



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

# Centre for Human Rights

2016  
ANNUAL  
REPORT

**30**  **Centre for  
Human Rights**  
1986 2016 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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BOTH THE  
AFRICAN HUMAN RIGHTS SYSTEM AND  
THE CENTRE FOR HUMAN RIGHTS  
HAVE MADE REMARKABLE  
PROGRESS SINCE THEIR RELATIVELY  
HUMBLE BEGINNINGS.

## DIRECTOR'S MESSAGE

### 30/30: Coincidence and celebration



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

#### The year 2016 was a year of remarkable coincidence and celebration.

Both the Centre for Human Rights and the African human rights system commemorated 30 years of existence. Amid the dark days of apartheid, and the emergence of states of emergencies, the Centre was established in 1986, by a small group of visionary academics at the Faculty of Law of the University of Pretoria. Amid the dark days of almost uniform authoritarian hegemony in African states, the Organisation of African Unity (OAU) established the African human rights system when it adopted the African Charter on Human and Peoples' Rights (African Charter) (in 1981). It was however only with the entry into force of the African Charter, in 1986, that the African human rights system properly came into being.

Both the African human rights system and the Centre have made remarkable progress since these relatively humble beginnings.

In its first decade (1985–1996), the Centre and its staff played an important role in South Africa's constitutional developments. In the Centre's next decade (1997–2006), its focus became more pan-African, as captured in its three flagships: the launch of the Master's programme in Human Rights and Democratisation in Africa; the publication of the African Human Rights Law Journal, first appearing in 2001; and the all-African participation of continental universities in the African Human Rights Moot Court Competition. The Director at the time, Professor Christof Heyns, was instrumental in setting up many of these initiatives. The third decade (2007–2016) saw the Centre becoming an 'academic department' of the Faculty of Law, and subsequently introducing a number

of further academic programmes, including one for doctoral students; and extending its activities in pursuit of raising greater awareness and creating capacity to strengthen the African human rights system.

By progressively interpreting the African Charter, finding violations against a wide array of African states, increasingly overcoming resource and institutional constraints, taking the initiative to create special thematic mechanism, the African Commission on Human and Peoples' Rights (African Commission), the Charter's monitoring body, has since the early 1990s emerged as a credible continental bulwark for human rights promotion and protection. Later years saw the addition and gradual growth of the African Committee of Experts on the Rights and Welfare of the African Child (African Children's Committee) and the African Court on Human and Peoples' Rights (African Human Rights Court).

#### Recognising institutionalisation

Over these three decades, both the Centre and the African human rights system grew in the scope of its activities and number of its staff, and have undergone consistent growth, strengthening and reinforcement, a process that can be described as 'institutionalisation'. It is no mean feat not only to have 'stuck around' for 30 years, but also to have consolidated and innovated, as changing circumstances demanded.

Especially over the last two decades, as the Centre increasingly focused on the regional human rights system, it forged a close collaborative, supportive and mutually enriching relationship with the African regional human rights system – first with the Commission, and later also with the Committee and the Court. Through the African Human Rights Moot Court Competition, since its inception 25 years ago, the Centre aimed to raise awareness,

levels of competence and enthusiasm about the African Court. Through the Master's in Human Rights and Democratisation in Africa, the Centre equipped 460 graduates with knowledge and skills to serve Africa, and the African human rights system. The Centre also contributed through open access publications, developing scholarship, and cultivating a supportive engagement with the human rights institutions, for example, by sending interns and by submitting shadow reports and cases. Testimony of this close collaboration is the award to the Centre, in 2012, of the African Union Human Rights Prize to a civil society organisation/NGO.

Looking back over 30 years, the Centre thus celebrates the institutionalisation of human rights in Africa, and its own growth as an institution. While its focus has grown beyond South Africa, and many of its activities have a pan-African ambition, the Centre remains fully rooted in South African soil, and dependent on the support of the Faculty of Law and the University of Pretoria more broadly.

#### Highlights of 2016

Like every one of the preceding years, 2016 was a year of numerous events and great highlights. I mention only a few here, knowing that these examples do not do justice to the manifold activities of great significance and impact. However, I find solace in anticipating and trusting that readers would complement their reading of these introductory remarks with the rich details of the full report below.

- Many of the Centre's activities were organised in two 30-year long shadows, drawing on the close collaborative relationship between the Centre and the African Union's human rights bodies. A prime example was the annual African Human Rights Moot Court Competition, which was held in Pretoria, of which the

final round was presided over by the Chairperson of the African Commission, Advocate Pansy Tlakula.

- Numerous present and past Commissioners took part in a conference coinciding with the Moot, critically reflecting on the contributions of the African human rights system.
- The '30/30 Colloquium', taking stock of the 30 years of the Centre and of the African human rights system, and looking forward to the emerging challenges, was held. Graduates of the Centre's Master's and other programmes made contributions.
- Closing the cycle of the past and present, the Centre in 2016 welcomed back, as extraordinary professor, its founding director, Justice Johann van der Westhuizen, who currently also holds the position of inspecting judge of the Judicial Inspectorate for Correctional Services.
- This year marked the graduation of the first students on the Centre's first hybrid learning module, the Master's in Sexual and Reproductive Rights in Africa.
- The Centre continued its growth into the thematic areas of the rights of persons with disabilities, sexual orientation gender identity and expression (SOGIE) and children's rights, as exemplified by a landmark conference on the rights of persons with albinism, bringing together academia and civil society; the formal establishment of a SOGIE Unit in the Centre; and collaborative research on children's rights.
- As has become customary since the establishment of the Pretoria University Law Press (PULP) in 2005, pride of place must go to the publications emerging from the Centre's fold. Highlights of 2016 are: V

Ayeni (ed) *The impact of the African Charter and the Maputo Protocol in selected African states*; and Centre for Human Rights (ed) *A guide to the African human rights system: Celebrating 30 years since the entry into force of the African Charter on Human and Peoples' Rights 1986 - 2016*. A new website for PULP was also launched in 2016, making access to its rights resources easier and more accessible. Thanks and appreciation to the PULP manager, Lizette Hermann; and the Centre's communications and marketing manager, Yolanda Boozyen.

- Our short courses grew from strength to strength, with a first course on 'Business and Human Rights' being introduced in 2016.
- Through its publications, doctoral theses and other scholarship, the Centre has become a source of trusted academic analysis on African human rights, and is evolving increasingly into a think tank on related topics.
- To these should be added a number of social events, including the Centre's 8 December birthday celebration party, attended by many friends of the Centre and former Centre staff.

## Remembering

In this year, we remember graduates (such as Julius Osega, Helen Kanzira, Steve Odera) who have passed away since completing their studies with us, and colleagues (such as Elize Delport) who worked with and alongside us, but have also passed away. Thinking about the years of the Centre also brings to mind our dearly departed colleague Gill Jacot-Guillarmod, whose sparkling personality has become the stuff of legend.

## Thank you!

A huge and all-embracing 'thank you' goes to the countless people who have in one way or another become part of the 'Centre family, and supported the Centre in its endeavours.

We above all honour and celebrate the people who have made up the immensely talented and dedicated Centre team, over many years – past and current staff. Perhaps reflecting a sense of loyalty and certainly allowing for continuity, the Centre has generally not experienced a rapid turn-over of its more senior staff. This year, we welcomed a new head of the Gender/Women's Rights Unit, Patience Mpani and of the SOGIE Unit, Geoffrey Ogwaro as well as our Disability Rights Unit, Innocentia Mgijima. In 2016, we celebrated the contributions of one of the Centre stalwarts, who was there at the very beginning, Isabeau de Meyer. Although her formal employment has, according to

UP policy, come to an end, we hope to keep benefiting from her considerable experience.

On a personal note, I gladly single out the trusted members of the Centre's executive committee, consisting of: the assistant director, Norman Taku; the office manager, Carole Viljoen; and the head of our financial team, Harold Meintjes. These titles do not do justice to their manifold roles. It is not so much the occasional meeting as executive committee, but their consistent reassuring presence, their wise counsel and endless devotion that kept the Centre forging ahead.

A final word of thanks goes to our donors, who are also our partners and without whom our ideas and passion would have come to so much less.

### Prof Frans Viljoen

*Director, Centre for Human Rights*



**Centre for Human Rights  
Staff Members**

**1986**

African Charter on Human and Peoples' Rights enters into force.

Centre for Human Rights is established after the 'A Bill of Rights for South Africa' symposium was held on the campus of the University of Pretoria.

**1989**

Integrated Bar Project (IBP) starts placing senior black law students with firms.

**1990**

Centre for Human Rights establishes a scholarships scheme, enabling black students to study at the University of Pretoria.

**1992**

African Human Rights Moot Court Competition is launched (as South African Human Rights Moot Court Competition) and presented in Harare, Zimbabwe.

**1993**

Southern African Student Volunteers (SASVO), providing opportunities for student involvement in development work, is established.

**1995**

Centre for Human Rights' first Master's degree programme, LL.M in Human Rights and Constitutional Practice, is instituted.

**2000**

Master's degree in Human Rights and Democratisation in Africa is launched (The Pioneers).

**2001**

*African Human Rights Law Journal* is launched.

**2003**

Master's degree in Trade and Investment Law in Africa is launched, in collaboration with the University of the Western Cape.

**2005**

Pretoria University Law Press (PULP) is established and publishes *Socio-economic rights in South Africa*, its first book.

**2006**

Centre for Human Rights awarded the 2006 UNESCO Prize for Human Rights Education.

**2007**

Centre for Human Rights becomes an academic department in the Faculty of Law, University of Pretoria.

**2009**

Nelson Mandela World Human Rights Moot Court Competition is launched and presented in Pretoria, South Africa. Master's degree in Multidisciplinary Human Rights is launched.

**2010**

Short course on Sexual Minority Rights in Africa is presented for the first time.

**2011**

Short course on Indigenous Peoples' Rights in Africa is presented for the first time.

**2012**

Centre for Human Rights awarded the 2012 African Union Human Rights Prize.

**2013**

*First African Disability Rights Yearbook* is published.

First annual Disability Rights Conference is held.

Disability Rights Moot Court Competition is launched.

Business and Human Rights Unit is established.

**2014**

Pretoria Symposium on preventing atrocities and protecting civilians in Africa is presented.

**2015**

Master's degree in Sexual and Reproductive Rights in Africa is launched, as the Centre for Human Rights' first online/hybrid programme.

**2016**

Sexual Orientation and Gender Identity and Expression (SOGIE) Unit is established.

Centre for Human Rights celebrates 30 years anniversary.

African Human Rights Moot Court Competition celebrates 25 years anniversary.

# ACADEMIC PROGRAMMES

LLD, LLM and MPhil degree programmes

## LLD/DPhil Programme

More than 30 students were registered for the LLD (Human Rights) in the Centre, under the supervision (or co-supervision) of Professors Christof Heyns, Frans Viljoen, Michelo Hansungule, Charles Fombad, Charles Ngwena, Danny Bradlow and Magnus Killander. Monthly doctoral meetings were held, at which doctoral candidates present their work in progress.

In 2016, seven candidates completed their studies and graduated: Ashwanee Budoo (Mauritius); Nora Ho Tu Nam (Mauritius); Japhet Biegon (Kenya); Innocent Maja (Zimbabwe); Abdulrauf Lukman (Nigeria); Seith Wekesa (Kenya) and John Ambani (Uganda).

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

In 2016, 28 students (13 women and 15 men) from 16 African countries were admitted to the programme.

Students spent a successful first semester at the University of Pretoria. Here they were lectured by world experts in various fields of human rights. Their practical training included a visit to the Constitutional Court and writing a shadow judgment. They undertook study visits to Botswana, Lesotho, Swaziland, Venda and Zimbabwe, researching various human rights or democracy-related questions.

Students spent the second semester in groups of 2 or 3 at one of the 13 partner universities:

- Université Abomey Calavi (Benin);
- Addis Ababa University (Ethiopia);
- Alexandria University (Egypt);
- Universidade Eduardo Mondlane (Mozambique);
- Université Gaston Berger de Saint Louis (Senegal);
- University of Ghana (Ghana);

- Makerere University (Uganda);
- University of Mauritius (Mauritius);
- University of Nairobi (Kenya);
- Catholic University of Central Africa (Cameroon);
- University of Lagos (Nigeria);
- University of Venda (South Africa); and
- University of the Western Cape (South Africa)

All 28 students graduated on 9 December 2016 in a special ceremony organised by the University of Pretoria to mark International Human Rights Day on 10 December. The graduation ceremony was preceded on 8 December, by an international conference on the co-existence and convergence over the 30 years of the Centre and the African human rights system and followed by 30th anniversary celebrations of the Centre for Human Rights. All 14 partner institutions were in Pretoria for the week, electing a new Chair of Council, Prof Benyam Mezmur from the Dullah Omar Institute, University of the Western Cape.

The annual Vera Chirwa Award, which recognises extraordinary contributions of alumni was presented to Patrick Eba (Côte d'Ivoire) and Adrian Jjuuko (Uganda) for their work in HIV/AIDS and sexual minorities respectively.

### Alumni Association 2016 highlights

There are now over 500 alumni of the LLM/MPhil (Human Rights and Democratisation in Africa).

In 2016, a comprehensive magazine publication on alumni of the HRDA Masters was embarked upon. The magazine, which is scheduled for launch on 6 June 2017, celebrates individual achievements, recognises the extent of alumni reach and impact and reflects on key moments of the HRDA master's programme.

