Reports 2005
- AIDS and Human Rights Research Unit Human rights protected? Nine Southern African country reports on HIV, AIDS and the law
- · A PULP Guide: Where to publish articles on the law

Africa Programme, University for Peace

During 2006 the Centre for Human Rights was a partner with the UN-affiliated UPEACE, Africa Programme. Two short courses were held in collaboration between the partners. One was on conflict prevention, management, and resolution in Africa, held in Pretoria in April, and the other was on human rights, peace and justice in Africa, held in Addis Ababa in September. The courses were aimed primarily at university lecturers to build capacity in teaching the respective subjects in African universities. UPEACE has sponsored a number of publications published through PULP.

Comparative Constitutional Courts in India, Brazil and South Africa (IBSA)

A collaborative research project between human rights research institutions in India, Brazil and South Africa (represented by the Centre) has continued through 2007. At a conference held in Oxford, comparative experiences on the three countries were exchanged. This project aims at comparing the jurisprudence of the highest courts on constitutional matters in these three countries.

International Law In Domestic Courts (ILDC)

International Law in Domestic Courts (ILDC) is an online service launched in January 2007 bringing together annotated case law on the application of international law by domestic courts across the world. ILDC is published by Oxford University Press. The contributions are edited by a global network of scholars coordinated by the University of Amsterdam.

Professor Christof Heyns, Dean of the Faculty of Law, and former Director of the Centre for Human Rights is a member of the editorial board. Magnus Killander, a researcher in the Centre for Human Rights, is associate editor responsible for coordinating reporting from African countries. By the end of 2007 cases from ten African countries: Benin, Botswana, Ethiopia, The Gambia, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa and Uganda had been published on the ILDC.

Harmonisation of Laws Project

Researchers of the Centre have, with the Coalition for an African Court, collaborated on a project investigating the 'harmonisation' of the Protocol to the African Charter establishing an African Court on Human and Peoples' Rights and the national legal orders of selected African states.

Indigenous Peoples' Rights

The International Labour Organization (ILO) implemented a project to Promote ILO Policy on Indigenous and Tribal Peoples. The main aim of the project is to contribute to the development of appropriate policy and legal frameworks for the protection of the rights of indigenous peoples and to build the capacity of key actors among indigenous peoples and government institutions.

The African component of the project supports the Working Group of Experts on Indigenous Populations in undertaking research and documenting the extent of legal protection in Africa. The ILO, in collaboration with the Working Group on Indigenous Peoples of the African Commission on Human and Peoples' Rights as well as the Centre for Human Rights are involved in executing the research entitled "Promotion of Indigenous and Tribal Peoples' Rights through the implementation of the Principles of ILO Convention No. 169 and the African Charter on Human and Peoples' Rights." The project is funded by the European Commission (through the ILO), and the Centre for Human Rights is the implementing partner.

Phase 1 of the research project involved the holding of an initial workshop to chart the course of the entire research project. The workshop was held in September 2006 in Yaoundé, Cameroon. Professor Michelo Hansungule from the Centre for Human Rights was the Workshop Rapporteur. During this workshop, broad guidelines to inform the research were developed, and on the basis of these guidelines phase 2 was commenced. Phase 2 involved the carrying out of substantive desk-top research on eight countries: Burundi, Egypt, Eritrea, Ethiopia, Kenya, Namibia, Nigeria and South Africa. This phase was finalised by 31 July 2007. The experience gained during this phase has contributed greatly to refining the research instruments and methodology of the study, and will have a positive impact on the execution of the remaining phases.

By December 2007, the desk-top guidelines had been updated to reflect experience gained, while the in-depth study guidelines were ready for piloting. A call for researchers was advertised seeking researchers for the next set of desk-top studies, and researchers identified. Research on Botswana, Chad, Morocco, Sudan, Tanzania and Uganda is expected to commence in January 2008.

AIDS and Human Rights Research Unit

The Unit is a collaboration between the Centre for Human Rights and the Centre for the Study of AIDS at UP. In 2007, the Unit completed work on a monograph of research papers of contentious issues pertaining to HIV and human rights in Southern Africa, and a report on the situation of HIV/AIDS and human rights in nine Southern African countries. Advocacy tools are being developed for the UNDP. The Unit also gave technical expertise on the development of model legislation in SADC.









