



# CHR ANNUAL REPORT 2023



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA



Centre for  
Human Rights  
UNIVERSITY OF PRETORIA

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that we are all directors,  
and the Centre is our  
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come to bear.**



## 2023 ANNUAL REPORT, DIRECTOR'S MESSAGE

Dear friends of the Centre,

We are honored by your interest in our work. This report provides a detailed account of the key activities that we undertook in the course of 2023. This report demonstrates our continued commitment to the advancement of human rights protection especially in the African context. We continued to pursue our mission through excellence in academic teaching and learning, research and publication, and advocacy to advance the promotion and protection of human rights. The need for these interventions is immense, especially in the African context where the capacities of key human rights actors to pursue implementation and accountability for human rights protection is greatly constrained. Against a background of the shrinking resource basket and competing needs, the contribution of the Centre to the advancement of human rights and democracy remains an invaluable investment.

The academic programmes of the Centre continued to excel, producing world class human rights and democracy advocates with the skills to lead the change we need to navigate the human rights challenges of our times. The Centre also continued to produce high numbers of doctoral graduates, who contribute to knowledge and add an African voice to the human rights discourse on human

rights. In 2023, the Centre reached hundreds of law students through the Christof Heyns African Moot and the Nelson Mandela World Moot competitions, and hundreds of other human rights professionals through the advanced human rights short courses. Collectively, these initiatives bolster the capacities of key stakeholders to advance and demand accountability for the realization of human rights in the region. The ongoing engagements with policy makers, public officials and civil society through our Units as documented in this report made it possible to sustain dialogue and facilitate evidence and learning to ensure that human rights commitments are respected.

One of the most significant markers of the year for us was a transition in leadership. In 2023, the long serving Director of the Centre, Prof. Frans Viljoen, stood down from the role. This paved way for my appointment as the Acting Director. I stepped into this role with a lot of trepidation, especially being fully aware of the vast responsibility of safeguarding the Centre's credibility in human rights education and advocacy in Africa and beyond. There is no doubt that I stepped into very big shoes. In the course of my time as the Acting Director, I benefited from incredible support and good will from friends, partners and colleagues near and far. Our mantle in 2023 has been that we are

all directors, and the Centre is our shared responsibility. The smooth transition, and continued excellence in the work of the Centre is the testament that indeed, this mantle has come to bear.

In the midst of a busy year, some developments left a particularly deep mark on us. On the 21<sup>st</sup> of January 2023, our brother and fellow human rights defender was savagely murdered at his home in Kingdom of Eswatini. Mr. Thulani Rudolf Maseko, a fearless advocate for human rights and democracy in the Kingdom of Eswatini, was killed for what we believe is his relentless advocacy for democracy and human rights in the country. He had remained steadfast in the call for respect for human rights and democratic governance in his country, even in the face of severe persecution, including unjust imprisonment. Thulani was an alumnus of the Centre, from the Human Rights and Democratisation in Africa class of 2005. We continue to mourn his death, and commit to pursue justice for his murder, and the continuation of the causes for which he paid the ultimate price.

2023 also marked 20 years of the adoption of the Protocol to the African Charter on Human and Peoples' Rights, on the Rights on of Women in Africa. The Protocol is rightfully hailed as a trail blazer in the

protection of women's rights. At a minimum, it brought the question of women's equality into the political and governance alleys of the African Union, with trickling effect to the national levels. While it's ambitious goals are yet to be achieved, a lot of progress has been made. The Centre joined other women's rights advocates across the continent to take stock of the successes and challenges since its adoption, and to adopt directions for the future. One highlight to mark this milestone was the Centre's publication of a Commentary on the Maputo Protocol, as well as a book on its implementation in various African countries.

2023 was indeed an eventful year. As we reflect on the many events and achievements documented in this report, I wish to extend my and the team's appreciation to everyone who made the year successful and fruitful for the Centre.

We thank you for your support.

Sincerely

*Prof. Nkatha Murungi*



# CENTRE GOVERNANCE

The Centre, being an academic department in the Faculty of Law, University of Pretoria, reports to the Faculty Board, and through the Faculty Board, to the Senate of the University.

In addition to reporting to the Faculty Board, the Centre also has an Advisory Board. In 2023 the Board consisted of **Justice Johan Kriegler; Justice Johann van der Westhuizen; Mr. Edourd Jacot-Guillarmod, Prof. Sylvia Tamale; and Dr. Orquidea Massarongo-Jona.** The Dean of the Law Faculty, **Prof. Elsabe Schoeman** was on ex-officio member

## LEADERSHIP TRANSITION IN THE CENTRE

In 2023, the Centre went through a major leadership transition. Professor Nkatha Murungi was appointed as Acting Director, after the long-serving Director, Professor Frans Viljoen, stepped down at the end of July. Prof. Viljoen had been the Director of the Centre since 2007, staying in the role for an incredible 16 years. Prof. Viljoen proceeded on a sabbatical for the rest of 2023.

The transition was a monumental development in the life of the Centre since his tenure had marked significant expansion and growth of the Centre in all aspects including academics, programmes and advocacy. Professor Murungi is a seasoned human

rights advocate and researcher, with a focus on children, disability, women and sexual and reproductive rights. She had served as the Centre's Assistant Director, since 2018, and had been active in policy advocacy and development in the African region, particularly on the rights of vulnerable groups including children, women and persons with disabilities for more than 15 years. She brought extensive advocacy, project management, and fund-raising experience, garnered in a career spanning the private sector, non-governmental organisations and academia, at national, regional and international levels.

## CENTRE MANAGEMENT & OPERATIONS TEAM

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

The management team (as Executive Committee) had overarching strategic and operational responsibility for the day-to-day needs of the Centre:

**Director:**  
**Professor Frans Viljoen** (up to July 2023)

**Assistant Director (Programmes) and Acting Director (starting in August 2023):**  
**Professor Nkatha Murungi**

**Assistant Director (Operations):**  
**Lloyd Kuveya**

**Financial Manager:**  
**Samuel Chamboko**

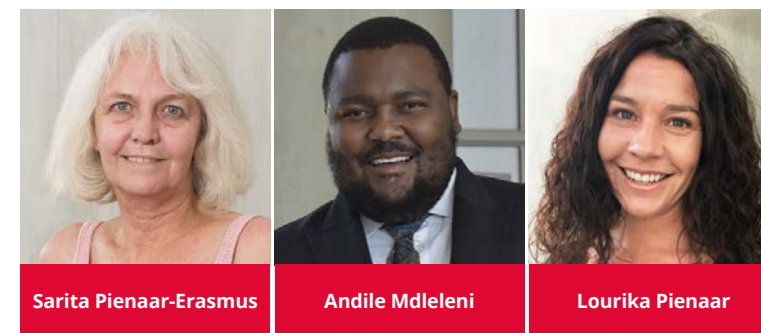
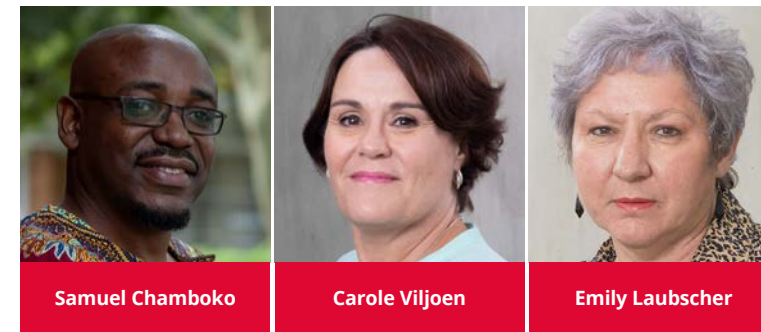
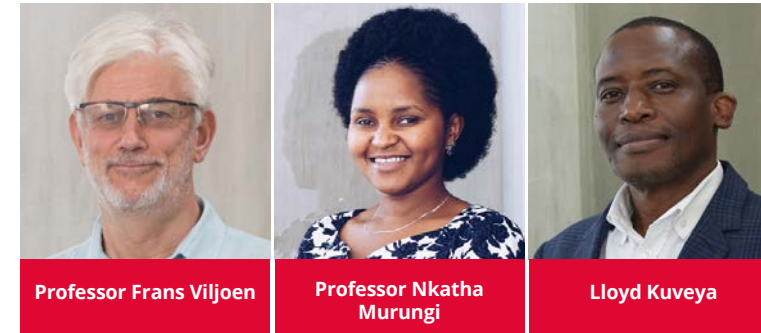
**Office Manager:**  
**Carole Viljoen**