A lot was done to expand the visibility of the Alumni Association including: producing a new video series of the HRDA Chronicles which places alumni's work in the spotlight; leveraging on Twitter to share alumni stories; and using the dedicated HRDA page on the Global Campus Alumni website for greater visibility.

Alumni members gained recognition nationally and internationally through high profile appointments. Some of these include: Justice Abdulai Charm (appointed as Chief Justice of Sierra Leone) and Prof Mezmur Benyam (re-elected as Chair of the UN Committee on the Rights of the Child and the African Children's Rights Committee).

As is the tradition every year, an alumni is awarded the Vera Chirwa prize in recognition of their work towards the protection of human rights and the strengthening of democracy in Africa.

There were two recipients of the award in 2016 and they are:

- **Adrian Jjuuko:** in recognition of his fearless advocacy for the rights of sexual minority groups even in the face of overwhelming opposition, as well as the establishment of Human Rights Awareness Forum, which has through its ground breaking work, fostered the legal protections accorded to LGBT persons in Uganda and Africa.
- **Patrick Eba:** in recognition of his consistent efforts working for the right to health especially for persons living with HIV and for playing a leading role in the enactment of laws and policies to foster the equal treatment of sexual minorities and persons living with HIV in Africa.



Recipients of the 2016 Vera Chirwa Award:  
Patrick Eba and Adrian Jjuuko with Prof Frans Viljoen



**Human Rights Graduation Ceremony  
9 December 2016**

### **LLM/MPhil (Multidisciplinary Human Rights)**

This course is offered on a part-time basis to accommodate people who are working full-time. During 2016, 13 students graduated from this programme.

### **LLM (International Trade and Investment Law in Africa)**

This programme is presented in alternating years at the University of Pretoria and the University of the Western Cape. The LLM (International Trade and Investment Law in Africa) has been presented over two years. The 2015/2016 intake at the University of Pretoria is the 14th batch on the programme as a whole, involving 23 students (12 male and 11 female) from 13 countries including Lebanon.

Students spent the first semester at the University of Pretoria, attending full time classes and doing field trips. The second semester is spent working on their mini-dissertations.

At the end of the course the top three students attended a course and an international conference jointly organised by the World Bank (ICSID) and the Cairo Regional Centre for International Commercial Arbitration (CRCICA) in Egypt. The fourth student was selected for a three-month Visiting Scholar position at the University of Leuven, Belgium.

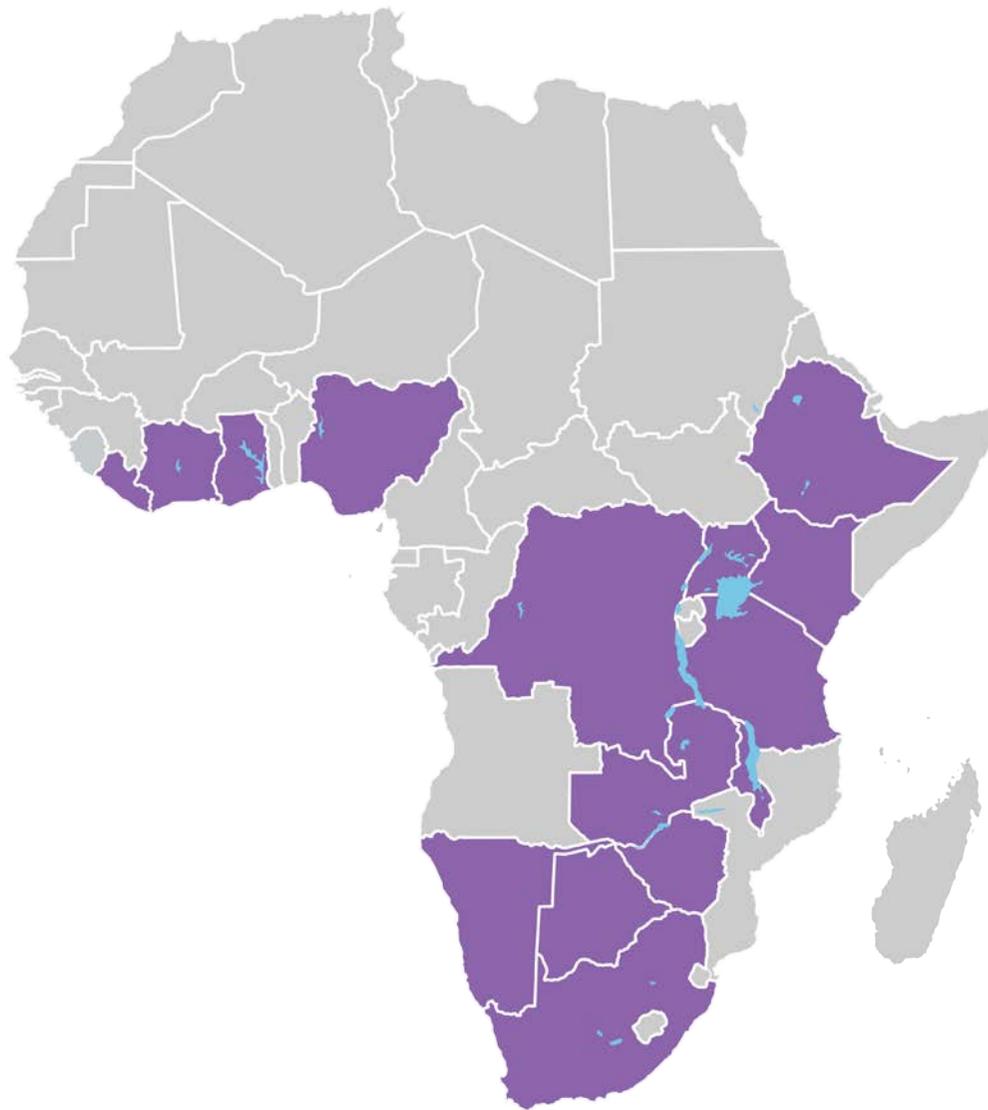
Twenty-one students graduated on 9 December 2016 in a special graduation ceremony organised every year by the University of Pretoria for academic programmes of the Centre for Human Rights.

The LLM in Trade and Investment Law in Africa (TILA) will from 2017 be presented from January to December instead of from July to June. The TILA students will thus interact with the students and lecturers in the human rights master's programmes of the Centre. This shared knowledge and experience will enrich the students experience who will draw mutual benefit from the expertise of the faculty in both programmes.

### **LLM/MPhil (Sexual and Reproductive Rights in Africa)**

In 2015, the Centre instituted its first hybrid Master's programme, the LLM/MPhil (Sexual and Reproductive Rights in Africa). The programme is delivered on-line, as well as through in-class block weeks twice a year.

Nine students, from Botswana, Kenya, Lesotho, South Africa, Tanzania, Uganda and Zimbabwe completed the course in its first year in 2015.



### COUNTRIES REPRESENTED ON THE HRDA PROGRAMME IN 2016

BOTSWANA	1
CÔTE D'IVOIRE	1
DEMOCRATIC REPUBLIC OF THE CONGO	1
DJIBOUTI	1
ETHIOPIA	3
GHANA	1
KENYA	3
LIBERIA	1
MALAWI	1
NAMIBIA	1
NIGERIA	3
SOUTH KOREA	1
SOUTH AFRICA	2
TAIWAN	1
TANZANIA	2
UGANDA	2
ZAMBIA	2
ZIMBABWE	1

THE LLM IN TRADE AND INVESTMENT  
LAW IN AFRICA (TILA) WILL FROM  
2017 BE PRESENTED FROM  
JANUARY TO DECEMBER  
INSTEAD OF FROM JULY TO JUNE.

# RESEARCH & POST-DOCTORAL FELLOWS

Research outputs and fellows

In 2016, staff of the Centre published numerous articles in accredited journals, wrote chapters in books, and presented papers at conferences. Monthly research meetings were held at which Centre researchers presented their research-in-progress. Research results are reported to the Research Committee.

## Frans Viljoen

### Publications

- 'Regional institutional and remedial arrangements for the judicial enforcement of economic, social and cultural rights in Africa' in D Chirwa & L Chenwi (eds) *The protection of economic, social and cultural rights in Africa: International, regional and national perspectives* 2016 Cambridge: Cambridge University Press 243-273
- 'International protection of human rights' (Chapter 11) in H Strydom (ed) *International law* Cape Town: Oxford University Press 323-367

### Presentations

- January 2016: Presentation at conference on 'The good, the bad and the ugly and moving forward: What to learn from international human rights systems' organised by the Inter-American Human Rights Network
- November 2016: Presentation at 10-year celebration of Konrad Adenauer Stiftung Rule of Law programme for sub-Saharan Africa (Nairobi, Kenya)
- November 2016: Presentation at Conference celebrating 10 years of the African Court on Human and Peoples' Rights (Arusha, Tanzania)
- December 2016: Presentation at PluriCourts workshop on 'Lessons from judicial dialogues between the European, the African and the Inter-American Court of Human Rights' (Buenos Aires, Argentina)

### Teaching

- February 2016: University of Peace, San Jose, Costa Rica (module of Master's in International Human Rights)
- June 2016: American University, Washington DC, USA (module of Master's in International Human Rights)
- July 2016: University of Oxford, UK (module in Master's of Studies in International Human Rights)
- September 2016: Inter-European University Institute, Venice, Italy (lectures to European Master's in Human Rights and Democratisation)
- December 2016: University of San Martin, Argentina (modules to Inter-American Master's in Human Rights and Democratisation)

## Michelo Hansungule

### Publications

- Excerpts of jurisprudence of the African Commission on Human and Peoples' Rights, 2016, Book, 231 pages
- Mining, Environment and Human Rights in Zambia, 2016/17 Book, 254 pages
- Policing Liberties in Southern Africa, 2015/16/17 Book, 321 pages
- Zambian constitution in comparative perspective, 2016/17, Book 245 pages
- Judicial independence and accountability in Africa, 2016/17 Book 260 pages
- Jurisprudence of African States in the UN Human Rights Committee and Commentary 2015/16/17 Book 356 pages

- Economic, Social and Cultural Rights in Africa, 2016/17, Book 200 pages
- An African perspective of the Right to Development, 2016/17 Book 170 pages
- Towards abolition of the death penalty in Zambia, 2015/16/17 Book 190 pages
- Fair Trial in Africa, 2016/17 Book, 120 pages
- Chapter on the African Charter on Human and Peoples' Rights, in a book on the African Union Institutions and Standards, 2016, published in a 2015 Book
- Revising chapter on 'Historical development of international human rights', in a book on International Human Rights, edited by Prof. Chowdhury, 2013, revised in 2016

### Presentations

- Paper on fair trials in Africa to SADC Conference of Chief Justices, August 2016, Victoria Falls, Zimbabwe
- Paper on Threats against judicial independence in Eastern Southern Africa, presented at the ICJ conference of judges in Harare, Zimbabwe, June 2016
- The Grand Bay and Kigali Declarations, paper presented to the 5th African Court High Level Dialogue on Human Rights and Governance in Africa, November, 2016, Arusha, Tanzania
- International Human Rights - two days at St Augustin's College, Johannesburg, May 2016
- Two presentations on Labour rights, safety standards and occupational health rights in Zambian Mines in Kitwe and Lusaka for mining company staff and employees March and July 2016, Zambia

### Teaching

- Teaching in Centre short courses i.e. (1) The Right to Development in Africa (2) Indigenous peoples' Rights (3) Socio-economic Rights (4) Children's Rights
- Supervision of six (6) LLB students' dissertations
- Socio-economic rights in international perspective (Multidisciplinary Human Rights Course)
- Modules in LLM/MPHIL Human Rights and Democratization in Africa
- 13 LLD Supervision in 2016/ 16 in 2017
- 21 Multidisciplinary Human Rights Supervision in 2016/17
- Examination of PhD Thesis, University of Stellenbosh, Cape Town, 2016
- Examination of PhD Thesis, University of Rhodes, EC, 2016
- Examination of PhD Thesis, University of Fort Hare, 2016
- Examination of two PhD Theses, University of South Africa, 2016
- Examination of five University of South Africa, 2016
- Co-Supervision of one PhD Thesis, University of South Africa

## Charles Fombad

### Publications

- 'The African Union's Data Protection Convention 2014: A possible cause for celebration of human rights in Africa' *Journal of Media Law* 8(1) (2016) 67-97 (with L Abdulrauf)

- Election management bodies in Eastern and Southern Africa: Some reflections on their legal framework' *African and Asian Studies* 15 (2016) 289-225
- The expansion of judicial power in Africa and democratic consolidation: Opportunities, challenges and future prospects' in M Ndulo & M Gazibo (eds) *Growing democracy in Africa: Elections, accountable governance and political economy* Cambridge Scholars Publishing, United Kingdom, 47-85
- 'The evolution of modern African constitutions: A retrospective perspective' in C Fombad (ed) *Separation of powers in African constitutionalism* Oxford University Press, United Kingdom 13-57
- 'An overview of separation of powers under modern African constitutions' in C Fombad (ed) *Separation of powers in African constitutionalism* Oxford University Press, United Kingdom 58-92
- The role of emerging hybrid institutions of accountability in the separation of powers scheme in Africa in C Fombad (ed) *Separation of powers in African constitutionalism* Oxford University Press, United Kingdom 325-344
- 'Separation of powers and the position of the public prosecutor in Francophone Africa' in C Fombad (ed) *Separation of powers in African constitutionalism* Oxford University Press, United Kingdom 359-384 (with S Adjolohoun)
- Constitutional adjudication and constitutional justice in Africa: Current trends and future perspectives, in Oumarou Narey (ed.), *La Justice Constitutionnelle: Actes du Colloque International de l'ANDC, L'Harmattan, Dakar* (2016), 115-142.
- Problematising the issue of constitutional implementation in Africa,' in C. Fombad (ed.), *The implementation of modern African constitutions: Challenges and prospects*, PULP, Pretoria (2016), 10-24.
- Constitutional implementation in perspective: Developing a sustainable normative constitutional implementation framework,' in C. Fombad (ed.), *The*

*implementation of modern African constitutions: Challenges and prospects*, PULP, Pretoria (2016), 218-235.