Training of African Commissioners

During March 2007, the Centre facilitated a mission whereby a delegation of the African Commission on Human and Peoples' Rights (the African Commission) conducted an official visit to Washington DC, principally to attend the 127th session of the Inter-American Commission on Human Rights (IACHR), and exchange experiences with the latter. The delegation also met with various stakeholders in the area of human rights in Africa including the US State Department Bureau on Democracy, Human Rights and Labour; the World Bank, the Unit for the Promotion of Democracy of the Organization of American States; The Centre for Civil and Human Rights, Notre Dame University, Indiana; Global Rights, Washington DC; the AU Mission in Washington; and the Group of African Ambassadors in Washington.

Meetings were held with these bodies, resulting in a useful exchange of ideas, and in most cases, undertakings of various forms of collaboration to promote the work of the African Commission.

Although the African Commission and the IACHR have had a long-standing relationship, there had never been any official mission of the African Commission involving members of the Commission and the Secretariat to the IACHR due to lack of resources.

The delegation of the African Commission comprised two Commissioners and three members of the Secretariat.



Law of Africa Collection

The Law of Africa collection consists of legal material from many African countries. The Oliver R Tambo Law Library aims to collect primary sources of legal information from African countries in order to facilitate research into the legal systems of Africa. It is still a work in progress, and by no means complete or as comprehensive as we would like it to be. At the website http://www.library.up.ac.za/law/law_of_africa.htm our holdings are indicated, as well as where to find them and the periods covered. Most of the material can only be accessed from the Oliver R Tambo Law Library. At this stage the collection covers the legislation of about 25 countries (some complete - some partial) and the law reports of 18 countries (once again some are full sets and in other cases the coverage is only partial). The Project is ongoing.

Index to the African Law Reports

To supplement the Collection we are undertaking a project in which we are indexing the law reports of African countries that we have in our collection. This index contains information from the recent law reports of many African countries (excluding South Africa). This index may be used to find full citations to specific cases, or to find lists of cases dealing with specific topics. The index database is available free at http://aislaw.up.ac.za/africanlawreports/search.aspx We trust that this index will facilitate access to African case-law for anyone, anywhere on an ongoing basis.



Prize-giving Ceremony: UNESCO Prize for Human Rights Education

On Friday, 25 May 2007, Africa Day, the Centre was formally awarded the 2006 UNESCO Prize for Human Rights Education. The ceremony was attended by over 200 dignitaries including senior government officials, members of the diplomatic corps, academia, media, a select group of UNESCO officials, various non-governmental organisations, noted South African luminaries who contributed to South Africa's transition to democracy, and students. The keynote address was delivered by Deputy Minister of Education, Enver Surty.

In a pre-recorded message, UNESCO Director-General, Koichiro Matsuura, said that the award recognised "the Centre's active participation in the construction of a democratic, apartheid-free society in South Africa and its significant contribution to the building of a culture of human rights by means of education and training in South Africa and on the African continent."

STAFF ACTIVITIES AND PUBLICATIONS

FRANS VILJOEN

Teaching

- · LLM Intercultural Human Rights, St Thomas University, USA
- LLM Reproductive Health Rights, University of Free State

Editorships

- · Editor-in-chief: African Human Rights Law Journal
- · Co-editor: African Human Rights Law Reports
- Co-editor: Sélection de documents -clé de l'Union Africaine relatives aux droits de l'homme

Books

- International human rights law in Africa, Oxford University Press, Oxford (2007).
- Viljoen, F and Odinkalu, C (2006) "The prohibition of torture and ill-treatment in the African human rights system: A
 handbook for victims and their advocates"; 159 pages; research study on torture in Africa for the World Organisation
 against Torture (OMTC); ISBN 2-88477-117-4.

Articles

- "Towards non-discrimination on the basis of sexual orientation: The normative basis and procedural possibilities before
 the African Commission on Human and Peoples' Rights and the African Union" 29 Human Rights Quarterly (2007) 86
 111 (with R Murray).
- "State compliance with the recommendations of the African Commission on Human and Peoples' Rights, 1993 2004"
 101 American Journal of International Law (2007) 1 34 (with L Louw).
- "Political participation of women in Lesotho: the case of Molefi Ts'epe v The Independent Electoral Commission and Others, judgment of 30 June 2005" (2006) 39 Comparative and International Law Journal of Southern Africa 351 – 360 (with M Nsibirwa).