The management was assisted by the following core team:

**Assistant Financial Managers:** **Emily Laubscher** and **Sarita Pienaar-Erasmus**

**Communications and Advocacy Manager:**  
**Andile Mdleleni**

**Webmaster:**  
**Lourika Pienaar**



## OFFICE MANAGER

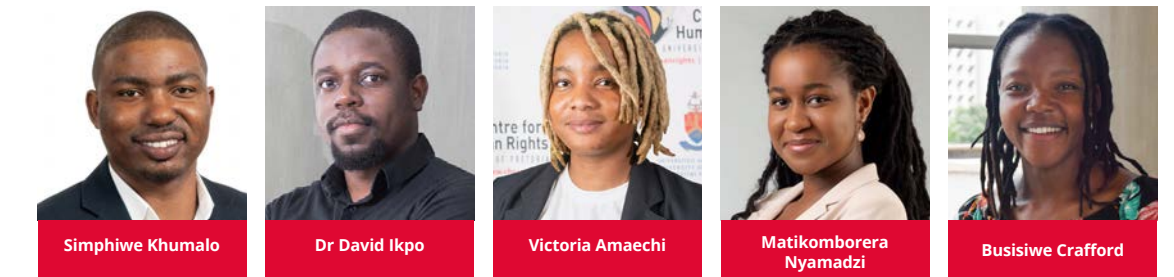
**Carole Viljoen** has long been and in 2023 was the Centre's "Office Manager", a title that does not begin to capture the many ways in which Carole supports Centre staff in their managerial and administrative tasks.

## FINANCIAL SECTION

The financial team ensures that the Centre's financial management is impeccable. **Samuel Chamboko**, the Financial Manager, has in 2023 worked together with two Assistant Financial Managers, **Emily Laubscher** and **Sarita Pienaar-Erasmus**, to ensure that the Centre received audit reports without any blemish.

## COMMUNICATIONS AND ADVOCACY SECTION

The Communications and Advocacy team fulfils the critical role of presenting the Centre's operational endeavours to a broader spectrum of stakeholders. In 2023, **Andile Mdleleni** served as the Manager of Communications and Advocacy, supported by a team comprising **Simphiwe Khumalo**, **Dr David Ikpo**, **Victoria Amaechi**, **Matikomborera Nyamadzi**, **Lourika Pienaar**, and **Busisiwe Crafford**.



The Communications and Advocacy team is intricately involved in all of the Centre's undertakings. Its primary objective is to provide communication assistance for events organised by the Centre and to disseminate information concerning the Centre's advocacy initiatives, research findings, and human rights educational programs.



This objective is achieved through the continuous updating of the Centre's main websites ([www.chr.up.ac.za](http://www.chr.up.ac.za)) and other affiliated websites ([www.icla.up.ac.za](http://www.icla.up.ac.za), [www.pulp.up.ac.za](http://www.pulp.up.ac.za), [www.accahumanrights.org](http://www.accahumanrights.org), [www.ahrlj.up.ac.za](http://www.ahrlj.up.ac.za), [www.adry.up.ac.za](http://www.adry.up.ac.za)), the team also managed photography, video production, design, content management and podcast production and its various social media platforms.

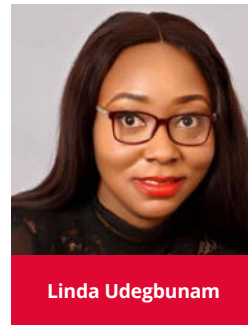
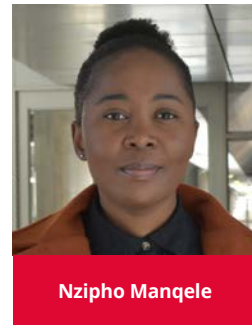
The intended audience encompasses a diverse array of stakeholders, including governmental

and non-governmental entities, scholars, researchers, students, activists, and members of the general public.

During the year 2023, the Centre for Human Rights embarked on the **#GreenJustice**. The campaign focuses on the impact of climate change in Africa, through the lens of the existing degeneration of the fulfilment of the human rights of the most vulnerable.

## MONITORING AND EVALUATION

**Nozipho Manqele** for most of 2022 held the position of Coordinator of Monitoring and Evaluation. She left the Centre at the end of October to become a Researcher with the Gauteng Legislature. During the first half of 2022, **Linda Udegbumam**, who completed her doctorate in 2022, assisted with monitoring and evaluation, in particular in respect of the Advanced Human Rights Courses.



# ACADEMIC PROGRAMMES

## DOCTORAL (LLD/PHD) PROGRAMMES

More than 50 students were registered for the LLD or PhD (on human rights-related topics) with supervisors in the Centre. **Professors, Charles Ngwena, Charles Fombad, Magnus Killander, Nkatha Murungi, Frans Viljoen, Dr Ashwanee Budoo** and **Dr Michelle Maziwisa** acted as doctoral supervisors, together with **Professor Stuart Casey-Maslen** and **Dr Thomas Probert** (in respect of ICLA students).

In 2023, a second two-day off-campus doctoral retreat was held, aimed at accelerating student progress, increasing solidarity among doctoral candidates, and further cultivating a community of engaged scholars. The doctoral retreat was attended by 30 candidates and a number of supervisors and external experts.

# The following 13 doctoral candidates graduated during the 2023 calendar year:

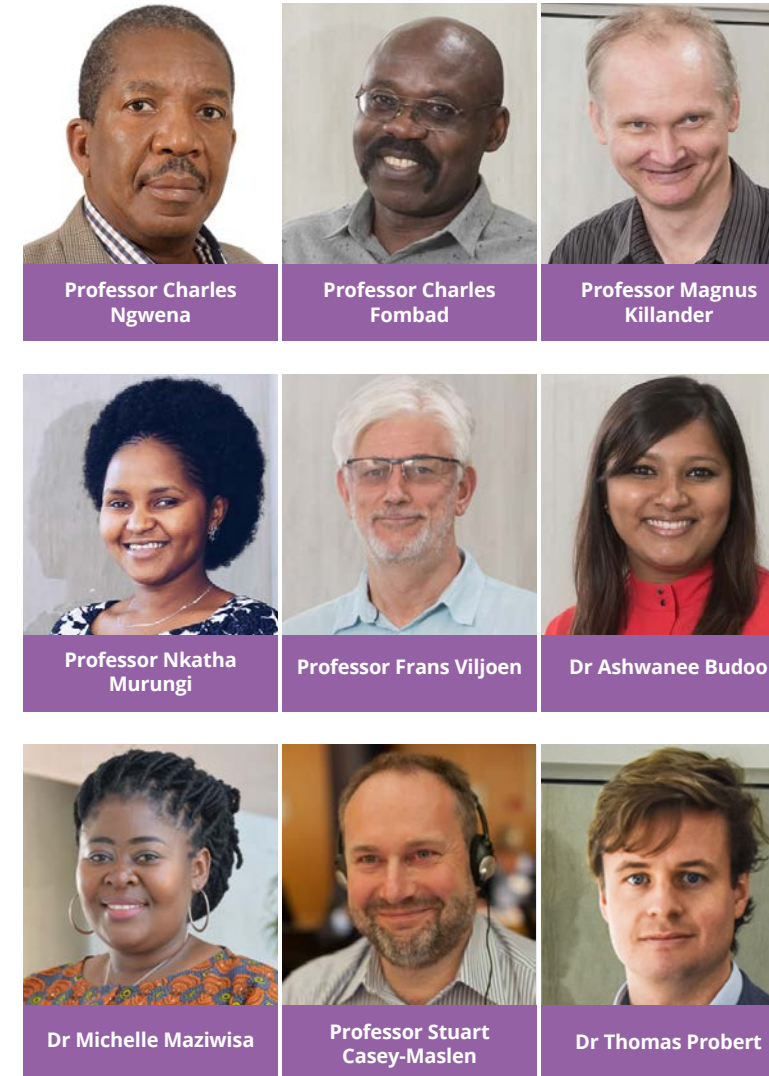
**Banda, Landilani** 'Heterosexual nationalism and the mischaracterisation of the anti-sodomoy laws in Zambia' **Supervisor: Prof F Viljoen**