- 'Personal Data Protection in Nigeria: Reflections on Opportunities, Options and Challenges to Legal Reforms,' *Liverpool Law Review*, (2016). doi:10.1007/s10991-016-9189-8 (with L. Abdulrauf).

### Presentations

- "Administrative, financial and legislative responsibilities of central government: A comparative approach" paper presented at the Max Planck Foundation for International Peace and the Rule of Law Capacity-building Workshop on the "Levels of government in a decentralised system: Central, provincial and municipal competences," Khartoum, Sudan 8-9 February 2016.
- (with Lukman Abdulrauf), "The African Union's Data Protection Convention 2014: A possible cause for celebration of human Rights in Africa" paper presented at the Seventh International Conference on Information Law and Ethics 2016 on the theme, "Broadening the Horizons of Information Law and Ethics. A time for inclusion," Pretoria, 22-23 February, Pretoria, South Africa.
- "Strengthening central and regional governmental relations through constitutional and legal reforms: A comparative approach" paper presented at a Max Planck Foundation for International Peace and the Rule of Law capacity-building workshop on the "Design and implementation of a decentralised constitutional system: interrelationship between levels of government," 4-7 April 2016, Pretoria.
- "Towards a judicial democracy to consolidate the rule of law in Africa" paper presented at an International IDEA conference on "Challenges to the rule of law in Africa", Pretoria, 12-13 April 2016.
- "The Diffusion of SA-Style Independent Institutions? A Study in Comparative African Constitutionalism" paper presented at the Comparative constitutional law conference on "Constitutional Triumphs, Constitutional Disappointments: A Critical Assessment of the 1996 South African Constitution's Local and International Influence," at the Faculty of law, University of New South Wales, Sydney Australia, 27-28 April 2016.
- "The launch of the book, "Separation of powers in African constitutionalism" at the International Association of Constitutional Law roundtable on "The Invisible Constitution: Comparative Perspectives" Melbourne Law School, Australia, 2-3 May 2016.
- "The concept of judicial independence and its application in Africa" paper presented at a workshop on "Strengthening justice and the rule of law: The design of the judiciary and its role in enforcing the constitution" Khartoum, Sudan, 9-11 May 2016.
- "The Constitutions of Kenya and South Africa and the implementation of human rights" paper presented at a Max Planck workshop on "Strengthening the Rule of Law in Sudan" Khartoum, 17-19 October 2016.
- "The implementation of modern African constitutions: challenges and prospects" paper presented at the Konrad Adenauer Stiftung Symposium on the Rule of Law in Africa, "Ten Years of KAS' rule of law programme for Sub-Saharan Africa: Results, challenges and prospects" Nairobi, Kenya, 15-17 November 2016.
- "Designing decentralisation in the South African experience" paper presented at a workshop on "An analysis of the interim National Constitution of Sudan 2015 in relation to decentralisation in the light of implementing legislation" Port Sudan, Sudan, 27 November to 2 December 2016.
- "Strengthening central to sub-national governmental relations through constitutional and legal reforms: A comparative approach" paper presented at

a workshop on "An analysis of the interim National Constitution of Sudan 2015 in relation to decentralisation in the light of implementing legislation" Port Sudan, Sudan, 27 November to 2 December 2016.

### Teaching

- Teaching on the LL.M Human Rights and Democratisation in Africa programme
- Teaching on the LLM/LLD Research Methodology course

### Charles Ngwenya

#### Publications

- 'Taking women's rights seriously: Using human rights to require state implementation of domestic abortion laws in African countries with reference to Uganda' *Journal of African Law* 60(1) April 110-140

#### Presentations

- August 2016: Presentation at Bergen Exchanges on Law and Transformation workshop 'African sexualities' (University of Bergen)

### Danny Bradlow

#### Publications

- *Can Parallel Lines Ever Meet? The Strange Case of the International Standards on Sovereign Debt and Business and Human Rights*, 41 Yale J. Int'l. L. Online 205 (2016). Available at: <https://campuspress.yale.edu/yjil/files/2016/10/K-Bradlow-Special-Edition-2gffdto.pdf>
- "Lessons from the Frontlines: What I Learned from My Participation in the G20" *Global Summitry* 2016; doi: 10.1093/global/guv007 available at: <http://globalsummitry.com>

oxfordjournals.org/cgi/content/full/guv007?ijkey=ZyuMnnQMIHEVYRP&keytype=ref  
Podcast embedded in paper available at: [oxford.ly/1MFkAKB](http://oxford.ly/1MFkAKB)

### Working Papers

- “Sustainability and Infrastructure Investment: National Development Banks in Africa” (co-authored with Christopher Humphrey), GEGI Working Paper 002 10/2015 (Global Economic Governance Initiative, Boston University, 2015) also available at: <http://www.bu.edu/pardeeschool/research/gegi/program-area/china-and-global-development-banking/task-force-on-development-banks-and-sustainable-development/>

### Book Chapters

- “Don’t Waste a Serious Crisis: Lessons from South Africa’s Debt Crisis” (forthcoming in *Sovereign Debt Crises: What Have We Learned?* Bohoslavsky and Raffer (eds), Cambridge University Press)

### Submissions to Official Bodies

- “Concept Note on Financing University Tuition: Creating a Self-Sustaining University Tuition Financing Mechanism Using Bonds and Public Service” (Co-author with Prof. Edward Webster) submitted to Commission of Inquiry into Higher Education and Training chaired by Judge Heher (May 2016)
- Amicus Brief, *Jam et al v IFC*, US Circuit Court for the District of Columbia District, filed 16 August 2016.
- GEGI Working Paper 002 • 10/2015

### Opinion pieces

- “Trump’s victory is bad – for Africa and for global stability: The Conversation, 10 November 2016 available at: <https://theconversation.com/trumps-victory-is-bad-for-africa-and-for-global-stability-68595>

[theconversation.com/trumps-victory-is-bad-for-africa-and-for-global-stability-68595](https://theconversation.com/trumps-victory-is-bad-for-africa-and-for-global-stability-68595)

- “Realization of fair and free access to tertiary education within our grasp” (with Edward Webster) in *ANC Today*, 16 October 2016, available at: <http://anctoday.org.za/realization-fair-free-access-tertiary-education-within-grasp/>
- “What Africa should demand from the next United Nations secretary general”, *The Conversation*, 3 October 2016 available at: <https://theconversation.com/what-africa-should-demand-from-the-next-united-nations-secretary-general-65907> (reprinted in *The New Age*, 4 October 2016)
- “Funding model plugs tuition, work and public service gaps” (with Edward Webster) in *Business Day*, SEPTEMBER 19 2016, Available at <http://www.bdlive.co.za/opinion/2016/09/19/funding-model-plugs-tuition-work-and-public-service-gaps>
- Letter to *Financial Times*: “Draghi must accept ECB contributes to inequality” (with Motoko Aizawa) 19 September 2016, available at <https://www.ft.com/content/36882cfc-7c09-11e6-ae24-f193b105145e?siteedition=intl>
- “The role of central banks is changing. What South Africans should look out for” *The Conversation*, August 28, 2016 available at: <https://theconversation.com/the-role-of-central-banks-is-changing-what-south-africans-should-look-out-for-64447>
- “What can be done to stop the United Nations abusing its immunity”, *The Conversation*, June 26, 2016 available at: <https://theconversation.com/what-can-be-done-to-stop-the-united-nations-abusing-its-immunity-61227>
- “UN is now in a position where it can cause real harm—with immunity” Letter to the *Financial Times*, 13 June 2016 available at: <http://www.ft.com/intl/cms/s/0/21ed5256-2f09-11e6-a18d-a96ab29e3c95.html#axzz4BXKCEgJs>
- “South Africa faces difficult times, but disaster is not inevitable”, *The Conversation*, 29 February, 2016 available at: <https://theconversation.com/south-africa-faces-difficult-times-but-disaster-is-not-inevitable-55453> Republished in *New Age* on 1 March 2016 and in *Fin24* on 1 March 2016 at: <http://www.fin24.com/Finweek/Business-and-economy/sa-faces-difficult-times-but-disaster-is-not-inevitable-20160301>
- “Perpetual Bonds Can Help Open Universities to All Qualifying Students”, *The Conversation*, 2 February 2016, available at: <https://theconversation.com/perpetual-bonds-can-help-open-universities-to-all-who-qualify-53828>

### Presentations

- “A Proposal for a Sustainable Autonomy model for funding university tuition”, presentation to National Education Crisis Forum Engagement, 3 December 2016, Johannesburg
- Co-Creator and Facilitator “The Board considers human rights challenges (corruption and closing space for civil society) in a transnational commercial venture”, A simulation exercise, presented at PILnet/European Pro Bono Forum, Amsterdam, 17 November 2016
- Co-Creator and Facilitator “The Board considers human rights challenges (labour brokers and involuntary resettlement) in a transnational commercial venture”, A simulation exercise, presented at UN Business and Human Rights Forum, Geneva, 15 November 2016
- “An introduction to finance for human rights”, Presentation to UN Business and Human Rights Forum, Geneva, 14 November 2016
- “Money Makes the World Go Around: Using Soft International Law to Govern International Finance” presentation to workshop on hard and soft international law and social change, Pretoria, 20 Oct

2016

- “Regulation of the International Financial System: Overview of the Institutions and Scope of Regulation”, Presentation to Human Rights and Finance: Scoping Meeting, Washington DC, 7 September 2016
- “Financial Institutions and Human Rights”, Presentation to Expert Seminar on Non-State Economic Actors and Human Rights, University of Antwerp, 25 August 2016 (via skype)
- Panelist, “Africa’s Illegal Capital Flight: Curbing Illicit Flows: Partnerships and Policy Coherence”, ILA 77<sup>th</sup> Biennial International Conference, 8 August 2016, Johannesburg
- “IFIs and International Law” Lecture for UN Audio-Visual Library, delivered and recorded 8 August 2016, Johannesburg, available at [http://legal.un.org/avl/ls/Bradlow\\_SARO.html](http://legal.un.org/avl/ls/Bradlow_SARO.html)
- “Mega Projects and Human Rights”, lecture in short course on Business and Human Rights, Centre for Human Rights, 5 July 2016, Pretoria
- Discussant, “State-Society Fiscal Relations” panel discussion at PARI-FES International Workshop on Taxation and State Formation in Sub-Saharan Africa, Wits University, Johannesburg, 20-22 June 2016
- “Alternative Financial Regulatory Norms and Their Implications for the International Financial System”, presentation at conference on “The Political Economy of Financial Regulation, Chinese University of Hong Kong, Hong Kong, 2-4 June 2016
- Commentator, “Case Studies on Specific Human Rights Impacts: Community Engagement, Consultation and Natural Resources”, *Business Leaders’ Dialogue on Corporate Respect for Human Rights*, (organized by Global Business Initiative and Global Compact Network South Africa) Johannesburg, 26 May 2016
- Panelist, “Models in Creating Effective and

Efficient Remedies for Victims in Business and Human Rights”, South African Human Rights Commission Programme on “Access to Justice: Creating Effective Remedies for Victims of Business Related Human Rights Violations”, 20 April 2016, Johannesburg

- “Business and Human Rights: A Challenge for Both Business and Human Rights Law”, presentation at ASIL Human Rights Interest Group Roundtable Discussion on Business and Human Rights, 29 March 2016, Washington DC
- “Human Rights and Business: A Challenge for Business and Human Rights”, opening presentation at roundtable discussion on “Business Perspectives on the Human Rights Responsibilities of Business”, SIA and IDLU, 15 March 2016, Johannesburg
- “South Africa’s Role in the Global Economy”, Council of Foreign Relations and South African Institute for International Affairs Workshop on “South Africa: An Emerging Power in a Changing World”, 1 March 2016, Cape Town
- “Treaty v. Safeguard Approach—Can the Two Work Together?” presentation to LRC Workshop on Right to Development, Legal Resources Centre, Johannesburg, SA, 27 January 2016

### Teaching

- Lectures on IFI and Human Rights and Business and Human Rights in “Sustainable Development and Human Rights Law Postgraduate Programme” at University of Antwerp, 11-12 June 2016, Antwerp, Belgium.