Consultation

On the occasion of the 25th anniversary of the adoption of the African Charter, invited to participate in a high-level discussion organised by the Office of the High Commissioner for Human Rights, in Addis Ababa.

Conference paper

"Conflicting mandates of international human rights tribunals" at a Conference on the African Court on Human and Peoples' Rights, Accra, Ghana, November 2006.

Published research

- "Legal and policy frameworks to protect the rights of vulnerable children in Southern Africa"; research conducted by the AIDS and Human Rights Research Unit (with F Zuberi), project of Save the Children UK.
- "Taking stock of the debates on complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance", consultation paper prepared for the high level Seminar on Complementary International Standards, of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, presented in January 2006, Geneva, Switzerland (with Tshepo Madlingozi).

Awards

University of Pretoria Exceptional Achiever











Teaching

- 5 weeks teaching and dissertation supervision in the Master of Studies of Law Programme at Oxford University, United Kingdom ("Regional human rights systems").
- Presented lectures in the Summer School in Human Rights (organised by George Washington University and Oxford University) at Oxford (on the European, Inter-American and African regional human rights systems).
- Adjunct professor at the American University, Washington, DC, taught a week-long course in the ABA accredited Summer Programme.
- Taught in the European Master's in Human Rights Programme, Venice, Italy.
- Taught in the human rights and conflict course of the United Nations University for Peace in Pretoria.

External examiner

Co-study leader, 3 Master's dissertations, Oxford.

Consultations

Member of the Panel of Experts advising the Pan African Parliament on the harmonisation of the Law of Africa.



Membership of editorial and other boards

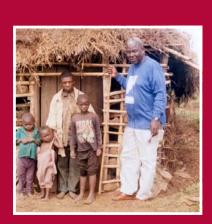
- Tydskrif vir Geesteswetenskappe (South Africa)
- · African Journal of International and Comparative Law (United Kingdom)
- · African Yearbook of International Law (France)
- East African Journal of Peace and Human Rights (Uganda)
- · Netherlands Quarterly of Human Rights (The Netherlands)
- Oxford Reports of International Law in Domestic Courts (United Kingdom)
- Peace and Conflict Review (Costa Rica)
- SUR International Human Rights Law Journal (Brazil)
- Advisory Board: "Realizing Rights: Ethical Globalization Initiative" of Mary Robinson, New York
- Enforcement of Human Rights Law Committee: International Law Association, London
- Advisory Board: Castan Centre for Human Rights Law, Monash University, Australia
- Advisory Board: Academy on Human Rights and Humanitarian Law, Washington College of Law, American University, Washington DC
- International Academic Council: UN University for Peace, Costa Rica (resigned 2004 when appointed as part-time staff member of UPEACE)
- Trustee: South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC), Constitutional Court. South Africa
- Board: Lawyers for Human Rights
- Board: South African Branch of the International Law Association

Editor

- · Editor-in-Chief: African Human Rights Law Reports
- · Co-editor: African Human Rights Law Journal

Books

- Compendium of key human rights documents of the African Union (2nd ed), Pretoria University Law Press, 2006 (editor, with Magnus Killander) (315 pp), 3rd ed 2007. Also translated and published in French as Sélection de documents-clé de l'Union Africaine relatifs aux droits de l'homme (Norman Taku and Frans Viljoen, editors), Pretoria University Law Press 2006, and published in Arabic and to be published in Portuguese.
- Human rights, peace and justice in Africa: A reader (editor, with Karen Stefiszyn), Pretoria University Law Press (500 pp).