**Basimanyane, Dorcas** 'Towards a rights-based regulation of mobile technology and internet in Africa: The case of South Africa and Uganda' **Supervisor: Prof M Killander**

**Enigbokan, Omotunde** 'South Africa's implementation of human rights law on the right to acquisition of nationality' **Supervisor: Prof M Killander**

**Gandi, Dumisani** 'Evaluating the relationship between body-worn cameras and more accountable or effective policing in South Africa: A critical examination of theory, policy and practice from an international human rights law perspective' **Supervisor: Dr T Probert**

**Ikpo, David** 'Using indigenous storytelling and African Commission soft law in Nigerian law classrooms to advance queer rights' **Supervisor: Prof F Viljoen**



**Juma, Paul** 'Unfitness declarations and participation of persons with psychosocial disabilities in Kenya's criminal justice system: Beyond the social model' **Supervisor: Prof C Ngwena**

**Kilonzo, Josephat** 'A rights-based approach to disarmament, demobilisation and reintegration (DDR) in countering violent extremism in Africa' **Supervisor: Prof S Maslen**

**Mokoena, Crystal** 'The protection of indigent widows' rights to social assistance in South Africa' **Supervisor: Prof A Budoo; co-supervisor: Prof A Jegede**

**Moma, Lindlyn** 'The right to a healthy environment in a just transition to clean energy production in South Africa' **Supervisor: Prof M Killander**

**Msipa, Dianah** 'Recognising the sexual autonomy of adult women with mild Down syndrome in South Africa: Re-thinking vulnerability' **Supervisor: Prof C Ngwena**

**Mukumbiri, Paidamwoyo** 'An analysis of the implementation of the women's right to peace by the African Union Peace and Security Architecture: A case study of Zimbabwe' **Supervisor: Prof M Hansungule**

**Orao, Beryl** 'The use of force and firearms in the context of assemblies in Kenya: Rules and accountability' **Supervisor: Prof S Maslen**

**Zambezi, Denise** 'The right of transgender persons to access healthcare in South Africa' **Supervisor: Prof F Viljoen**







#### MASTER'S PROGRAMMES

In 2023,  
**55 students**  
**graduated with**  
**Master's degrees**  
**presented in**  
**the Centre:**

30 with the degree **Human Rights and Democratisation in Africa**, 11 with the degree **Trade and Investment Law in Africa**, six with the degree **Sexual and Reproductive Rights in Africa**, five with the degree **Multidisciplinary human rights** and three with the degree **Disability Rights in Africa**.





## HUMAN RIGHTS AND DEMOCRATISATION IN AFRICA (HRDA)

**Prof Frans Viljoen** continued as Programme Director and **Prof Magnus Killander** as Academic Coordinator. The HRDA had two new additions to the team from February 2023 – **Dr Michelle Maziwisa** who joined as Programme Manager, and **Ms Rotondwa Mashige** who joined as Programme Coordinator. **Ms Davina Murden** continued as Alumni Coordinator. Three HRDA graduates were enrolled as new tutors and doctoral candidates: **Henok Ashagrey**, **Shyreen Chirwa**, and **Jared Gekombe**, while **Clement Agyemang** continued from 2022 in the same role.

The Centre is a pioneer in African human rights education, having established the HRDA in 2000 as the first ever Africa-specific

human rights Master's degree. Students spend their first semester in Pretoria and the second semester in smaller groups of two or three at one of the following 12 partner universities across Africa: Université d'Abomey-Calavi (Benin), Addis Ababa University (Ethiopia), Catholic University of Central Africa (Cameroon), University of Nairobi (Kenya), Universidade Eduardo Mondlane (Mozambique), Université Gaston Berger de Saint Louis (Senegal), University of Ghana, University of Lagos (Nigeria), University of Mauritius, Makerere University (Uganda), University of Venda and the University of the Western Cape (South Africa). Training on the HRDA programme is a blend of theory and practice. The HRDA is an intense programme aimed at strengthening the expert knowledge, as well as research, writing, critical thinking and analytical skills of human rights professionals.



Professor Frans Viljoen



Professor Magnus Killander



Dr Michelle Maziwisa



Ms Rotondwa Mashige



Ms Davina Murden



Henok Ashagrey



Shyreen Chirwa



Jared Gekombe



Clement Agyemang

The HRDA enrolled 27 students in the 2023 academic year, with 25 graduating in the 8 December 2023 graduation ceremony, and two scheduled to graduate in 2024. In addition five students from previous years graduated in 2023, bringing the total number of graduating students in the HRDA in 2023 to 30. 10 HRDA students graduated with distinctions, which demonstrates the resilience and diligence of the students to persevere in the intense and highly competitive HRDA programme.

In keeping with the HRDA's aims to maintain a strong alumni network, an Alumni Networking Roundtable was hosted, in which 30 alumni from over 12 countries, from cohorts spanning from 2002 to 2022 came to Pretoria and shared the work they are doing in their respective research areas, as a means to strengthen the exchange of ideas,

networking and to create opportunities for collaboration. The HRDA hosted the Julius Osega Memorial Lecture, in partnership with Université Gaston Berger, in Saint Louis, Senegal. The theme for the 2023 lecture was 'The challenges of democratisation and the protection of human rights in Africa' (*'Les défis de la démocratisation et de la protection des droits humains en Afrique'*). The HRDA also hosted the inaugural Christof Heyns Memorial Lecture, in memory and recognition of his work throughout his life, advancing the teaching and research of human rights in Africa, which was well received by his wife Fearika, and their children, as well as the broader academic community, civil society, and students, whose lives were touched by Christof.

## The following prizes were awarded to the HRDA Class of 2023:

- **Nelson Mandela Prize** for the student with the best overall performance: **Idirashe Amanda Chikomba (Zimbabwe)**
- **Kéba M'Baye Prize** for the best mini-dissertation: **Idirashe Amanda Chikomba (Zimbabwe)**
- **Victor Dankwa Prize** for the best student in the module African Human Rights: jointly awarded to **Joshua Malidzo Nyawa** and **Chimwemwe Chithope-Mwale**.
- **Ubuntu Prize** for the student who best captured the values of humanity: **Chrispin Mayaka Bosire**
- **Vera Chirwa Award:** The Vera Chirwa Award is made to a graduate of the HRDA who has, after completing the degree,



shown singular commitment, self-sacrifice and significant contributions in the furtherance of human rights and democracy. The award was named after the fearless Malawian lawyer and activist Vera Chirwa, for the work of defending human rights in Malawi and Africa broadly. In 2023, the Vera Chirwa Award was awarded to **Ms Grace Wakio Kakai (Kenya, HRDA class of 2006)**, the Deputy Registrar of the African Court on Human and People's Rights, in recognition of her professional contributions to the advancement of human rights in Africa, particularly to the strengthening of the institutional systems and jurisprudence of the African Court and strengthening human rights knowledge and practice through research and mentorship of human rights advocates.