## CHRISTOF HEYNS

### Publications

- ‘Human rights and the use of autonomous weapons systems (AWS) during domestic law enforcement’ *Human Rights Quarterly* 38(2) May 350-378

- ‘The international law framework regulating the use of armed drones’ *International & Comparative Law Quarterly* 65(4) October 791-828 (with Akande, Hill-Cawthorne & Chengeta)
- ‘Autonomous weapons systems: Living a dignified life and dying a dignified death’ in Bhuta, Beck, Geiss & Liu (eds) & Geiss *Autonomous Weapons Systems: Law, ethics, policy* Cambridge: Cambridge University Press 3-20

## Magnus Killander

### Publications

- ‘The role of human rights in South Africa EU relations’ in D Lettinga and L van Troost, *Shifting Power and Human Rights Diplomacy South Africa* (2015) 43-51
- ‘Jurisprudential dialogue in supranational human rights litigation in Africa’ Select Proceedings of the European Society of International Law, Vol 5, 2014 (2016) 25-42
- ‘Human rights developments in the African Union during 2015’ *African Human Rights Law Journal* (2016, issue 2)
- ‘Selected developments in human rights and democratisation during 2015: Sub-Saharan Africa’ (with K Obura and A Ashenafi) *Regional Perspectives on Human Rights and Democratisation* (2016, issue 1)

### Presentations

- ‘EU human rights policy in sub-Saharan Africa, the Cotonou Agreement’, Frame workshop, work package 6, Budapest, January 2016
- ‘EU bilateral relations with South Africa’, Frame workshop, work package 6, Budapest, January 2016
- ‘An African perspective on the right to peace’. International Studies Association, Atlanta, USA, March 2016

- ‘EU engagement with African states and intergovernmental organisations’, Frame General Assembly, Leuven, Belgium, 7 June 2016
- ‘Factors That Hinder or Enhance the Protection of Human Rights in South Africa: the Role of NGOs and Social Movements in the Realisation of Socio-economic Rights’, AHRI, Utrecht, 2 September 2016

## Michael Nyarko

### Publications

- ‘The impact of the African Charter and Maputo Protocol in VO Ayeni (ed) The impact of the African Charter and Maputo Protocol in selected African states (Pretoria University Law Press, 2016).
- ‘Recent advances in children’s rights in the African human rights system: A review of the decision of the African Committee of Experts on the Rights and Welfare of the Child in the Talibés Case’ (2016) 15 *Law and Practice of International Courts and Tribunals* 385 (with H Ekefre).

### Presentations

- June 2016: Presentation on ‘Ensuring consistency in the jurisprudence of the African Commission on Human and Peoples’ Rights: Trends, impacts and way forward’ at the ‘Forum on Law and Practice of the African Commission on Human and Peoples’ Rights’ organised by the Institute for Human Rights and Development in Africa (IHRDA) and Initiative for Strategic Litigation in Africa (ISLA), Johannesburg, South Africa.

## Eduardo Kapapelo

### Publications

- ‘Country reports: Angola’ (2016) 4 *African Disability Rights Yearbook* 213-230

## Innocentia Mgijima

### Publications

- ‘Regional developments: The jurisprudence of the committee on the rights of persons with disabilities and its implications for Africa’ 2016 (4) *African Disability Rights Yearbook* 269-282

## Post-doctoral Fellowships

In 2016, the Centre hosted three post-doctoral fellows:

- **Dr Cristiano D’Orsi:** working under the mentorship of Prof Michelo Hansungule.
- **Dr Juan-Pablo Perez:** working under the mentorship of Prof Frans Viljoen.
- **Dr Olufemi Soyaju:** working under the mentorship of Prof Danny Bradlow (who also co-ordinates the LLM (Trade and Investment Law in Africa)).



Human Rights Graduation Ceremony  
9 December 2016

# CENTRE PROJECTS

Moot court competitions, short courses, research units & other projects

## Annual African Human Rights Moot Court Competition

The African Moot is the largest gathering of law faculties in Africa and the leading human rights educational initiative in Africa.

The 25th edition of the Moot Competition was held during a very significant year for the both the Centre for Human Rights and the African Commission on Human and Peoples' Rights (Commission), the principal partner for the organisation of the Moot in 2016. It was the 25th anniversary of the African Human Rights Moot Court Competition and the 30th anniversary of the Centre for Human Rights. In addition, the African Union celebrated 30 years since the entry into force of the African Charter on Human and Peoples' Rights. The African Union has also declared 2016 the African Year of Human Rights, with a particular emphasis on the human rights of women.

In 2016, the event brought together 59 teams from 20 African countries, including for the first time:

- University of Juba (South Sudan);
- Samara University (Ethiopia);

- Institut Universitaire d'Abidjan (Ivory Coast);
- Universidade a Politecnica - Unidade Organica de Quelimane (Mozambique).

The finalists were Universidade Eduardo Mondlane, Mozambique and Makerere University (Uganda) for the respondent and the Institut Universitaire d'Abidjan, Côte d'Ivoire and Stellenbosch University, South Africa, for the applicant.

The final round was held at the Constitutional Court of South Africa before a bench composed of the following: Justice Raymond Zondo: Presiding judge (Judge of the Constitutional Court of South Africa); Ms Farida Mamad (Commissioner, Human Rights Commission of Mozambique); Justice Mumba Malila (Judge of the Supreme Court of Zambia); Mr Tom Nyanduga (former Commissioner at the African Commission); and Mr Armand Tanoh (human rights lawyer and practising attorney in France).

The final round was won by the combined team for the applicant.

For more information, please visit [www.chr.up.ac.za/moot](http://www.chr.up.ac.za/moot)



**AFRICAN HUMAN RIGHTS MOOT COURT COMPETITION**

# 25

**CONCURSO AFRICANO DE JULGAMENTO FICTÍCIO SOBRE DIREITOS HUMANOS**

African Year of Human Rights with particular focus on the Rights of Women

Année Africaine des Droits de l'Homme avec un accent particulier sur les Droits de la Femme

## 2016



UNIVERSITEIT VAN PRETORIA  
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# PRETORIA

## South Africa

03.10.2016 – 08.10.2016

Organised by the  
**CENTRE FOR HUMAN RIGHTS,  
UNIVERSITY OF PRETORIA**  
in collaboration with the  
African Commission on  
Human and Peoples' Rights and the  
University of The Gambia



1986 2016 UNIVERSITY OF PRETORIA



HUMAN RIGHTS  
COLLECTIVE RESPONSIBILITY





Final Round  
25th African Human Rights Moot Court Competition

RESPONDENT

## National Schools Moot Court Competition

The National Schools Moot Court Competition aims to create greater awareness in schools and communities in South Africa about the Constitution and the values that it embodies through active participation; and also to encourage talented learners to consider pursuing a law career. This Competition provides a unique opportunity for learners to develop research, writing and oral advocacy skills, as they endeavour to come to grips with some of the constitutional issues facing our country.

All secondary schools in South Africa are invited to enter a team of two learners. Provincial rounds are held in each province and the top four teams from each provincial round proceed to compete in the National Final Round, held in the Constitutional Court. Two of these teams were joined together to argue the case for the applicant as a new combined team and the other two teams were combined as one to argue the case for the respondent.

As part of the moot, the learners attended a mooting workshop hosted by one of our main sponsors, Cliffe Dekker Hofmeyr. The aim of the workshop was to assist the learners in their preparations for the preliminary rounds and make them aware of what is expected of them in a moot competition.

For more information, please visit [www.schoolsmoot.co.za](http://www.schoolsmoot.co.za)



Final Round  
National Schools Moot Court Competition



Final Round  
National Schools Moot Court Competition

### Nelson Mandela World Human Rights Moot Court Competition

The 9th Nelson Mandela World Human Rights Moot Court Competition was held in Geneva, Switzerland, at the seat of the Office of the UN High Commission for Human Rights. Twenty-four universities from all over the world participated. In 2016 the finalists were Moi University (Kenya) and Patrick Henry College (USA); the competition was won by Patrick Henry College, arguing for the applicant.

For more information, please visit [www.chr.up.ac.za/worldmoot](http://www.chr.up.ac.za/worldmoot)



9th Nelson Mandela World Human Rights Moot Court Competition



8



**8<sup>TH</sup> NELSON MANDELA**  
World Human Rights  
Moot Court Competition

**18 - 20 JULY 2016**  
Palais des Nations, Geneva, Switzerland

Undergraduate and master's degree law students from all universities in the world are invited to argue a hypothetical human rights case before a panel of top international lawyers.



**'The Olympic Games of human rights'**

For more information, visit [www.chr.up.ac.za/worldmoot](http://www.chr.up.ac.za/worldmoot)



## African Disability Rights Moot Court Competition

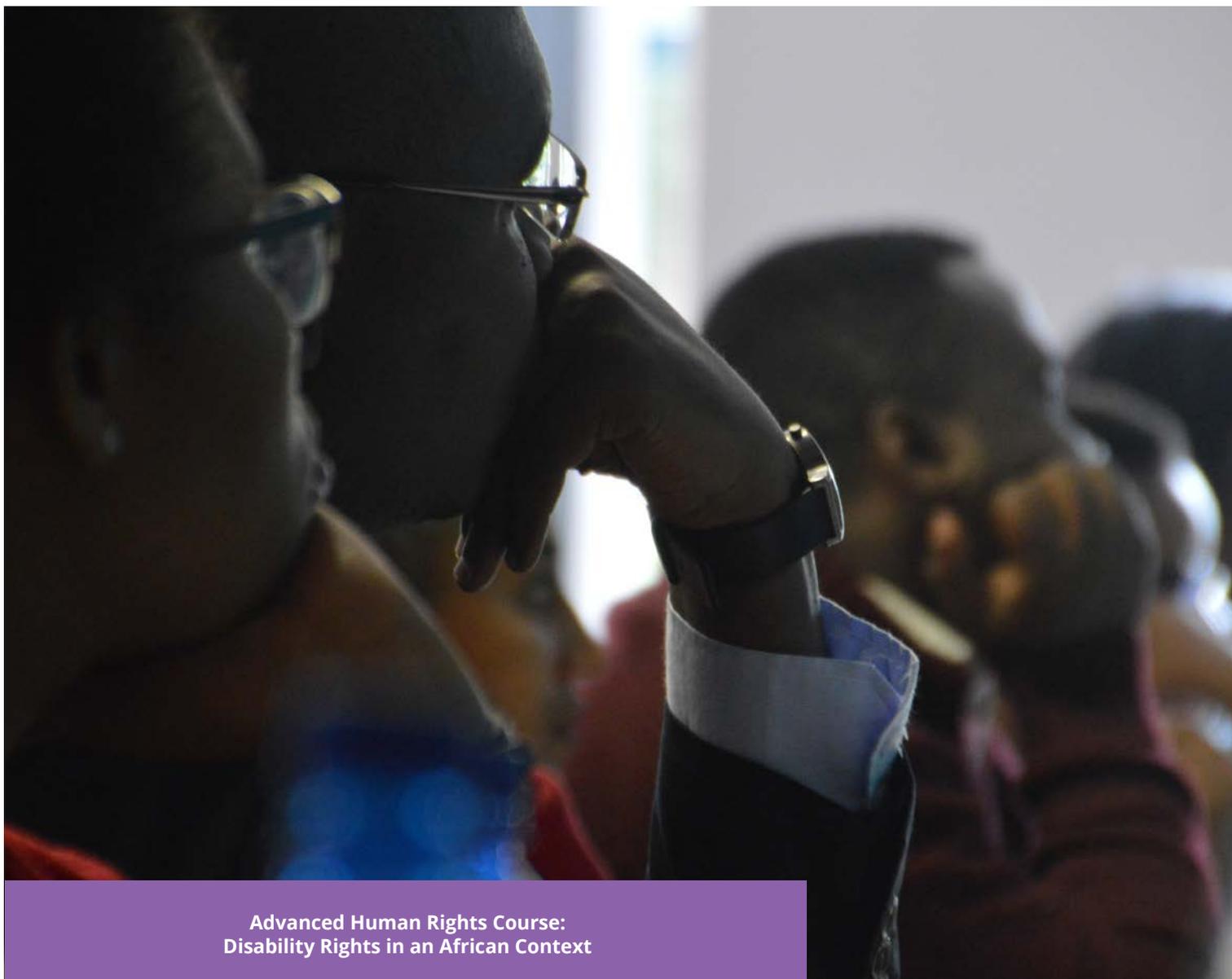
The Fourth African Disability Rights Moot Court Competition was held from 7 to 10 November 2016.

The competition, which aims at preparing lawyers to argue cases of alleged disability rights violations before the newly-established African Court on Human and Peoples' Rights, has been ongoing since 2013. In line with the theme of the disability conference, participants argued the hypothetical case of alleged human rights violations against persons with albinism in the state of Zania.

Nine universities participated in the competition, primarily from the Disability Rights Law Schools Programme network.

Makerere University and the University of Malawi, Chancellor College proceeded to the final round, and Chancellor College was the overall winner of the competition.





**Advanced Human Rights Course:  
Disability Rights in an African Context**

### Advanced Human Rights Courses (AHRC)

The Advanced Human Rights Courses (AHRC) is 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 from South Africa, Africa and the rest of the world. These courses have attracted significant participation from decision-makers from across Africa, and lecturers who are internationally recognised as leaders in their field.

Courses presented during 2016 were:

- Sexual Minority Rights (February) held in partnership with the Catholic University of Leuven;
- Disability Rights in an African Context (March);
- Statelessness in Africa (April) held in partnership with and support of the Institute on Statelessness and Inclusion, Tilburg University, Netherlands;
- Judicial Enforcement of Socio-Economic Rights (May) as part of the Global School on Socio-Economic Rights Adjudication, with support from the Norwegian Centre for Human Rights;
- Civil Society Law in Africa (June) held in partnership with the International Centre for Not-For-Profit Law, USA;
- Police Oversight and Accountability in Africa (July) held in partnership with the African Policing Civilian Oversight Forum (APCOF), South Africa;
- Children's Rights in Africa (July);
- Right to Development (August) held in partnership with the University of Antwerp, Belgium;
- Indigenous Peoples' Rights (September) held in partnership with the African Commission on Human and Peoples' Rights Working Group on Indigenous Populations;

- African Human Rights in Comparative Perspective (October/November) held in partnership with Ghent University, Belgium; and
- Gender Inequality: Rights, Roles and Responsibilities (November) held in partnership with Sonke Gender Justice and the Centre for Sexualities, AIDS and Gender, University of Pretoria.