Chapters in books

- "The African regional human rights system" in F Gomez Isa and K De Feyter (eds) International protection of human rights: Achievements and challenges University of Deusto-EOUC, Bilbao, 2006 (with Magnus Killander) (35 pp) (An updated version of a 2004 Penn State Law Review article), also published as "O sistema regional Africano de direitos humanos" Código de Direito Internacional dos Direitos Humanos anotado, São Paulo, ed. DPJ, 2007 Extracts to be published in Hurst Hannum et al (eds) International human rights: Problems of law, policy and practice. Reprinted in Hevns and Stefiszvn Human rights, peace and justice in Africa: A reader, Pretoria University Law Press (2006).
- "Emerging issues in human rights and human rights education in Africa" in SG Best (ed) *Introduction to peace and conflict studies in West Africa: A reader* Spectrum Books Ltd. Nigeria, 2006 (with Magnus Killander) (14 pp).

Articles

- "A schematic comparison of regional human rights systems: An update" (with D Padilla and Leo Zwaak) (2005) 5
 African Human Rights Law Journal 308-321, also published in (2006) 4(3) SUR International Journal on Human
 Rights 163-171 and in F Gomez Isa and K De Feyter (eds) International protection of human rights at the dawn of the
 twenty-first century University of Deusto-EOUC, Bilbao, 2006 545-559, translated into Portuguese and published as
- "Comparação esquemática dos sistemas regionais de direitos humanos: Uma atualização" (2006) 4(3) SUR Revista Internacional de direitos humanos 161-170, also translated into Spanish and published as "Comparación esquemática de los sistemas regionales de derechos humanos: Una actualización" (2006) 4(3) SUR Revista Internacional de derechos humanos 165-174.

Presentation of papers

- "The harmonisation of the law of Africa", Pan African Parliament, South African Parliament, Cape Town.
- "Domestic perspectives on regional human rights protection" Office of the United Nations High Commissioner for Human Rights, Southern Africa, Johannesburg, South Africa.
- "Overview of the African human rights landscape" and "The right to health", Office of the United Nations High Commissioner for Human Rights, Judicial colloquium of 7 African countries, Nairobi, Kenya.

Awards

- University of Pretoria Exceptional Achiever
- · Harry Oppenheimer Fellowship Bursary

Held a 50% appointment as academic coordinator with the United Nations-affiliated University for Peace, Addis Ababa, Ethiopia.

NORMAN TAKU

Consultations

Attended a Meeting of Experts convened by the African Union on the functioning of the African Commission in Banjul, The Gambia.

Conferences

- 39th Session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia. Presented a statement on the recognition of Somalia.
- "Constitutionalism after transition" round table of the International Association of Constitutional Law, Cape Town, South Africa, 9-11 April 2006.
- "Inclusion or exclusion: The role of the constitution", round table of the International Association of Constitutional Law, Helsinki, Finland, 14-16 September 2006.
- "Constitution and cultures", round table of the International Association of Constitutional Law, Ravenna, Italy, 22-24
 March 2007.













- "Rethinking the boundaries of constitutional law", World Congress of the International Association of Constitutional Law, Athens, Greece, 11-15 June 2007.
- "Reading and writing constitution", round table of the International Association of Constitutional Law, Yokohama, Japan, 22-24 November 2007.

Books

Sélection de documents-clé de l'Union Africaine relatifs aux droits de l'homme (co-editor with Frans Viljoen), PULP, 2006 (285 pp)

Awards

University of Pretoria Education Innovation Award. Received recognition for playing a leading role in establishing a learning environment that fosters law skills.

MICHELO HANSUNGULE

Teaching

- International Human Rights, Faculty of Law, University of Malta, Malta
- International Law, School of Law, University of Zambia, Zambia
- International Human Rights Law, University of Burundi, Bujumbura, Burundi
- · International Human Rights, Human Rights Development Initiative, Pretoria

Editorships

- · Co-editor: African Human Rights Law Reports
- · Co-editor: Constitutional Court Review

Chapters in Books

- "African Charter on Human and Peoples' Rights" in Abdulqawi, Yusuf (ed) African Union human rights manual (2007), 65 pages.
- "Protection of civilians, wounded, sick and shipwrecked prisoners of war" in Azizur Rahman Chowdhury (ed) (2007) An
 introduction to international humanitarian law. 35 pages.
- "Sentencing in international criminal justice" in Max du Plessis (ed) African guide to international criminal justice (2007), 38 pages.