### HRDA Class of 2023:

Annually, the Centre raises some funds to enable some of the top graduates to undertake one-year paid internships as legal staff at African Union human rights institutions. This year four students were nominated for internships at African Union human rights bodies as follows: the African Commission on Human and People's Rights (Meron Birhanu), the African Court on Human and People's Rights (Mosupatila Nare), the African Committee on the Rights and Welfare of the Child (Houseinatou Manjang), and African Union Economic, Social and Cultural Council (Farirai Sinothando Sibanda), immediately translating the academic learning process into practice, and contributing to the broader efforts of these AU bodies.

### Donors

The donors on the HRDA are the European Union through the Global Campus for Human Rights; the Government of Norway through its Embassy in Pretoria; the Swedish International Development Cooperation Agency (SIDA), the Government of Norway, the Government of Flanders and the Government of the Netherlands.

### MULTIDISCIPLINARY HUMAN RIGHTS (MDHR)

**Professor Frans Viljoen** was the overall Academic Coordinator, and **Professor Magnus Killander** was responsible for presenting a module on this programme, which started in 2009. **Janet Gbam** was the Manager of this programme. This programme is offered on a part-time basis, over two years, principally for students with full time employment in South Africa. Students from both South Africa and

the rest of Africa are usually registered for the programme. In 2023, there were 28 students registered for the course: 15 of them in their first year and 13 in their second year.

### Thirteen students graduated from this programme in 2023.



Professor Frans Viljoen

Professor Magnus Killander

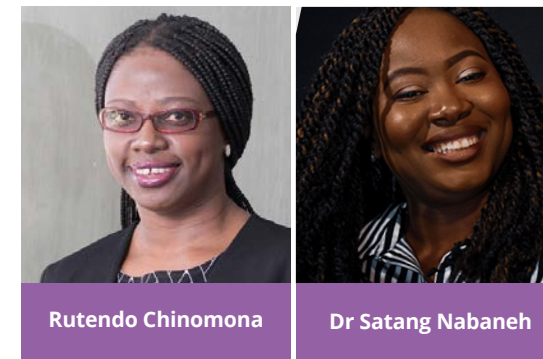


Janet Gbam

### SEXUAL AND REPRODUCTIVE RIGHTS IN AFRICA (SRRA)

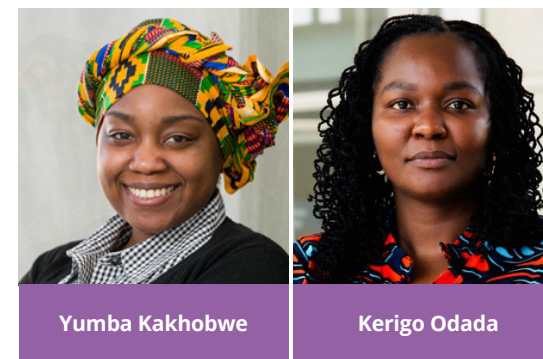
The SRRA is the Centre's first hybrid learning programme, and was introduced in 2015. The Sexual and Reproductive Rights in Africa team was managed by **Rutendo Chinomona**. Teaching and research support was provided by two postdoctoral fellow **Dr Satang Nabaneh** and **Dr David Ikpo**. Tutors on the programme were **Yumba Kakhobwe**, **Kerigo Odada** and **Benson Chakaya** who are all doctoral candidates in SRRA. The programme also had support from interns **Bianca Knight** and **Danielle Visser**. **Professor Ebenezer Durojaye** joined the team in November 2023 as academic coordinator of the SRRA, and senior Professor/ lecturer in the Centre for Human Rights.

### 4 students graduated in 2023.



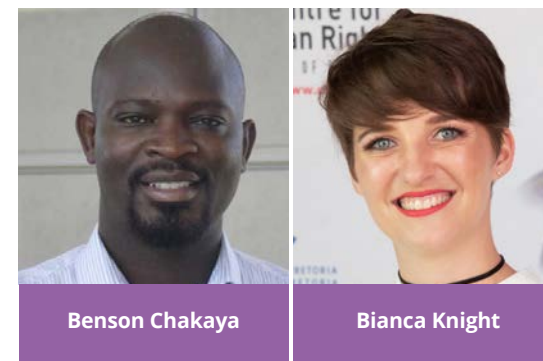
Rutendo Chinomona

Dr Satang Nabaneh



Yumba Kakhobwe

Kerigo Odada



Benson Chakaya

Bianca Knight



Danielle Visser

Professor Ebenezer Durojaye



Dr David Ikpo

On 13 and 14 November 2023, the SRRA hosted a conference on advancing sexual and reproductive health and rights in Africa. The conference was held in honour of **Professor Charles Ngwena's** contributions to human rights, and specifically highlighting



his pioneering work in advancing sexual and reproductive health and rights in Africa. Over 50 scholars and activists gathered to commemorate the impact of his teaching, research and community engagement. In the true spirit of passing the mantle, the conference concluded with the book launch of Professor Ngwena's former student, **Dr Satang Nabaneh's** publication, Choice and Conscience: lessons from South Africa for a Global Debate.

This conference was immediately followed by a colloquium on Digital Innovation, Technologies and Sexual and Reproductive Health and Rights from 15-16 November 2023. The colloquium convened experts, researchers and advocates to examine the legal implications, challenges and opportunities of digital innovation and technologies in SRHR.







### DISABILITY RIGHTS IN AFRICA (DRIA)

The DRIA programme is a two-year part time programme offered in hybrid format with the bulk of the learning taking place online and through contact block weeks in Pretoria. The Programme Coordinator in 2023 was **Tadiwanashe Mavunga**, working closely with the Manager of the Disability Rights Unit, **Dianah Msipa**. In 2023, **three students from the second cohort consisting of 9 DRIA students finalised their studies.**

### Donors

Norwegian government through the Royal Norwegian Embassy, Pretoria



Tadiwanashe Mavunga



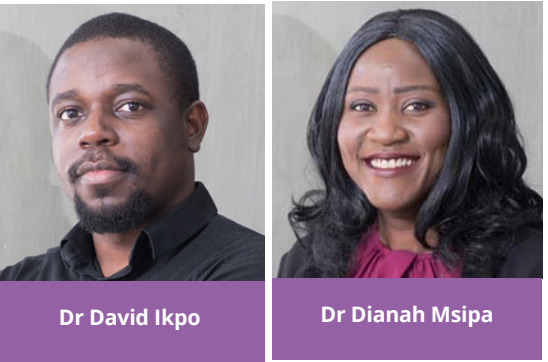
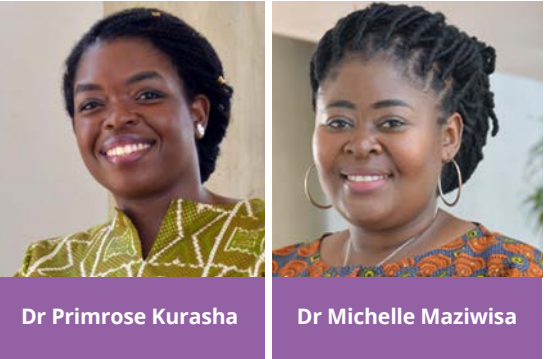
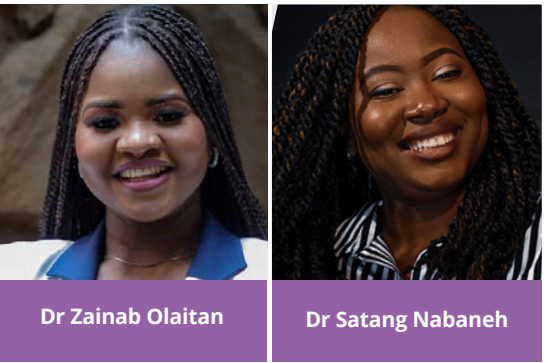
Dianah Msipa