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

During 2016, nearly 500 participants attended AHRC courses. Although participants were mainly from Africa, a number of participants came from Europe, Asia and the USA.

The short courses have impacted on participants' ability to manage, teach and transfer knowledge to others within their organisations, thereby broadening human rights education, knowledge and skills; and influencing human rights policy and practice in Africa.



**Basic Education Minister Angie Motshekga with participants at the Advanced Human Rights Course on the Right to Development**

DURING 2016,  
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MAINLY FROM AFRICA, A NUMBER  
OF PARTICIPANTS CAME FROM  
EUROPE, ASIA AND THE USA.

## NUMBER OF PARTICIPANTS ATTENDING THE ADVANCED HUMAN RIGHTS COURSES (AHRC) DURING 2016

SEXUAL MINORITY RIGHTS 15 – 19 FEBRUARY 2016		56
DISABILITY RIGHTS IN AN AFRICAN CONTEXT 14 – 18 MARCH 2016		52
STATELESSNESS IN AFRICA 18 – 22 APRIL 2016		25
JUDICIAL ENFORCEMENT OF SOCIO-ECONOMIC RIGHTS 16 – 20 MAY 2016		46
CIVIL SOCIETY LAW IN AFRICA 8 – 10 JUNE 2016		54
POLICE OVERSIGHT & ACCOUNTABILITY IN AFRICA 11 – 15 JULY 2016		45
CHILDREN'S RIGHTS IN AFRICA 25 – 29 JULY 2016		20
THE RIGHT TO DEVELOPMENT IN AFRICA 22 – 26 AUGUST 2016		35
INDIGENOUS PEOPLES' RIGHTS 12 – 16 SEPTEMBER 2016		35
AFRICAN HUMAN RIGHTS SYSTEM IN COMPARATIVE PERSPECTIVES 24 – 28 OCTOBER 2016		37
CHALLENGING GENDER INEQUALITY: RIGHTS, ROLES & RESPONSIBILITIES 14 – 18 NOVEMBER 2016		30

## Disability Rights Unit

### Conference on advancing the rights of persons with albinism in Africa

The Unit hosted a conference under the theme 'Advancing the Rights of Persons with Albinism in Africa: A Call for Action' on 9 and 10 November 2016. The aim of the conference was to highlight the severe nature of the stigma and discrimination faced by persons with albinism in many parts of Africa, including extreme acts of violence and, more importantly, to develop responses to these human rights violations.

### Law schools project

Designed to promote the teaching of disability law and disability research in selected law faculties in Africa, the law schools project has resulted in the development and institution of disability rights teaching and disability programmes at the following University of Botswana; Chancellor College, Malawi; Dodoma University, Tanzania; Universidade Eduardo Mondlane, Mozambique; University of Nairobi, Kenya; University of Zambia and the Midlands State University Zimbabwe.

The focus is building and strengthening research on disability rights and to develop a core curriculum on disability rights for undergraduate law students.

### Meeting on the rights of persons with albinism

The unit hosted a high-level meeting on the rights of persons with albinism on 8 November 2016 involving the United Nations Independent Expert on the Human Rights of Persons with Albinism. The meeting aimed at developing a draft Regional Action Plan to address rights abuses against persons with albinism developed by the office of the United Nations Independent Expert on Albinism. Key resolutions from the meeting included: that governments in Africa

should continue appointing persons with albinism to visible and important positions to reduce negative perceptions; civil societies have a role in awareness raising; the private sector can help and play a role through corporate social responsibility; sunscreen for persons with albinism should be on the national drug-list of essential medicines; and that there is a need to enhance the security of persons with albinism and the strict enforcement of the law particularly at border communities.

### Short course on disability rights in Africa

The 2016 Disability Rights in an African Context course was presented from 14 to 18 March. The goal is to promote understanding as well as application of disability as a human rights issue in the African region. The course featured presentations from renowned international and regional disability rights experts. Fifty-two participants from 25 countries attended the course.

### African Disability Rights Yearbook

The fourth edition of the *African Disability Rights Yearbook* was published and will be launched in 2017. The Yearbook includes academic articles, country-based research, charting recent developments on disability rights legislation, case law and policy developments in selected African states; and relevant developments in the African Union (AU) and African sub-regional organisations. The Yearbook marks a highlight in the efforts taken by the Centre over the last few years to bring greater academic attention to the rights of persons with disabilities in Africa, and is available in print and is also freely accessible on [www.adry.up.ac.za](http://www.adry.up.ac.za)

### Participation in external activities

- Disability Roundtable, Democratic Republic of Congo (11-12 May 2016)
- 8th International Summer School on Disability Law, Ireland (20-24 June 2016)

- Disability Rights Law Schools project, Harare, Zimbabwe (1-3 August 2016)
- Disability Rights Scholarship Programme Alumni Workshop, Tbilisi, Georgia (14-16 August 2016)
- Validation Workshop on the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, Addis Ababa, Ethiopia (29-30 November 2016)

### Disability Rights Scholarship Programme

For the fifth year running, the Open Society Foundation asked the Centre to oversee the Disability Rights Scholarship Programme (DRSP) in the African region.

This involves receiving and screening applications; arranging for interviews to take place in Pretoria, South Africa and for the successful candidates to travel to Georgia for the summer school. A record 99 applications, twice the number of applications received in previous years, were received in 2016.

### Consultancies

In partnership with the Faculty of Education the Unit has been invited by the office of the Premier of Gauteng Province to develop a 2016–2020 Disability Rights Policy and Strategic Frame, whose aim is to ensure an inclusive and accessible Gauteng city region.



**Annual Disability Rights Conference  
Advancing the Rights of Persons with Albinism in Africa: A Call for Action**



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**MARK MOSTERT**  
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**MARTHA WEICH**  
United Evangelical Lutheran Church

**WADDIMBA HASSAN**  
East African Center for Disability Law and Policy

**MWAURA MAIGUA ISAAC**  
Member of Parliament, Alliance Party of Kenya  
Kenya Disability Parliamentary Association

**ABDALLAH POSSI**  
Member of Parliament, Alliance Party of Kenya  
Kenya Disability Parliamentary Association  
(Person with disability), Tanzania

Annual Disability Rights Conference  
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Annual Disability Rights Conference  
Advancing the Rights of Persons with Albinism in Africa: A Call for Action

## Freedom of Expression and Access to Information Unit

This Unit works in close collaboration with the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Pansy Tlakula.

The work of the Unit focuses mainly on research, advocacy, and training in support of the adoption and implementation of access to information (ATI) laws on the continent; as well as for the decriminalisation of laws limiting freedom of expression in Africa.

In 2016, the Unit launched a project focused on the development of Guidelines on Access to Information and Elections in Africa. It began with an experts' meeting in May 2016 and ended with the key principles to be included in the Guidelines, as well as the selection of members of the Working Group to develop the Guidelines. This project is expected to be concluded in 2017, with the adoption of the Guidelines by the African Commission on Human and Peoples' Rights.

Another new project in 2016 was the data protection and access to information project in partnership with Google. The project focuses on research and advocacy aimed at the establishment of appropriate legal frameworks at the national and continental level for the enjoyment of the right to privacy, while at the same time protecting the right of access to information.

The Unit also continued with training and advocacy on access to information in Africa, using the Model Law on Access to Information in Africa as the standard. This advocacy and training formed the last phase of a three-phase project on 'Strengthening Legal Frameworks on Access to Information in Africa' funded by the United Nations Democracy Fund (UNDEF) and implemented by the Centre on behalf of the Special Rapporteur. To this end a workshop was held in February to begin initial discussions on the content of an ATI law for Mauritius. In March 2016, the Unit conducted training for civil society and government officials on the implementation of the Right to Information Law of Mozambique. The training was conducted in partnership with the Centre for Human Rights at Universidade Eduardo Mondlane, Mozambique.

In May 2016 the Centre supported the Special Rapporteur in conducting an advocacy visit to Zimbabwe aimed at supporting local efforts to decriminalise laws limiting freedom of expression in the country. This visit forms part of a project aimed at advocating for the decriminalisation of laws limiting freedom of expression in Africa.



Focus group meeting on the development of Guidelines on Access to Information and Elections

## Gender Unit

The Gender Unit contributes to the improvement of the quality of life and the status of women through supporting the work of the Special Rapporteur on the Rights of Women in Africa (SRRWA) and strengthening the implementation and compliance with the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol).

### Strengthening implementation of the Maputo Protocol: Ending harmful practices

Violence against women and girls remains a significant threat and reality for many African women and girls. Ending violence includes eliminating harmful practices that women and girls have to endure, Female Genital Mutilation (FGM) and child marriages are both pervasive practises that have a long term impact on the wellbeing of women and girls. The Gender unit has been involved in number of initiative to end these practices. A "Harmful Traditional Practices" Tool for use by practitioners working to end child marriage and female genital mutilation through advocacy and litigation was finalised in 2016. This tool was produced in partnership with Equality Now and the SOWAR network.

The Gender Unit carried out research on child marriages in 10 countries in Africa to inform the elimination of child marriages. The research report was completed in 2016 and it highlights the problem of child marriages, its prevalence and impact on young girls and discuss the policy and legal frameworks governing child marriages. The report also makes concrete recommendations for ending child marriages, drawing on states' obligations under the Maputo Protocol and the African Charter on the Rights and Welfare of the Child (African Children's Charter) both of which stipulate the minimum age of marriage to be 18 years without exception.

Following the report on child marriages, two regional and one national community dialogues on child marriages were conducted bringing together a variety stakeholders; the findings of the research were shared with the countries that had participated in the research. The dialogues also provided an opportunity for the development of concrete national actions to end child marriages.

The Gender Unit is also working with the SRRWA to develop Child Marriage General Comments. The general comments elaborate state obligations to ending child marriages based on both the provision of the Maputo Protocol and the African Children's Charter.



A draft was presented to a joint sitting of the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) at the 59th ordinary session of the ACHPR in November 2016. It is currently being revised and will be tabled for adoption at a joint sitting of these two committees in May 2017.

### Improved compliance with the Maputo Protocol: State reporting

State reporting plays a fundamental role in monitoring the implementation of the Maputo Protocol. Article 26 (1) of the Maputo Protocol obligates state parties to submit state reports every two years to the African

Commission on Human and Peoples' Rights indicating legislative and other measures undertaken towards the full realisation of the rights enshrined in the Maputo Protocol. The unit, in partnership with the SRRWA, hosted an informational side session on state reporting under the Maputo Protocol at the session of the African Commission in May 2016, which targeted state parties and encouraged them to report under the Maputo Protocol. In addition a state reporting guideline booklet was produced and disseminated to state parties, Commission members and civil society organisations at the 59th Session of the African Commission in November 2016. One regional state reporting capacity building workshop was also conducted for government representatives from Benin, Côte D'Ivoire and Togo.

A one-day consultative meeting on alternative reporting took place on 6 December 2016. It brought together civil society organisations working on women's rights in South Africa to discuss the concluding observations issued by the African Commission in respect of South Africa's state report in April 2016. This was hosted in partnership with the Human Rights Institute of South Africa (HURISA).

### Addressing gender inequalities

In partnership with the Centre for AIDS, Sexuality and Gender (CSA & G), the Gender Unit conducted training for Irish Aid staff and their institutional partners and produced policy briefs on the intersections between HIV, gender and sexualities.

The Gender Unit sits on the technical working group in the National Strategic Plan on Gender Based Violence (NSPGBV) Campaign in South Africa and continues to provide recommendations and technical expertise on gender-based violence.



Participants at the Gender Unit's Dialogue on Child Marriage in Africa

## Sexual Orientation, Gender Identity and Expression (SOGIE) Unit

The project 'Realising LGBTI rights in Africa' was initiated by the Centre in 2015 and started in March 2016 and a new unit created to implement the project: the SOGIE (Sexual Orientation, Gender Identity and Expression) Unit. The Unit had two staff members in 2016, the Project Co-ordinator and a Legal Assistant.

### Partners

The project has been implemented in partnership with COC Netherlands, OUT, LGBT and the Coalition of African Lesbians (CAL). Partners were useful in identifying participants for training workshops and implementing other activities.

The SOGIE Unit worked closely with CAL, bringing a communication to the African Court on Human and Peoples' Rights requesting an advisory opinion on the nature of 'consideration' by the political organs of the African Union, especially the Executive Council, of the activity reports of the African Commission on Human and Peoples' Rights (with regard to the African Commission having granted observer status to CAL, a decision which the Executive Council wishes to check).

### Advocacy and sensitisation tools

Information brochures on the Equality Courts were developed, printed and posted on the Centre's website.

### Training

A one-week intensive training course on 'Sexual minority rights in Africa' for government officials, civil society and lawyers was held from 23-25 November. The course focused strongly on strategies for litigation and advocacy / lobbying at national level.

**SOGIE Unit**  
(Sexual Orientation and Gender Identity and Expression Unit)  
CENTRE FOR HUMAN RIGHTS, FACULTY OF LAW, UNIVERSITY OF PRETORIA

Have you or someone you know suffered  
**DISCRIMINATION  
HATE SPEECH  
HARASSMENT**

We will help you for **FREE**  
We offer legal advice, facilitate mediation and may represent you in the Equality Court.