Book

Commentaries on the Jurisprudence of the African Commission on Human and Peoples' Rights

Articles

- "Discrimination against African refugees in Africa" (2007) Mediterranean Journal of Human Rights
- "Zambia: Social security inequality remains an illusion" Social Watch, 2007, see www.socialwatch.org
- Review of Rachel Murray's book The role of national human rights institutions at the international and regional levels.
 The African experience 2007.

Consultations

- Expert for the Africa Office, in the Office of the Secretary General, United Nations, on African Peer Review Mechanism
- Consultant for the Social Watch on Zambia preparation of the 2007 Social Watch Report
- Consultant for MS-Zambia to prepare report on Dual Land Tenure System in Zambia
- Consultant for the Zambia Land Alliance to prepare reports on:
 - Fifth National Development Plan (FNDP) and Land Administration

- Critical Analysis of the Draft Land Policy in Zambia
- Field-Based Analysis of Constraints Towards Access to Land in Zambia: Case Study of Chipata, Mongu, Kasama and Monze Districts
- Kris Debie & Michelo Hansungule, Towards a Unified Methodology for Measuring Corruption, Centre for Business & Professional Ethics, University of Pretoria, on behalf of the Department of Public Service and Administration (DPSA), Pretoria. South Africa
- Background Paper on Zambia covering Thematic Area of Democracy and Good Political Governance, for the APRM

Community Service

- Workshops on Human Rights for Traditional Leaders ('Chiefs') in SADC
- Workshops on Leadership and Human Rights for Batwa/Pygmy populations in Burundi, DRC, Rwanda and Uganda
- Workshop on leadership and human rights for Pastoralists in East and Horn of Africa

Conference Papers

- Overview of the African Peer Review Mechanism (APRM): Lessons and Experiences from the first five peer reviewed countries, at a high-level Panel of Experts on NEPAD/APRM drawn from the United Nations, African Union, World Bank, ECOWAS, SADC, NEPAD, APRM, NGOs & representatives from the Commissions/Governing Councils of the five completed states, held at New York and Addis Ababa, September/November 2007
- Challenges to the Harmonisation of the Right to Fair Trial in the SADC, at a Conference of the SADC Law Societies held in Lusaka. Zambia in September 2007
- Promotion and Protection of the Rights of Indigenous Peoples in Africa: The Case of the Batwa People in Rwanda, Kigali, Rwanda, May 2007
- Promotion and Protection of the Rights of Indigenous Peoples in Africa: The Case of the Batwa People in Burundi, Buiumbura, Burundi, June 2007
- Promotion and Protection of Indigenous Peoples in Africa: The Case of the Batwa People of Uganda, Kabale, Uganda, July 2007
- Promotion and Protection of Indigenous Peoples in Africa: The Case of 'Pygmy' Communities in the Democratic Republic of the Congo (DRC), Bukavu/Goma, October 2007
- Promoting the Right of Participation of Pastoralist Communities from the East and Horn of Africa, at Addis Ababa, Ethiopia. March 2007
- Constitution Making in Africa: A Case Study of the Different Approaches Towards Adoption of Constitutions in the SADC, at a Conference Organised by Zimbabwe Lawyers for Human Rights (ZLHR), Harare, Zimbabwe, June 2007
- Challenges to the Implementation of the NEPAD/APRM with specific reference to the Role of Lawyers in the SADC, at a workshop organised by SADC Law Societies Forum, Johannesburg, South Africa, December 2007
- The Right of Access to Justice at both Regional and National Jurisdictions in Africa: The Case of Malawi, at a two-day Judges/Legal Practitioners' Colloquium organised by the London-based Commonwealth Death Penalty Abolition Project, at Zomba/Blantyre, Malawi, September 2007
- The United Nations and Peace-Making in Africa: Guest Lecture organised in commemoration of the death of former UN Secretary General Dag Harmaskold, at Ndola, Zambia, July 2007
- Justiciability of the Economic, Social and Cultural Rights in Africa: Keynote Speech delivered to the South African Law Society, Cape Town branch, South Africa, May 2007
- Overview of the African Charter on Democracy, Elections and Governance, at a meeting of Experts organised by the African Union at Windhoek, Namibia, in August 2007
- A Perspective of Constitution-Making in Africa, at a Conference of 'African Constitutions' organised by the African Union at Brazzaville, Congo Republic, September 2007
- The Role of Law in Settling Regional Conflicts in Africa, at a High-Level Panel of Experts meeting organised by the Common Market for Eastern and Southern Africa (COMESA) held in Nairobi, Kenya, October 2007
- · An Overview of the Rights of Indigenous Peoples' in Africa within the African System of Human Rights, at a Conference













jointly organised by the International Labour Organisation (ILO) an the Centre for Human Rights held in Yaounde, Cameroon in May 2007