**POSTDOCTORAL FELLOWS**

The following post-doctoral fellows were involved in the Centre’s work in 2023: **Dr Jonathan Kabre** was based within the International Development Law Unit (IDLU). Prof Danny Bradlow was the study leader. **Dr Ayodele Sogunro** was the Manager for the SOGIESC Unit, and **Dr Tresor Makunya** managed the Publications Unit of the Centre. They were both appointed under the study leadership of Prof Frans Viljoen. **Dr Tomiwa Ilori** was involved with the Expression, Information and Digital Rights Unit. **Dr Zainab Olaitan** started as a post-doctoral fellow working with the Litigation and Implementation Unit and as administrator for the Association of Human Rights Institutes (AHRI). Their study leader was Prof Magnus Killander. **Dr Primrose Kurasha**, a postdoctoral fellow under the study leadership of Professor Schoeman, the Dean, acted as Manager of the HRDA programme for part of the year with **Dr Michelle Maziwisa** replacing her early in the year with Prof Charles Fombad as

post-doctoral study leader. **Dr David Ikpo** was based at the Communications and Advocacy Unit. His study leader was Prof Frans Viljeon. **Dr Dianah Msipa** managed the Disability Rights Unit, with study leader **Prof. Charles Ngwen**a and **Dr Satang Nabaneh** was based in SRHR programme and with the study leader Prof Charles Ngwen



**RESEARCH  
PUBLICATIONS**



The Centre research community consists of its academic staff members, extraordinary professors and lecturers, its students at all levels, and postdoctoral fellows. **Magnus Killander**, who is the Research Coordinator, convened monthly research discussions. Below is a list of some of the publications that appeared in 2023:

## JOURNAL ARTICLES

Adeola, R 'Moving beyond baby steps? An examination of the domestic implementation of concluding observations from state parties' reports on the African Children's Charter' (2023) 26 *Potchefstroom Electronic Law Journal* 1-30

Adjolohoun, SATH 'Judges guarding judges: Investigating regional harbours for judicial independence in Africa' (2023) 67(2) *Journal of African Law* 169-187

Budoo-Scholtz, A 'Resource allocation for the realisation of women's rights: Building on previous gender budgeting initiatives in South Africa' (2023) 39(1) *South African Journal on Human Rights* 74-96.

Fiattor, E 'An in-depth analysis of choice of law rules in consumer contracts: A focus on the African Continental Free Trade Area' (2023) 10 *Journal of Law, Society and Development* 1-19

Fokala, E 'The adverse effect of immigration laws on a migrant child's right to family life: A reminder of the South African *Nandutu* case' (2022) 40(4) *Nordic Journal of Human Rights*, 568-583

Fokala, E 'Statutory limitations in children's rights protection under Cameroonian legal systems' (2022) 47 *South African Yearbook of International Law* 1-19

Ikpo, D 'Advancing queer-inclusive international human rights law education in Nigerian classrooms through indigenous storytelling: Stories from a law classroom at Eko (Lagos,

Nigeria)' (2023) 49(1) *Australian Feminist Law Journal* 99-121

Letsie, P & Ngweni, CG 'Protecting the human rights of pregnant and parenting adolescents in Lesotho: "What's culture got to do with it?"' (2023) 27 *Law, Democracy & Development* 392-425

Machacha, MG 'Realizing the right to dignity of Zimbabwean migrant women in Botswana: A practical approach (2023) 9(3) *African Human Mobility Review* 104-126

Makunya, TM 'Advisory procedure: The African Court on Human and Peoples' Rights' (2023) *Max Planck Institute Luxembourg for Procedural Law Encyclopedia*

Makunya, TM 'Beyond legal measures: A review of the Democratic Republic of Congo's initial report under the Protocol to the African Charter

on Human and Peoples' Rights on the Rights of Women in Africa' (2023) 67(1) *Journal of African Law* 225-240

Maziwisa, M & Chigwata, T 'The federal-local connection: The South African case' in Nicolini, M & Valdesalici, A *Comparing and Contrasting Local Government in Federal Systems* (2023) Springer. (<https://www.springerprofessional.de/the-federal-local-connection-the-south-african-case/26292020?searchResult=1.maziwisa&searchBackButton=true>)

Msipa, D 'A critical review of legal capacity reforms in the African region' in Bach, M & Espejo-Yaksic, N (eds) *Legal Capacity, Disability and Human Rights* (Intersentia; 2023)

Msipa, D & Juma, P 'The African Disability Protocol: Towards a social and human rights

approach to disability in the African human rights system' in *Handbook of Disability* (Springer; 2023)

Nabaneh S, Inglis, S & Waldorf, L 'Decolonizing the narrative around constitutions, personal laws, and women's rights' *OpenGlobalRights* (17 May 2023), available at <https://www.openglobalrights.org/decolonizing-narrative-around-constitutions-personal-laws-womens-rights/>