**COME AND CONSULT US AT NO CHARGE (WE ARE LOCATED ON THE UP HATFIELD CAMPUS)**

  **Centre for Human Rights**  
UNIVERSITY OF PRETORIA

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[www.chr.up.ac.za](http://www.chr.up.ac.za)

Participants came from the South African Human Rights Commission, the South African Police Service and the Ghana Police Force, the Mozambique judiciary, LGBTI organisations and mainstream CSOs in South Africa, Uganda and Namibia.

### Access to justice through the Equality Courts

An analysis of violence and discrimination cases pending with the South African Police was done with partner organisation OUT Wellbeing.

Groundwork for collaboration with the Pretoria High Court for support with the Equality Court was laid including addressing enrolment of equality court matters/cases and finding ways of helping the court to be more efficient with regard to equality court matters.

### Scholarship for LGBTI activists/human rights defenders

Through generous funding of the Royal Netherlands Embassy two students received the LGBT human rights defenders scholarship

to undertake master's degree studies in human rights at the Centre for Human Rights. Dumiso Gatsha (MPhil) from Botswana and Tapiwa Mamhare (LLM) from Zimbabwe graduated on 9 December 2016.

### Regional (African Union) and UN engagements

- LGBTI cluster report to the African Commission as part of a joint NGO Forum report to the African Commission at the 58th session (April 2016) that covered what rights are still violated on the continent, and what needs to be done.
- Statements read at the African Commission session
- Highlighting the continuation of violence and discrimination against LGBTI persons in Africa.
- Launch of 'Ending violence and other human rights violations based on sexual orientation and gender identity' report at the African Commission's 58th Session in April 2016.
- Appointment of UN Independent Expert

[www.chr.up.ac.za](http://www.chr.up.ac.za)



## Realising LGBTI Rights in Africa

Advocacy, training and action on the human rights of  
Lesbian • Gay • Bisexual • Transgender • Intersex persons

### WE STAND FOR AND WORK TOWARDS:

**Equality**

**Non-discrimination**

**Non-violence on the basis of real or imputed sexual orientation, gender identity and expression**

**Non-heterosexism**

**Hate-crime prevention and diligence in hate-crime prosecution**

**Legal aid for LGBTI victims of discrimination and violence**

**LGBTI empowerment through human rights education / LGBTI scholarships**



- on SOGIE as a result of consolidated effort where the CHR played a major part, including pressuring the government of South Africa to support the process.
- One three-day training of LGBTI activists on the African and UN human rights systems was carried out with 21 activists participating from South Africa, Uganda, Zimbabwe, Lesotho, and Namibia.



Participants at the SOGIE Unit's training on Sexual Minority Rights in Africa

## Business and Human Rights Unit

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 2016, the BHR Unit had three main activities: South32 Human Rights Awareness Training; BHR Short Course; and the African Coalition for Corporate Accountability (ACCA) General Assembly.

### South32 Human Rights Awareness Training

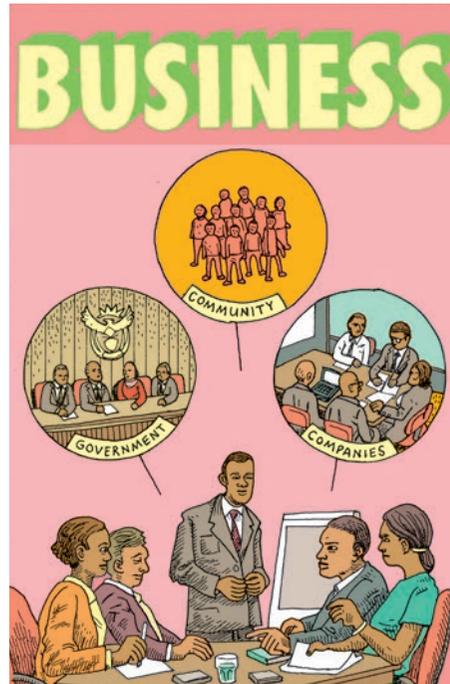
South32 is a globally-diversified metals and mining company with mining and production operations in bauxite, alumina, aluminium, energy and metallurgical coal, manganese, nickel, silver, lead and zinc in Australia, South America and Southern Africa. Formerly part of global giant mining company, BHP Billiton, South32 demerged from the company in 2015.

The Centre agreed to assist South32 to build the internal human rights capacity and raise awareness within the company around pertinent human rights issues. To this end, the BHR Unit developed materials for South32, and conducted capacity-building sessions at the South32 head office in Johannesburg, South Africa.

The training focused on human rights in the domestic (South African) context, as well as relevant international instruments and developments in the field of business and human rights, and more specifically security and human rights.

### Business and Human Rights Short Course

The Centre, with support from the United Nations Office of the High Commissioner for Human Rights (OHCHR), Regional Office for Southern Africa (ROSA), hosted its first short course on BHR in 2016. The announcement of the course attracted much attention, with



more than 200 applications from civil society, academia and government officials across Africa.

The short course brought together 40 participants from across the continent, with experts delivering lectures that included a general introduction on business and human rights; international business and human rights policy; introduction to judicial and non-judicial grievance mechanisms; a look at the African regional human rights system from a BHR perspective; introduction to illicit financial flows; and understanding the human rights implications of a project life cycle.

Feedback received from participants indicates that the BHR short course was a huge success, and the Centre is looking forward to hosting a similar course in 2017.

### ACCA General Assembly

The Centre is proud to host the ACCA, a coalition of more than 100 organisations working on BHR and corporate accountability around Africa. ACCA is an on-going initiative, and is supported by the Diemel Partners and the 11th Hour Project.

2016 was a particularly busy year for the ACCA. In January 2016 the ACCA Steering Committee (SC) convened in Nairobi, Kenya, to discuss internal matters of the ACCA, complete the development of norms and procedures for the coalition, as well as plan the ACCA General Assembly.

The ACCA General Assembly brought together more than 100 participants and was hosted by the University of Pretoria from 6 to 9 July

2016. The ACCA General Assembly consisted of substantive panel discussions around issues that include free, prior and informed consent (FPIC); access to remedies; a proposed treaty on business and human rights; and the use of video advocacy in corporate accountability work. The ACCA General Assembly also marked the launch of the new ACCA website ([www.accahumanrights.org](http://www.accahumanrights.org)) and the two substantive work streams for the ACCA, focusing on FPIC and access to remedies.

The ACCA is in the process of hiring consultants to assist with the two substantive work streams, and hope to develop reports on each of the two focus areas by 2017. The next ACCA SC meeting is scheduled to take place in early 2017 in Abuja, Nigeria, and dates for the 2017 General Assembly will be announced soon thereafter.





**ACCA**

**AFRICAN COALITION FOR  
CORPORATE ACCOUNTABILITY**

The African Coalition for  
Corporate Accountability

Working together to promote  
human rights

La Coalition Africaine  
pour la Redevabilité

œuvrer ensemble  
pour la défense  
des droits



**ACCA**

**AFRICAN COALITION FOR  
CORPORATE ACCOUNTABILITY**

[www.africanrights.org](http://www.africanrights.org)



**ACCA**  
AFRICAN COALITION FOR  
CORPORATE ACCOUNTABILITY

African Coalition on Corporate Accountability (ACCA)  
General Assembly

## Children's Rights Unit

The Children's Rights Unit is devoted to research in the field of children's rights on the African continent, advocacy for the promotion and protection of these rights, as well as capacity strengthening through various trainings offered to relevant stakeholders.

As part of its research work, the Children's Rights Unit has undertaken a study on the extent of implementation of the African Charter on the Rights and Welfare of the Child by African states in the following countries: Chad, Egypt, Kenya, Nigeria and South Africa. This initiative provides an overview of the human rights situation in the selected countries, with a focus on children's rights. This study is part of a larger project (Pan Africa State Accountability Project) coordinated by Plan International, with the Centre for Human Rights as a collaborative partner, and involving a significant number of civil society organisations devoted to advancing children's rights in Africa. The outcome of the study is presented in five country reports as well as an overview report which, together, provide solid evidence and pertinent recommendations to civil society organisations in their work of holding states accountable for the violation of children's rights.

These reports are in the process of being converted into peer-reviewed articles which will be published in various human rights journals in the course of 2017.

The Unit is in the process of applying for observer status with the African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee) in order to have an institutional presence at the Committee's sessions which are held twice a year. Advantages of observer status with the African Children's Committee, include access to various documents of the Committee; participation in meetings and closed sessions



of the Committee; making statements and proposals for the insertion of specific areas of interest to the Centre in the Committee's agenda. This initiative is part of a long-lasting and fruitful collaboration between the Centre and the African Children's Committee towards the advancement of children's rights on the African continent.

### Short course on children's rights

In the area of capacity strengthening, the Children's Rights Unit organised its fourth short course on children's rights in July 2016, in collaboration with the Advanced Human Rights Courses Programme (AHRC) of the Centre for Human Rights. Through this short course, a significant number of researchers and practitioners in the field of children's rights were trained and equipped to better carry out their mandate. This initiative also provides an important opportunity for networking.

### Advocacy Unit

Even though the Centre for Human Rights has for a long time been involved in advocacy efforts, it was not until January 2016 that the position of Advocacy Coordinator was officially created. This was done in recognition of the rapidly-growing relevance of video and other multimedia tools to the work that human rights

organisations do. As a result, an Advocacy Unit is gradually emerging from the Centre – one that is using new and creative ways to advance the human rights agenda and also to promote the impactful work of the Centre.

The advocacy work carried out in 2016 is divided into two categories, namely, campaigns and promotional activities.

### Campaigns

- 'Say No To Racism' (March 2016). This was a campaign undertaken to plug into Human Rights Day in South Africa. A campaign video was produced involving four students from the 2016 class of the HRDA Master's programme. The campaign called for an end to all forms of discrimination based on race or skin colour.
- 'Orlando Shooting Memorial' (June 2016). A video was created from the memorial event held for victims of homophobic acts in Orlando and across Africa. The video featured personal stories of victimisation and messages of solidarity with the LGBTI community.
- 'Say Amandla' (August 2016). A talk-show video was produced featuring students of the LGBTI clinical group, a gay actor and other students of the University of Pretoria. The show addressed issues of

discrimination against LGBTI persons and discussed the legal frameworks available to those who feel that their rights have been violated.

- 'Hair Identity' (September 2016). This was a photo campaign launched in response to a national debate sparked by discriminatory acts at the Pretoria High School for Girls. The campaign involved nine University of Pretoria ladies of different races who proudly wore their natural hair in their varying forms. The campaign was widely shared on social media with the hashtag #HairIdentity.
- 'Child not Bride' (October 2016). An advocacy video was made for the Gender Unit of the Centre to support a presentation in Banjul of its work around issues of child marriage.
- 'Bring Back the SADC Tribunal' (November 2016). A video was produced following the march across the streets of Johannesburg campaigning for the resuscitation of the SADC tribunal.

### Promotional videos

The following videos were made to create greater understanding of and publicity around certain projects and individuals connected to the Centre:

- HRDA Chronicles (Maushami Chetty, Novate Legal)
- LLM Trade and Investment Law in Africa
- 25th African Human Rights Moot Court Competition
- Disability Rights Law Schools Project
- The Centre's 30th Anniversary video

Visit the Centre's YouTube channel for these campaigns and other videos related to the Centre for Human Rights:

[www.youtube.com/centreforhumanrights](http://www.youtube.com/centreforhumanrights)



'Hair Identity' Photo Campaign  
(September 2016)

## Litigation Unit

The Centre, together with the Peace and Justice Initiative (PJI), submitted an *amicus curiae* brief in the matter concerning South Africa's failure to arrest and transfer President Al Bashir to the International Criminal Court (ICC) (*Minister of Justice and Constitutional Development & Others v Southern African Litigation Centre & Others* (CCT75/16)), and was a party ('supporting' respondent) in a case before the North Gauteng High Court, *Democratic Alliance v Minister of International Relations and Co-operation & Others* (Case 83145/16), in which the constitutionality and legality of South Africa's withdrawal from the Statute of the International Criminal Court was challenged. The Centre was represented in court proceedings by the Legal Resources Centre.

The Centre continued to follow up on cases decided by various African Union human rights bodies, in particular the case of *Shumba v Zimbabwe*, decided by the African Commission.

## Human Rights Clinics

The Centre runs a number of Human Rights Clinics, each of which aims to contribute to legal developments pertaining to human rights in Africa. The members of the clinics are students on the Centre's master's programmes who, through their work gain practical experience. This happens, for example, by preparing submissions in a case to be taken to an international court or preparing an *amicus* brief or preparing a shadow report on a specific theme. Each Clinic is coordinated by a staff member or doctoral student and linked to the Centre's various units. Thus while some students focus on overarching issues such as litigation, most join a clinic linked to a theme of particular interest to them such as gender, disability or business and human rights.



The Centre submitted an *amicus curiae* brief in the Al Bashir case



UN Special Rapporteur on the situation of human rights in Eritrea

## Support to UN Special Rapporteur on the Situation of Human Rights in Eritrea

This project aims to strengthen the capacity of the Centre for Human Rights in contributing to the academic discourse and concrete direct action regarding the situation of human rights in Eritrea with a view to advocating for improvement to the enjoyment of human rights in the country. In this regard, the Centre provides some support to the UN Special Rapporteur on the situation of human rights in Eritrea (Special Rapporteur) as she delivers independently on her mandate.