- Different Possibilities of Enforcement of African Commission Decisions: Case Study of the SERAC Decision, at a meeting of Experts organised by Kreddah International, The Hague, The Netherlands, March 2007
- Response to South African Chief Justice's Paper on Justiciability of Socio-Economic Rights in South Africa, at a conference of SADC Law Societies held in Johannesburg in April 2007

External Examiner

External examiner for LLB and LLM at the Universities of Kwa-Zulu Natal (KZN); Witwatersrand; South Africa and for doctoral studies at the University of Technology, Sydney, Australia.

KAREN STEFISZYN

Book

Human rights, peace and justice in Africa: A reader (editor, with Christof Heyns), Pretoria University Law Press (500 pp).

Editorial Board

Peace and Conflict Review (Costa Rica)

MAGNUS KILLANDER

Books

Compendium of key human rights documents of the African Union (2nd ed) (co-editor with Christof Heyns), PULP, 2006 (315 pp), 3rd ed, 2007.

Chapters in books

- "The African regional human rights system" (with Christof Heyns) in F Gomez Isa and K De Feyter (eds) International protection of human rights: Achievements and challenges, University of Deusto (2006), also published as "O sistema regional Africano de direitos humanos" Código de Direito Internacional dos Direitos Humanos anotado, São Paulo, ed. DPJ, 2007. Extracts to be published in Hurst Hannum et al (eds) International human rights: Problems of law, policy and practice. Reprinted in Heyns and Stefiszyn Human rights, peace and justice in Africa: A reader Pretoria University Law Press (2006).
- "Emerging issues in human rights and human rights education in Africa" in SG Best (ed) Introduction to peace and conflict studies in West Africa: A reader Spectrum Books Ltd. Nigeria, 2006 350-364(with Christof Heyns).
- "The African regional human rights systems and other regional systems: A comparison" Judiciary Watch Report 2006, ICJ-Kenva (2006) 175-189.
- "Somalia" in G Robbers (ed) Encyclopedia of World Constitutions, Facts-on-File (2006) volume III 841-843.

Articles

- "Africa in international human rights textbooks" (2007) 15 African Journal of International and Comparative Law 130-137 (with Christof Heyns).
- "Europe and the return to 'proper statehood' in Africa A reply to Strydom" (2007) 7(2) African Human Rights Law Journal 576-581.
- "Confidentiality v publicity interpreting article 59 of the African Charter on Human and Peoples' Rights" (2006) 6
 African Human Rights Law Journal 572-581.
- "Communications before the African Commission on Human and Peoples' Rights 1988-2002" (2006) Law, Democracy and Development 101-117.

Book review

- Linda C Reif (ed) "The international ombudsman yearbook" (2006) 6 African Human Rights Law Journal 251-253.
- Rachel Murray "Human rights in Africa From the OAU to the African Union" (2006) Netherlands Quarterly of Human Rights 715.

Internet publications

Case commentaries in *International Law in Domestic Courts* (Oxford University Press) (Bah v Libyan Embassy, The Republic of Angola v Springbok Investments (Botswana), Attorney-General Sabally v Inspector General and Others (The Gambia), Abacha and Others v Fawehinmi and Gumne and Others v Attorney-General (Nigeria)).

Editor

- · Co-editor: African Human Rights Law Reports
- Associate editor: International Law in Domestic Courts (Oxford University Press)

Submission to international organisations

Submission with regard to the Human Rights Council's Universal Periodic Review of South Africa scheduled for April 2008 (November 2007)

Conferences

Trainer, International Law in Domestic Courts training session, University of Vienna, 22-24 November 2007

MARTIN NSIBIRWA

Book review

Fareda Banda "Women, law and human rights: An African perspective" (2006) 6 African Human Rights Law Journal 249

Articles

"Political participation of women in Lesotho: the case of *Molefi Ts'epe v The Independent Electoral Commission and others*" 2006 CILSA (with Frans Viljoen) (10 pp).