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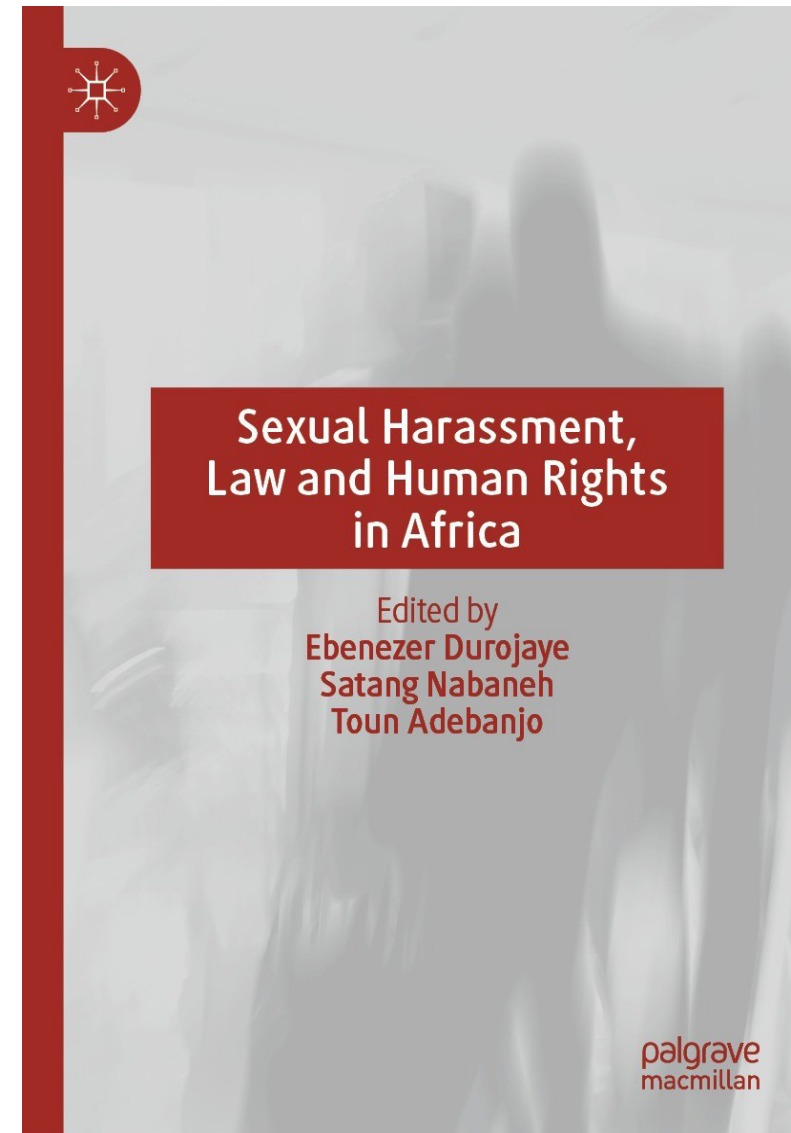
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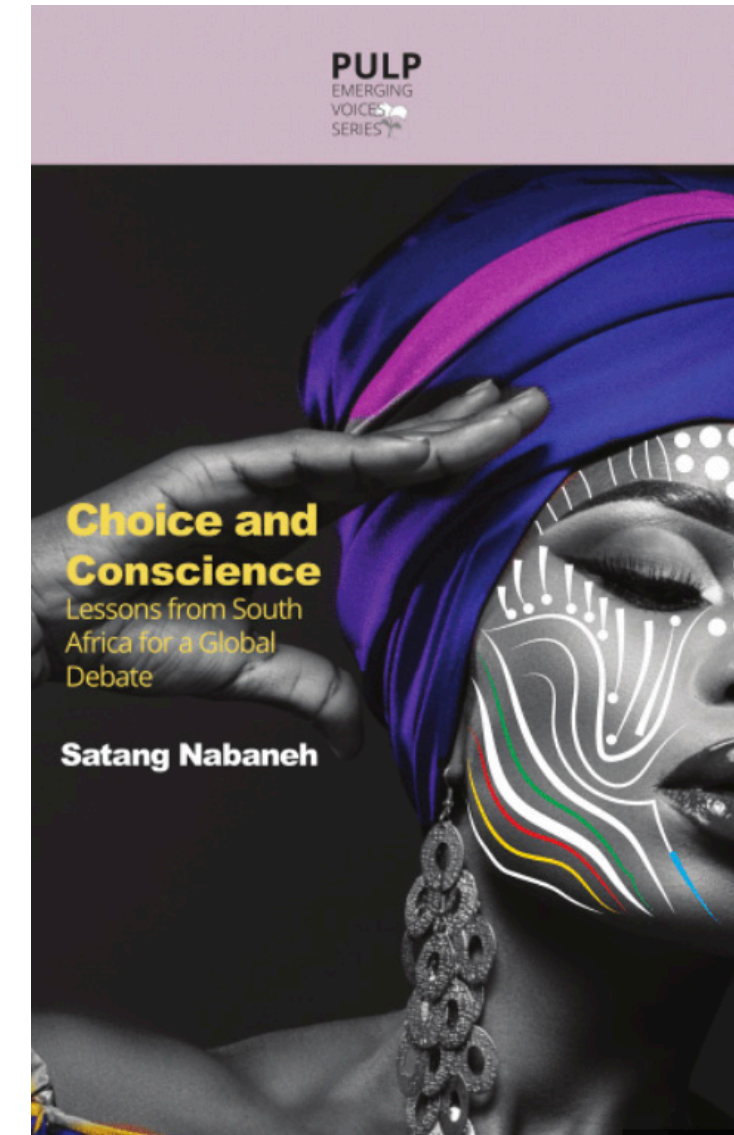
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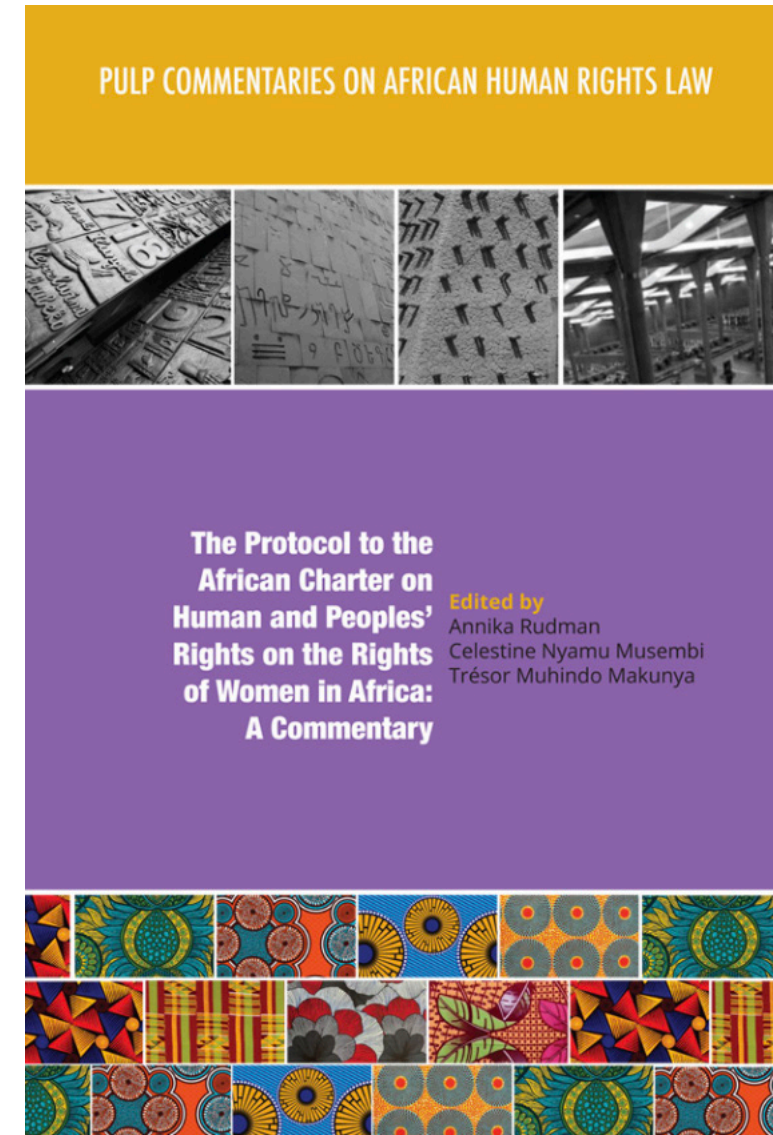
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# EDUCATION PROJECTS



## MOOT COURTS AND SHORT COURSES

### CHRISTOF HEYNS AFRICAN HUMAN RIGHTS MOOT COURT COMPETITION

**Ahmed Sayaad** was the Project Coordinator for the African Moot; he was assisted by **Matikomborera Nyamadzi** as Assistant Coordinator.

Since its inception in 1992, the African Moot Competition has been seeking to promote the role of law and legal institutions as a method of resolving disputes in Africa by creating a network of young African human rights lawyers, academics and activists across African universities and the continent at large. The Moot Competition also seeks to support the work of the African Commission on Human and Peoples' Rights, the African Committee of



Experts on the Rights and Welfare of the Child and the African Court on Human and Peoples' Rights by spreading awareness on their work and decisions.

The 32nd edition of the Christof Heyns African Human Rights Moot Court Competition was hosted and held at Kwame Nkrumah University of Science and Technology in Kumasi, Ghana, on 4 - 9 September 2023. 45 teams from 19 African countries were represented.

A one-day International human rights

conference, organised in partnership with the Faculty of Law, Kwame Nkrumah University of Science and Technology, on 4 September 2023 discussed the following themes: (i) sexual and gender minority rights; (ii) corruption and (iii) climate justice.

#### Donors

Millennium Trust; European Union, through the Global Campus of Human Rights





**NELSON MANDELA WORLD HUMAN RIGHTS MOOT COURT COMPETITION**

In 2023, **Eduardo Kapapelo** was the Project Coordinator, with **Matikomborera Nyamadzi** acting as an assistant coordinator.

The Nelson Mandela World Human Rights Moot Court Competition, established in 2009, has become a leading human rights educational event. It is unique in bringing together some of the youngest and brightest students from universities around the globe to debate burning contemporary human rights issues on the basis of a common UN human rights system, influenced by national and regional perspectives and experiences. As a project the World Moot contributes towards lifting the Centre's international profile as an inclusive and dynamic academic institution while also furthering its role as a



premium human rights organisation at the cusp of advocacy and education in the world.

The 15th Nelson Mandela World Human Rights Moot Court Competition was held in a hybrid format, with the in-person final rounds held at the Palais des Nations in Geneva, Switzerland, from 17 to 21 July 2023, preceded by the virtual (online) preliminary rounds held from 20 to 27 May 2023. In the spirit of the Moot Competition bringing the world together, this year's edition had participants from 43 universities, from over 26 countries, representing the five UN regions

and covering three language groups – English, Spanish and French.