This involves primarily monitoring human rights developments in Eritrea, including maintaining an overview of human rights and political developments in the Horn of Africa, through daily desktop research. As information within Eritrea is controlled and limited, it is necessary to keep monitoring online news resources to keep abreast of the situation of human rights in Eritrea. The information derived is then recorded in a database to track improvements or progress realised in the situation of human rights in Eritrea. This activity allows the Centre to seek redress and remedies for victims of human rights violations, to comment on policies impacting on human rights to so as to aim at changes in the law and practices to ensure that these are consistent with international standards, and to put pressure on the government to comply with its treaty obligations and, finally, to raise public awareness.

Some students on the LLM/MPhil (HRDA) programme participated in the Eritrea Clinic and provided some support to the Special Rapporteur, mainly in the form of research on specific areas relating to human rights in Eritrea and accountability for international crimes, following the findings of the Commission of Inquiry on Eritrea that the authorities have been involved in crimes against humanity in Eritrea when they took control of the country in 1991.

THE CENTRE  
RUNS A NUMBER OF  
HUMAN RIGHTS CLINICS,  
EACH OF WHICH AIMS  
TO CONTRIBUTE TO  
LEGAL DEVELOPMENTS  
PERTAINING TO HUMAN  
RIGHTS IN AFRICA.

### Unlawful Killings Unit (Support to the UN Special Rapporteur on Extrajudicial, Killings and Arbitrary Executions)

The Unlawful Killings Unit was established in 2014 to research the incidence of unlawful killings across the African continent, based in the Centre for Human Rights and the Institute for International and Comparative Law in Africa. Unlawful killings, in this context, include any killings that violate the right to life and hence are contrary to international law.

It was with a view to developing greater conceptual clarity about what constitutes an unlawful killing that the Unit provided technical assistance to the African Commission in the production of its General Comment 3 on the Right to Life (<http://www.achpr.org/instruments/general-comments-right-to-life/>). The General Comment was adopted in 2015, but in 2016 the Unit has been supporting its wider dissemination, both through public events at the sessions of the Commission and through its translation into all AU official languages.

The Unit's work has historically had three core elements: first to collate information and reports from international, governmental, non-governmental and media sources about such events, and acting as a kind of clearing house for information on violations of the right to life; second to investigate the causes and constraints of the incidence of unlawful killing and to conduct research into mechanisms for better practice; and third to engage other actors in the field, including the UN, the AU and other international human rights and governance organisations.

In 2016, the Unit's work focused largely on accountability processes.

Its participation in a long-term investigation into the potential for national commissions of inquiry to advance accountability for right to life violations led to research visits to the sites of six commissions – in Chad, Burkina Faso, Kenya, Malawi, South Africa and Nigeria. Each case study will now be developed into a chapter of a book being produced by the researchers

The question of how non-state actors can be held accountable was addressed in the 2016 thematic report of the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions to the Human Rights Council, for which the Unit provided support. This report examined the role of private security providers in law enforcement contexts, highlighting in particular the challenges of accountability.

Meanwhile, a broader project at the UN level was nearing its completion – the revision of the 'Minnesota Protocol' on the investigation of suspicious deaths. This process was largely conducted through meetings of Working Groups and an Advisory Panel in Geneva, but the Unit is looking forward to continuing this work, which overlaps with forensic science, both practically at the University of Pretoria and as a question of policy in its engagement with the African Commission.

## African Commission on Human and Peoples' Rights



### GENERAL COMMENT NO. 3 ON THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS: THE RIGHT TO LIFE (ARTICLE 4)

## Memorial Lectures

### Helen Kanzira Memorial Lecture

The Centre for Human Rights instituted this annual lecture to focus attention on maternal health issues in Africa and to underscore the maternal health crisis across the world, where 830 women die daily from preventable child birth complications.

On 31 March 2016, this lecture was held in Accra, Ghana, in conjunction with the Faculty of Law, University of Ghana.

Ms Benice Sam, a women's rights advocate, presented this lecture, with a keynote address titled 'Protecting women's reproductive rights in Africa: A moral or legal obligation'.



## *Julius Osega* MEMORIAL LECTURE 2016

### Julius Osega Memorial Lecture

The Centre for Human Rights instituted this annual lecture to stimulate debate and discussion on issues pertinent to democratisation and human rights in Africa. Named for an alumnus of the Centre killed on a peace-keeping mission in Darfur.

On 29 July 2016, this lecture was held in Nairobi, Kenya, in conjunction with the Faculty of Law, University of Nairobi. Kenya has produced many human rights defenders who have paid the ultimate price for their outstanding efforts in defence of the weak in society, such as Oscar Kingara, John Paul Oulu, Willy Kimani and the Kenyan police force officers who died in the line of duty in the Westgate Mall and Garissa University attacks.

Prof Yash Pal Ghai, a renowned international law professor, presented this lecture.



## *Helen Kanzira* MEMORIAL LECTURE 2016





## Fostering Human Rights among European (External and Internal) Policies (FRAME)

FRAME brings together 19 universities and human rights institutes, mainly from the European Union, Egypt, China, India, Peru, South Africa and the United States, to investigate the role of the European Union in the protection of human rights.

FRAME is a four-year project launched in 2013. The Centre for Human Rights participates in six work packages dealing with challenges and factors; underlying conceptions; institutions and instruments; engagement with multilateral organisations; bilateral co-operation; and development and trade. The research at the Centre for Human Rights is focused on EU relations with South Africa, EU bilateral relations with other African states and its relationship with the African Union and other African inter-governmental organisations. Researchers at the Centre for Human Rights contributed to nine FRAME reports during 2016.

FRAME reports are published on [www.fp7-frame.eu/](http://www.fp7-frame.eu/)

## Other activities

During 2016 the Centre celebrated 30 years of its existence and a number of extra activities were organised to celebrate this milestone.

### Welcoming of Johann van der Westhuizen

Justice Johann van der Westhuizen retired from the South African Constitutional Court at the end of February 2016, after having served his term of 12 years. Johann returns to the Centre as it celebrates 30 years of its existence.

On 15 March 2016, honouring his term at the Court and welcoming him back as extraordinary professor, the Centre hosted a forum 'Realising human rights in life and law: Reflections on the Constitutional Court term of Justice Johann van der Westhuizen'.

The event was attended by judges of the Constitutional court, members of the civil society, the University community and students.

Justice Yacoob spoke in celebration of Justice Van der Westhuizen's time at the Court. Beyond displaying great technical competence, he

praised Justice Van der Westhuizen's integrity and especially his humanity. He was a great judge because he is a great human being and a consummate non-racialist.

Justice Khampepe referred to a speech Justice Van der Westhuizen had made, in which he identified 'seven commandments' for judicial excellence. She then measured his own performance against these yardsticks. As for personal integrity, and excellent work ethic, she contended that 'the record speaks for itself'. She then focused on the third requirement, intellectual rigour, and remarked on how Justice Van der Westhuizen always spotted and called out 'the elephant in the room'. He was the one who consistently asked probing questions, which then 'found their way into every other judge's nightmares'. She described him as an intellectual maverick, who is able to answer his own complex questions with great flair.

She also lauded his independent thinking, linked to his intellectual prowess. He also espoused the values of the Constitution – both in his professional endeavours, but also – and particularly – in his personal life. His humanity is a distinguishing characteristic. But above all,

his sense of humour endeared him to the other judges.

He was often able to diffuse tense situations with a bit of laughter. She also quoted from some of his judgments to illustrate how he engaged in the seriousness of constitutional adjudication with a twinkle in the eye. In her view, his probing questions invariably led to better-reasoned judgments.

His judgments are also often an enjoyable read, crisp and in the style of a phenomenal storyteller.



Justice Johann van der Westhuizen  
at his welcoming forum

## Celebration of Africa Day by reflecting on the South African Constitution at 20

The Constitution of the Republic of South Africa, 1996, a symbol of a transformative South Africa emanating from a deeply-divided society, was adopted on 8 May 1996. On 25 May 2016, the Centre for Human Rights celebrated Africa Day, as well as the 20-year existence of the Constitution, as part of a series of events commemorating the Centre's establishment 30 years ago, in May 1986.

On Africa Day 2016, seven guest speakers made presentations as part of a discussion forum 'By, For and Of Africa? Reflections on the South African Constitution at 20'.

The presenters took different and thought-provoking positions on the Constitution, its 'African-ness' and its impact.

In addition to Justice Van der Westhuizen, Justice Yacoob and Dr Motshekga, the following speakers made presentations: Dr Frene Ginwala, first Speaker of the National Assembly; Professor Sandy Africa of the Department of Political Sciences at the University of Pretoria; and Dr Alfredo Tjiurimo Hengari of the South African Institute of International Affairs.

The Chairperson of the Tanzanian Commission for Human Rights and Good Governance, Advocate Bahame Tom Nyanduga, presided over a session and provided some introductory thoughts.



**First Speaker of the National Assembly, Dr Frene Ginwala, at the Africa Day celebration**

ON AFRICA DAY 2016,  
SEVEN GUEST SPEAKERS  
MADE PRESENTATIONS  
AS PART OF A  
DISCUSSION FORUM  
'BY, FOR AND OF AFRICA?  
REFLECTIONS ON THE SOUTH  
AFRICAN CONSTITUTION AT 20'.

### Discussion on electoral reform, pointing to more fundamental problems than changing the electoral system

The possibility of reforming South Africa's national electoral systems was the topic of discussion at an event co-organised by the Centre for Human Rights, University of Pretoria, and the Centre for Constitutional Rights. The topic was very timely, in the wake of local elections in 2016, with ANC Secretary-General Gwede Mantashe calling for a debate about the desirability of proportional representation in the electoral system.

The discussion, which took place over breakfast at the University of Pretoria on 16 August 2016, considered the theme 'The South African electoral system: Time to revisit the Van Zyl Slabbert report?'

The panel discussion was moderated by Advocate Pansy Tlakula, former Chairperson of the Independent Electoral Commission (IEC) and current Chairperson of the African Commission on Human and Peoples' Rights. The panellists were Justice Johann Kriegler, another former Chairperson of the IEC and former judge of the Constitutional Court, and Ms Raenette Taljaard, former commissioner of the IEC.

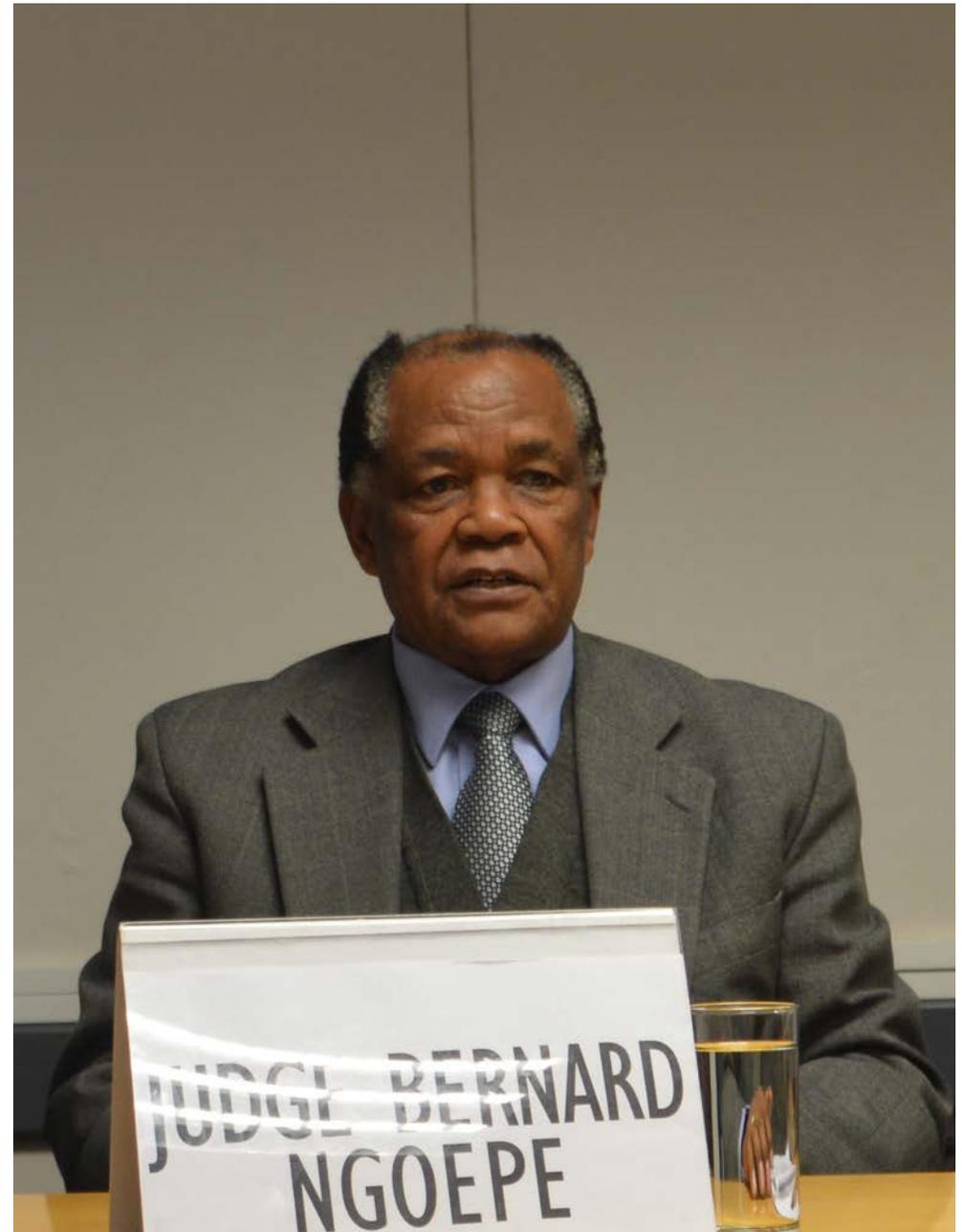
### Africa Human Rights Court celebrates 10 years at the Centre for Human Rights

Justice Bernard Ngoepe, the first and only South African to have served as a judge on the African Court on Human and Peoples' Rights (African Human Rights Court), had lamented the lack of knowledge, awareness and interest among South African lawyers and the public, more generally, of this Court.