TARISAI MUTANGI

Articles

- "Fact-finding missions or omissions? A critical analysis of the African Commission on Human and Peoples' Rights" (2006) African Journal of Peace & Human Rights 12 (1) 1-49.
- Minister of Home Affairs and Another v Fourie and Another; Lesbian and Gay Equality Project and Eighteen Others v Minister of Home Affairs and Others (case commentary) ILDC. Oxford University Press.
- Garreth Anver Prince v The President of the Law Society of the Cape of Good Hope and Others, ILDC 658 (ZA 2002)
 ILDC Oxford University Press

Conferences

40th Session of the African Commission on Human and Peoples' Rights, Banjul, the Gambia, November 2006.

Papers presented

- "The right to health and World Trade Organization Guidelines A legal practitioner's perspective', Paper presented at the Kenyan & Swedish Sections of the International Commission of Jurists Southern Africa Conference on the Rights to Health, 29 August- 2 September 2006, Windhoek, Namibia.
- · "An assessment of the human rights situation in Africa: Developments in the last five years", Paper presented at the













- Kenyan & Swedish Sections of the International Commission of Jurists
- 11th International Litigation Workshop, 14-19 November 2006, Banjul, The Gambia.
- "The role of public interest litigation in ensuring access to justice in Africa", Paper presented at the Kenyan & Swedish Sections of the International Commission of Jurists 12th International Litigation Conference, 3-8 December 2007, Accra. Ghana.

Lectures given

"International human rights law", Lecture given to the South African Research Training Initiative, School of Medicine, University of Pretoria Medical Campus, May 2007.

SOLOMON EBOBRAH

Articles

- "A rights-protection goldmine or a waiting volcanic eruption? Competence of, and access to the human rights jurisdiction of the ECOWAS Community Court of Justice" (2007) African Human Rights Law Journal 7(2) 307-330.
- "Is democracy now an issue in Africa? An evaluation of the African Charter on Democracy, Elections and Governance" (2007) Malawi Law Journal Vol 1, Issue 2 131-153.
- "The future of economic, social and cultural rights litigation in Nigeria" (2007) CALS Review of Nigerian Law and Practice Vol 1(2) 108-124.

Conferences

"Towards a SADC legal framework for electoral norms and standards: Perspectives from the AU and ECOWAS". Paper presented to the Southern Africa Development Community Parliamentary Forum (SADC PF) electoral reform seminar (30 – 31 July 2007), Lilongwe, Malawi.

HYE-YOUNG LIM

Articles

- "Alleviating child poverty in South Africa: The role of social assistance grants" ESR Review Vol 7 No 1.
- "Like a candle in the wind: Commentary of the communications decided by the African Commission on Human and Peoples' Rights" Law Democracy and Development (with Mianko Ramaroson)

MIANKO RAMAROSON

Articles

- "Madagascar" in G Robbers (ed) Encyclopedia of World Constitutions
- "Like a candle in the wind: Commentary of the communications decided by the African Commission on Human and Peoples' Rights" Law Democracy and Development (with Hye-Young Lim)

WARUGURU KAGUONGO

Articles

- "Current developments: Constitutional human rights law in Africa" (2007) South African Journal on Human Rights 22 673-717 (with Christof Heyns).
- "Commentary on communications decided by the African Commission on Human and Peoples' Rights in 2004: Forum" (2007) Law Democracy and Development Vol 11 153-171.
- "The questions of locus standi and admissibility before the African Court on Human and Peoples' Rights" Judiciary Watch Report 2006 published by ICJ-Kenya.
- Onyango-Obbo and Mwenda v Attorney General ILDC 166(UG) 2004 (case commentary).

- Government of Republic of South Africa & Others v Grootboom & Others ILDC 285 (ZA 2000) (case commentary).
- Minister of Health & Others v TAC & Others ILDC 517 (ZA 2000) (case commentary).