The Fourth Annual Nelson Mandela Human Rights Lecture was held on 18 July 2023. The lecture centred on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, emphasising the crucial role of states and international institutions in fostering international cooperation. With a clear recognition of climate change as a global issue that demands collaborative action, the speakers earnestly called upon nations to unite and bolster multilateral endeavours to tackle the refugee crisis. During the discussion, the speakers also addressed pertinent matters concerning humanitarian aid and protection. They underscored the importance of amplifying humanitarian assistance and protection measures while advocating for durable solutions to support

climate refugees. The overarching goal is to prioritize the fundamental rights, safety, and dignity of those who have been forcibly displaced.

The Competition is organised by the Centre, in collaboration with the United Nations Office of the High Commissioner for Human Rights (OHCHR), and the Academy of Human Rights and Humanitarian Law, Washington College of Law, American University, Washington DC, USA and the Commonwealth Secretariat.

**Donors**

The European Union through the Global Campus of Human Rights; Government of Switzerland (Ministry of Foreign Affairs) and the South African Permanent Mission to the United Nations at Geneva.





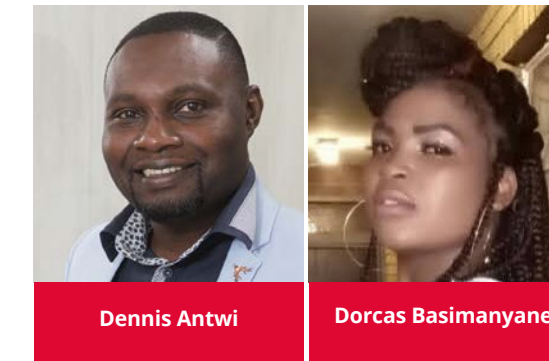


## ADVANCED HUMAN RIGHTS COURSES (AHRC)

In 2023, this project was managed by **Dennis Antwi**, who was assisted by **Dorcas Basimanyane**.

The Advanced Human Rights Courses (AHRC) of the Centre has for 23 years dealt with various components of human rights, good governance and the rule of law and have reached key decision-makers on the African continent. The AHRC has established a reputation as a major source of continuous learning and advanced capacity building in this area on the African continent.

In 2023, AHRC built the capacity of government officials, managers and staff of civil society organisations, judges, and magistrates, legal practitioners, staff of



intergovernmental organisations, academics and senior students through the following 12 advanced courses: Sexual minority rights (February); Disability rights in an African Context (March); African human rights in comparative perspectives (April); Women's Rights in Africa (May); Judicial Enforcement of Socio-economic Rights (May); Effective and Accountable Policing in Africa (May); Children's Rights in Africa (June); Civil Society Law in Africa (August); Right to Development in Africa (August); Police and Vulnerability in Africa (September); Data Protection in Africa

(September) and Indigenous Peoples' Rights in Africa (November);

These areas have been identified as areas of concern in the fields of human rights, the rule of law and of good governance as a whole. Participants were drawn from South Africa, the rest of Africa and other parts of the world. During 2023, over 923 participants attended courses presented by AHRC. Although participants were mainly from Africa, some participants came from Europe, Asia, the Caribbean, South America and the USA.

These courses have been developed by the Centre, with significant participation from decision-makers across Africa, and lecturers who are internationally recognised as leaders in their field. All courses covered the main principles relating to the respective fields



they address, but seen from a specifically African perspective, focusing on the issues of relevance in the continent. Lecturers and experts from around the world were brought in to teach on the programme. A number of partnerships and donors were strengthened and maintained with various renowned institutions locally and internationally.

#### Partners

- Vrije University, Belgium
- University of Antwerp, Belgium
- Ghent University, Belgium
- African Commission on Human and Peoples' Rights Working Group on Indigenous Populations
- Centre for Child Law, University of Pretoria
- Dullah Omar Institute, University of the Western Cape
- Centre for Sexualities, AIDS and Gender,

University of Pretoria

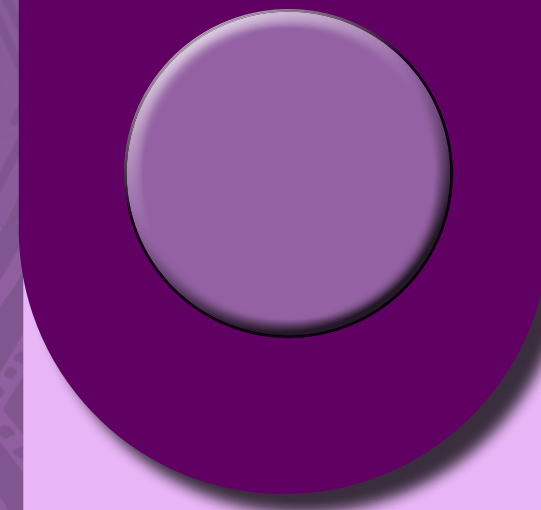
- Centre for Law Enforcement and Public Health

#### Donors (and funding partners)

International Centre for Not-For-Profit Law; African Policing Civilian Oversight Forum (APCOF); Government of Flanders; and the Norwegian Ministry of Foreign Affairs.







# ADVOCACY





Lloyd Kuveya

Lloyd Kuveya  
in 2023 oversaw the  
Centre's advocacy  
campaigns.



**#GreenJusticeAfrica:** The impact of climate change on the protection and fulfilment of human rights in Africa.

Since 2022, the Centre for Human Rights embarked on a campaign to address the impact of climate change on the protection and fulfilment of human rights in Africa. Climate change is now one of the biggest threats to human rights globally. Although carbon emission in Africa is significantly low at about 4%, the region is the most impacted

by climate change as compared to other regions, with over 30 of the most vulnerable countries located on the African continent. The rate of Africa's warming is faster than the global warming average. The result of which is evident from extreme rainfall, debilitating drought, desertification and coastal flooding. Addressing this global challenge requires drawing on multiple skills to ensure a collective and persuasive response to pace the protection of the rights of those affected by the impact of climate change. The impact

of climate change on human rights in Africa, is growing exponentially and is affecting the wellbeing of the most vulnerable, across the continent. The campaign focuses on the impact of climate change in Africa, through the lens of the existing degeneration of the fulfilment of the human rights of the most vulnerable.

On 18-19 September 2023, the Centre for Human Rights, Faculty of Law, University of Pretoria hosted a hybrid Human Rights Strategic Litigation and Advocacy Training Workshop to curb the adverse effects of Climate Change and environmental shocks in Africa, at the Plant Sciences Complex in the University of the Pretoria. The event brought together legal professionals, judges, and scholars from Southern Africa to explore the critical intersections of climate change, human rights, and climate justice in Africa,

with a specific focus on the SADC region. The event was opened by the convener of the event, Dr Elvis Fokala and soon after, the Assistant Director of the Centre for Human Rights, Mr Lloyd Kuveya and the Dean of the Faculty of Law, Professor Elsabe Schoeman welcomed the participants to the University and wished them a very productive stay in Pretoria.

The event, over two days, was structured around five panels. The first day was generally around setting the scene and capacitating the participants on the history and science behind climate change, specifically focusing on separating environmental shocks related to and those caused by the forces of nature. The second day was designed around strategic climate change advocacy and litigation. The sessions were facilitated by renowned climate change activists,

environmental lawyers and researchers. The sessions successfully, capacitated judges and legal practitioners; to adopt a climate-conscious approach in their practice, litigation, and legal services and further on the nexus and impact of the adverse effects of climate change on human rights.

#### Donor

GIZ-African Union - Deutsche Gesellschaft für Internationale Zusammenarbeit





*On 18-19 September 2023, the Centre for Human Rights, Faculty of Law, University of Pretoria hosted a hybrid Human Rights Strategic Litigation and Advocacy Training Workshop to curb the adverse effects of Climate Change and environmental shocks in Africa*



# RESEARCH UNITS



# ACTIVISM AND RESEARCH BASED ADVOCACY THROUGH THE CENTRE'S RESEARCH, CAPACITY- BUILDING AND ADVOCACY UNITS



## CHILDREN'S RIGHTS UNIT

The Children's Rights Unit was managed by **Dr Elvis Fokala**, who was assisted by Project Officers, **Mai Aman**, **Nqobani Nyathi**, **Shyreen Chirwa**, **Rotondwa Mashige** and an intern, **Reece Pierce-Jones**.