The African Human Rights Court, the principal judicial organ of the African Union, commemorated 10 years of existence in 2016.

Judge Ngoepe had made his remarks at an event hosted by the Centre on 4 August 2016, during which a panel reflected on the accomplishments and challenges of the Court's first decade.

Other panellists were Prof Wessel le Roux (UWC) and Dr Gina Bekker (Ulster University, Northern Ireland). Doctoral students at the Centre provided an overview of cases.



Justice Bernard Ngoepe speaking at the celebration of 10 years of the African Human Rights Court

### Planting trees in Winterveld to celebrate Arbor Week

On 2 September 2016 the Centre for Human Rights planted trees to celebrate Arbor Week, which is held every year during the first week of September. Planting a tree is one of many ways in which we can build a sustainable environment and care better for our world. Centre staff travelled to Ya Bana Village for Children in Winterveld, North West of Pretoria, a place of safety for some 36 children. The children are cared for by house mothers in a set of beautiful homes on a vast well-kept ground. Centre staff were privileged to meet the founders and staff of Ya Bana Village and observe the remarkable work they accomplish each day.



Centre for Human Rights staff members celebrating Arbor Week at the *Ya Bana Village for Children* in Winterveld

### Colloquium on unmet adolescent sexual reproductive needs in the African region: What can human rights do?

The Centre for Human Rights hosted a colloquium on adolescent sexual and reproductive rights. The colloquium, which focused on the theme of unmet adolescent sexual and reproductive needs in the African region, 'What can human rights do?' was part of scholarly activities celebrating the Centre's 30th anniversary. The papers presented at the colloquium will be developed into articles which will be published in 2017.



Dr Grace Kamugisha at the 30/30 Colloquium

### 30/30 Colloquium: How far have we come; where do we go from here?

During 2016, the Centre for Human Rights, University of Pretoria, celebrated its 30th anniversary, coinciding with the entry into force of one of the most important human rights treaties on the continent, the African Charter on Human and Peoples' Rights.

It was also the African Union's Year of Human Rights (with a focus on women's rights) as well as the 20th anniversary of the South African Constitution.

On 8 December 2016, the Centre hosted a 30/30 Colloquium, to celebrate the co-existence and convergence over the 30 years of the Centre and the African human rights system.

### Panel discussion on Rwanda's withdrawal of declaration accepting direct access to African Human Rights Court

On 11 March 2016, the Centre for Human Rights held a panel discussion on the legal and political consequences of Rwanda's withdrawal of its declaration under article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (African Court Protocol), which provides for the right of individual access to the African Court on Human and Peoples' Rights (African Human Rights Court).

The panel discussion consisted of Professor Frans Viljoen, Director of the Centre; Professor Dire Tladi, Professor, Department of Public Law, Faculty of Law, University of Pretoria and a member of the International Law Commission; and Professor Michelo Hansungule, Professor, Centre for Human Rights; and legal counsel in two of the cases against Rwanda submitted to the Court.

All African Union member states (except South Sudan) are party to the African Charter, and therefore accept the competence of the African Commission on Human and Peoples' Rights. Of these states, 30 have accepted the African Human Rights Court's jurisdiction to hear and decide complaints by individuals (by ratifying the African Court Protocol). Individuals in these states may not approach the Court directly, but may submit cases to the Commission. The Commission may, in turn, refer the case to the Court. Eight of the 30 states have accepted the optional and exceptional procedure of allowing individuals direct access to the Court (by making a declaration under article 34(6) of the Court Protocol). Article 34(6) reads as follows: 'At the time of the ratification of this Protocol or any time thereafter, the State shall make a declaration accepting the competence



**Professor Dire Tladi at the Panel Discussion on Rwanda's withdrawal of declaration accepting direct access to African Human Rights Court**

of the Court to receive cases under article 5(3) of this Protocol. The Court shall not receive any petition under article 5(3) involving a State Party which has not made such a declaration.'

The meeting reached consensus that, whatever the legality of the withdrawal by Rwanda of its declaration under article 34(6), its effect cannot be to exclude from the Court's jurisdiction any case that has been submitted to the Court before the withdrawal has become effective. It therefore seems quite clear that the main objective of the withdrawal of Rwanda, namely, to escape from the Court's jurisdiction in respect of the six cases pending before the Court, cannot be attained. For future cases, assuming that Rwanda's withdrawal is valid, the individuals affected can still submit cases to the Commission, which may in its discretion still refer these cases to the Court. In other words, by not undoing its ratification of the Court Protocol, Rwanda is still accepting the jurisdiction of the Court, but only in respect of cases referred to it indirectly by the Commission. In other words, despite the withdrawal of the article 34(6) declaration, Rwanda still accepts individual access albeit only indirectly.

### Co-hosting consultation on Malabo Protocol

A consultation on the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (Malabo Protocol) of the African Union was hosted by the Centre, together with the Foundation for Human Rights, Amnesty international, the Southern Africa Litigation Centre, Lawyers for Human Rights, and Southern Africa Liaison Office, titled 'Understanding the Malabo Protocol: The potentials, the pitfalls and the way forward for international justice in Africa'. The consultation was held in Pretoria on 7 and 8 November 2016, primarily with representatives of civil society organisations from across the continent concerned with mass atrocity crimes.

### Lecture on academic freedom commemorating the life of Professor Gilles Cistac

The University of Pretoria joined the Scholars at Risk (SAR) network last year. SAR is an international network of over 250 academic institutions in 30 countries organised to support and defend the principles of academic freedom and to defend the human rights of scholars around the world. In an on-going attempt to raise awareness of the importance of academic freedom, the Centre on 18 April 2016 hosted a public lecture on 'Academic freedom in Africa under attack: A tribute to Professor Gilles Cistac'. Prof Gilles Cistac was a Law Faculty member at Universidade Eduardo Mondlane, Maputo, Mozambique. A critic of government practises, he was assassinated in 2015. The lecture was delivered by a scholar from one of the Centre's partners on the Master's programme, Dr Kwadwo Appiagyei-Atua, Senior Lecturer, Faculty of Law, University of Ghana.

# PUBLICATIONS

Regular publications and the Pretoria University Law Press (PULP)

## Regular Publications

The Centre has a strong focus on research and publications.

The Centre's regular publications are:

### African Human Rights Law Journal

*African Human Rights Law Journal*, edited by Frans Viljoen, Magnus Killander, Annelize Nienaber, Solomon Ebovrah and Tshepo Madlingozi. During 2016 two volumes were published as on-line open-access publications. The Journal enjoys accredited status with the Department of Education and is included on the IBSS.

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 2016, are available in a searchable format, on [www.ahrj.up.ac.za](http://www.ahrj.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 2016 two volumes appeared, in June and December, with a total of 28 articles.

### 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

The *African Disability Rights Yearbook* (ADRY) has appeared since 2013. The convening editor is Prof Charles Ngwena, with Prof Ilze Grobbelaar-Du Plessis (Department of Public Law, University of Pretoria), Prof Helene Combrinck (University of the Western Cape) and Prof Serges Kamga (University of South Africa). Another issue of the ADRY appeared in 2016.

### Pretoria University Law Press (PULP)

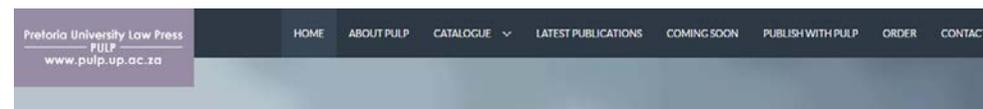
The Pretoria University Law Press (PULP), an independent press based at the Faculty of Law and housed in the Centre for Human Rights, seeks to strengthen the rule of law and promote legal scholarship on the African continent by publishing primary materials and scholarly texts on law and its related disciplines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

In keeping with PULP's access to information policy, all books are available online in electronic format at no charge. PULP also launched a new website in 2016 which is fully searchable in keeping with the open-access policy ([www.pulp.up.ac.za](http://www.pulp.up.ac.za)).

PULP now publishes six law journals – the African Human Rights Law Reports; Pretoria Student Law Review; Botswana Law Reports; the first open-access law journal of the Faculty of Law, De Jure; the African Human Rights Law Journal; and the African Disability Rights Yearbook, which are open-access.

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- *The harmonisation of rules on the recognition and enforcement of foreign judgments in the Southern African Customs Union*
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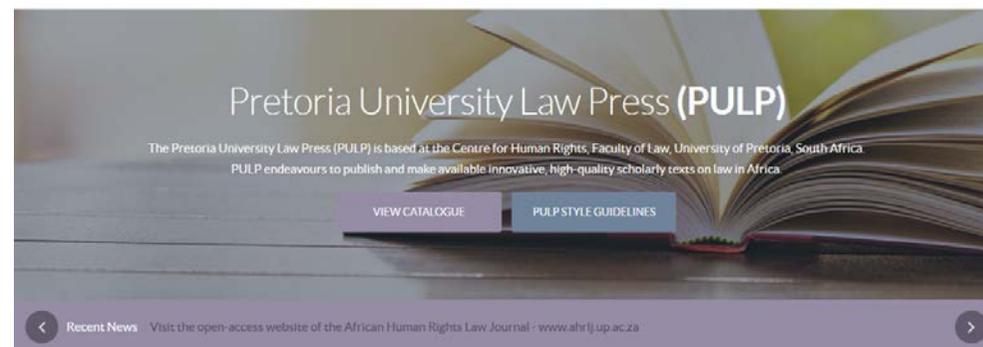


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([WWW.PULP.UP.AC.ZA](http://WWW.PULP.UP.AC.ZA)).



The Centre for Human Rights hosted its 30th Anniversary Gala Dinner on 8 December 2016

## INTERNATIONAL DEVELOPMENT LAW UNIT (IDLU)

Promoting policy-oriented legal research on international development law topics

### International Development Law Unit (IDLU)

In pursuit of the research mandate of IDLU, in 2016, Prof Danny Bradlow continued to develop the two research projects that he started in 2015.

The first is focused on global economic governance, while the second project is focused on business and human rights. These projects are being developed with the intention of developing projects that include both research and more practical components.

During the year the following programmes/workshops and meetings were organised by IDLU:

- On 29 February, the Unit hosted as a Guest Speaker, Dr. Marcos Orellano, Director, Human Rights and Environment Programme, Centre for International Environmental Law (CIEL) where he talked about 'The Paris Agreement on Climate Change: A Landmark in the progressive integration of human rights and the environment'.
- On 15 March, IDLU, in collaboration with the South African Institute of International Affairs, organised a roundtable discussion on 'Business Perspectives and the Human Rights Responsibilities of Business' University of Witwatersrand, Johannesburg.
- On 30 August, in collaboration with the South African Institute of International Affairs, IDLU organised a meeting on the topic 'From Dream to Reality - How Finances Serve the Economy, and How Not'. It was addressed by Dr. Andreas Dombret, member of the Executive Board of the Deutsche Bundesbank.

- On 18 October an informal lunch meeting with two international scholars on a visit to UP was held. They were:

- Professor Claudio Grossman, former Chair of the UN Committee Against Torture and Dean, American Washington College of Law who talked about the current state of the Convention against Torture and the work of the UN Committee against Torture.

- Professor David Hunter, Director, International Legal Studies Programme, American University Washington College of Law who talked about the current litigation strategies in the New York Courts and in other Courts around the World dealing with Climate Change.

- A 2-day Workshop on 'Hard and Soft International Law and Social Change' was organised by the Unit from 19 to 20

October. The participants in the workshop were Professors David Hunter, Claudio Grossman, Robert Dinerstein (American University), Danny Bradlow, Ann Skelton, Christof Heyns (University of Pretoria), Sheldon Leader (University of Exeter), Nikki Reisch (New York University), and Ms Patricia Lambert (Campaign for Tobacco-Free Kids). Doctoral students with IDLU also participated in the workshop.



Prof Danny Bradlow, Thandeka Rasetsoke and Dr Olufemi Soyaju  
from the International Development Law Unit (IDLU)

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Geneva Academy
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Retired Senior University Executive and Professor of Law, South Africa

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Financial contributions of these institutions are gratefully acknowledged:

- 11th Hour Project
- ABSA
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- Deutscher Akademischer Austausch Dienst (DAAD)
- European Union
- Fidelity Charitable Gift Fund
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- National Research Foundation (NRF)
- 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 Switzerland to the United Nations at Geneva
- Permanent Mission of Ireland to the United Nations at Geneva
- Plan International
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- Royal Norwegian Embassy in South Africa
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- Sonke Gender Justice Network
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**Ms Geraldine Reymenants**  
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