LORETTA FERIS

Conferences and workshops

- "Constitutional environmental rights: An under-utilised resource", Paper presented at the 5th IUCN Academy of Environmental Law Colloquium held in Rio de Janeiro and Parati, Brazil, May-June 2007.
- "Trade facilitation Development at the WTO", Paper presented at a Trade Workshop held in Dar es Salaam, Tanzania, October 2007.

Publications

- "The EC Biotech case and its implications for measures affecting genetically modified organisms" Stellenbosch Law Review Vol 18 (1) (2007).
- "The protection of biodiversity-related trade knowledge" International Environmental Law-making and Diplomacy Review 2006 (2007).
- "The implications of the WTO's EC-Biotech case for SADC countries" in Draper and Khumalo (eds) GMOS, Trade and Food Security in SADC, SAIIA (2007).

STAFF MEMBERS 2006-2007

- · Kweku Antwi, Project Coordinator, Good Governance Programme
- · Patricia Bako, Assistant, Good Governance Programme
- · Lizette Besaans, Manager, Pretoria University Law Press
- · Yolanda Booyzen, Webmaster
- Cherryl-Lee Botterill, Project Manager, Good Governance Programme
- Isabeau de Meyer, Publication Manager: African Human Rights Law Journal; Administrator: LLM (Human Rights and Democratisation in Africa)
- Solomon Ebobrah, Tutor: LLM (Human Rights and Democratisation in Africa): Doctoral candidate
- Michelo Hansungule, Professor of Human Rights Law: Academic Co-ordinator: LLM (Human Rights and Constitutional Practice)
- Gill Jacot-Guillarmod, Senior Programme Manager: Liaison Officer
- Waruguru Kaguongo, Tutor: LLM (Human Rights and Democratisation in Africa); Doctoral candidate
- Magnus Killander, Researcher; Doctoral candidate; Co-editor: African Human Rights Law Reports
- Emily Laubscher, Project Coordinator; LLM (International Trade and Investment Law in Africa)
- · Hye-Young Lim, Tutor: LLM (Human Rights and Democratisation in Africa); Doctoral candidate
- · Harold Meintjes, Financial Manager
- Jeremie Munyabarame, Project Officer: African Human Rights Moot Court Competition; LLM (Human Rights and Democratisation in Africa)
- Tarisai Mutangi, Tutor: LLM (Human Rights and Democratisation in Africa); Doctoral candidate
- Martin Nsibirwa, Programme Manager: LLM (Human Rights and Democratisation in Africa)
- · Sarita Pienaar-Erasmus, Assistant Financial Manager
- Charmaine Pillay, Assistant Financial Manager
- Mianko Ramaroson, Tutor: LLM (Human Rights and Democratisation in Africa); Doctoral candidate
- · Karen Stefiszyn, Programme Manager UPEACE Programme and HIV and Human Rights Research Unit
- Norman Taku, Assistant Director
- · Carole Viljoen, Office Manager
- · Frans Vilioen, Director
- John Wilson, Project Officer: African Human Rights Moot Court Competition; LLM (Human Rights and Democratisation in Africa)
- · Titi Uliem. Academic Associate









INTERNS 2006-2007

- Ms Emma Bellamy, Brown University
- · Mr Joshua Cohen, University of Cincinnati College of Law
- Mr Nicolas Danois, Universite Paris III La Sorbonne Nouvelle
- Mr Frank Haldemann, University of Leiden
- · Ms Mary Hollingsworth, University of Arizona
- Ms Kristin Hughes, Stanford University
- Ms Soo-Ryun Kown, Fordham University School of Law
- · Mr Daniel Wanjau Muriu, University of Melbourne Law School
- · Ms Omayma Sawaed, University of Malta
- · Mr Matthew Splitek, Yale University Law School
- Ms Marloes Stammen, University of Leiden
- · Mr Alaric Vandenberghe, Fondation Nationale Des Sciences Politiques, Paris
- · Mr Rafael Velasquez, University for Peace



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- · Norwegian Centre for Human Rights
- Open Society Foundation
- Open Society Initiative for Southern Africa (OSISA)
- Open Society Initiative for West Africa (OSIWA)
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- · UN Office of the High Commissioner for Human Rights
- University for Peace
- World Bank, Washington DC





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