The Unit was established in 2013 as the Centre's focal point on the rights of children. The Unit works through research, publications, advocacy, and training, to contribute to the regional discourse on the rights of children in Africa and beyond. In line with the Centre's mission, the work of the Unit has a pan-African reach, while seeking to foster a contextually relevant understanding of global issues and concerns to children in Africa. The Unit provides an essential bridge between academic research and evidence-based advocacy in the African region. Central to the Unit's overarching



Dr Elvis Fokala



Mai Aman



Nqobani Nyathi



Shyreen Chirwa



Rotondwa Mashige



Reece Pierce-Jones

initiatives which is broadly aimed at influencing laws, policies, mindsets, attitudes, behaviour and practice at national and regional levels to improve the promotion and protection of the rights of children. To attain its objectives, the Unit constantly engages with African human rights institutions on emerging issues affecting children in the region, especially the African Children's Committee, with which the Centre has had observer status since 2017.

## Activities in 2023

- **Workshop on promoting child participation in development frameworks in Africa, Lilongwe, Malawi**

On the 13 and 14 of April 2022, the unit, in collaboration with the Ministry of Gender, Community Development and Social Welfare, and the Global Campus for Human



Rights, successfully conducted the first day of a two-day workshop on promoting child participation in development frameworks in Africa and strengthening the African base of the Global Child Leading Team, held in Lilongwe, Malawi. The keynote address was delivered by Mrs Roselyn Makhumula, the Principal Secretary of the Ministry of Gender, Community Development and Social Welfare. She emphasised the government's role in facilitating children's participation in decision-making processes. Malawi's strategy for Child Participation was then presented by Mr Kondwani Mhone from the Ministry of Gender, Community Development and Social Welfare. The morning session concluded with an interaction with the Global Campus Child Leadership Team, represented by Mr Manu Krishan and Mr John-Paul Amah.

- **Enhancing Child Participation in development frameworks in Africa – focus on Kenya**

The Unit, over two days, 25 and 26 May 2023, in collaboration with the National Council for Children's Services and Ministry of Labour and Social Protection convened in Nairobi Kenya for the second workshop on promoting child participation in development frameworks in Africa and strengthening the African base of the Global Child Leading Team. The primary focus of the workshop was to raise awareness of the essential role of child participation in national, regional, and global development processes in Africa. Furthermore, it was aimed at promoting collaboration among state agencies and departments and Civil Society Organisations working on child participation initiatives in Kenya.

- **Unlocking Children's Rights: Empowering Africa's Changemakers**

The Centre for Human Rights, the Centre for Child Law both at the Faculty of Law at the University of Pretoria, and the Dullah Omar Institute at the Faculty of Law at the University of the Western Cape successfully hosted the annual Advanced Human Rights Course on Children's Rights in Africa from 19 to 23 June 2023.

This course empowered professionals working with children across Africa, including government officials, civil society experts, legal practitioners, and academics, to effectively promote and protect children's rights. With both in-person and online sessions, the course covered vital topics like the history of children's rights, implementation, enforcement, intersectionality, and strategic litigation.

Renowned scholars and practitioners in the field of children's rights provided valuable insights throughout the course.

- **Child-led conference on children's mental health in schools in Africa**

On 2 August 2023, the Unit, hosted a child-led conference on children's mental health in Schools in Africa, on its Hatfield Campus. The conference was attended by children from Cameroon, Ethiopia, Democratic Republic of Congo, Kenya, South Africa, Malawi and Zimbabwe. The conference was inspired by the concerning increase in diagnosed mental disorders among children across various institutions in the Africa. In South Africa, for example, current estimates reveal that around 13% of children aged 10-19 and a staggering 40% of children aged 10-14 in are affected, with anxiety and depression being the most prevalent disorders. Suicide,

tragically, remains a significant concern among children, making it the fourth leading cause of death among 15 to 19-year-olds globally. These alarming figures are a cause for great concern and emphasis the urgent need for critical conversations that address children's mental health.

- **General Comments on Article 14 of the Maputo Protocol**

From 13 – 14 November 2023, the Unit, in collaboration with the Women's Rights Unit, conducted a workshop on utilising General Comments on Article 14 of the of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) as tools for Advocacy on Sexual and Reproductive Health Rights in Africa. The workshop brought together civil society organisations from various African countries. Its primary aim was to address the

gaps in knowledge by building the capacity of relevant members of civil society from various African countries. By advocating for the implementation of the Sexual and Reproductive Health Rights contained in the Maputo Protocol, civil society organisations can optimally utilise the available mechanisms to realise the rights for women and girls and ensure state accountability for violations. The two-day workshop focused on state obligations under article 14 of the Maputo Protocol guided by themes such as - the right to self-protection and to be protected against STIs including HIV/AIDS, family planning and contraceptives, the right to safe abortion, the protection of SRHR of vulnerable groups of women and girls, allocation of finances by member states to realise SRHR at the national level and various emerging issues in SRHR, including the rights of intersex persons and lesbian, bi-sexual





*The National Schools Moot*



*Enhancing Child Participation in development frameworks in Africa – focus on Kenya*



- **Participation at the CSO Forum and the ordinary sessions of the African Committee of Experts on the Rights and Welfare of the Child**

From 26 April -06 May 2023 the Unit attended the 22nd meeting of the CSO Forum and the 41st session of the African Committee of Experts on the Rights and Welfare of the Child held in Maseru, Kingdom of Lesotho. The CSO Forum, was organised (26 -27 April) ahead of the 41st Session of the African Committee of Experts on the Rights and Welfare of the Child meeting from 28th April to 6 May 2023, in Maseru, Kingdom of Lesotho. During the Forum, the Centre hosted a discussion on the sexual and reproductive rights of children, with a particular focus on the implications of the Resolution of the African Commission on Human and Peoples' Rights (Resolution ACHPR/Res.552 (LXXIV) 2023) on the Promotion and Protection

of the Rights of Intersex Persons in Africa. The Resolution was informed by a Study on the Human Rights Situation of Intersex Persons in Africa undertaken by the Centre and partner organisations. In relation to children's rights, the Resolution refers to Article 21 of the African Charter on the Rights and Welfare of the Child, which calls for the protection of children from harmful social and cultural practices. In this way, the Commission acknowledged that the vast majority of violations of children's rights occur in childhood, and violate multiple rights of the child, protected in the African Children's Charter.

Further, from 06 -17 November 2023 the Unit attended the 23rd Session of the CSO Forum and the 43rd ordinary session of the African Committee of Experts on the Rights and Welfare of the Child held in Addis

Ababa, Ethiopia. During the Committee's Session, the CHR, on the strength of its Observer Status, presented its statement to the Committee in which it called on this Committee to pay sufficient attention to the promotion and upholding of the rights of children with Albinism and intersex children. On 9th November 2023, the Unit followed through with its commitment to raising awareness on the rights of children intersex children by hosting a side event to further accentuate the rights of intersex children.

- **The National Schools Moot**

In collaboration with the Global Campus, the Unit coordinated National Schools Moot court events in India, with the Guru Gobind Singh Indraprastha University, in Nepal with the Kathmandu School of Law, at the University of Kathmandu, the University of Ghana School of Law and in Ethiopia with



the National Human Rights Commission. The CHR and Global Campus for Human Rights, also support to host the National Schools Moot in South Africa, in collaboration with the South African National Human Rights Commission, the Ministries of Justice, Basic Education.

#### Partners

African Institute for Children Studies; Dullah Omar Institute, University of the Western Cape; Natural Justice; Plan International (AULO); Right Livelihood Foundation; African Committee of Experts on the Rights and Welfare of the Child; Centre for Child Law, University of Pretoria; Raoul Wallenberg Institute (Kenya Office)

#### Donors

Plan International; Right Livelihood Foundation through the Global Campus;

European Union, through the Global Campus of Human Rights; Norwegian Ministry of Foreign Affairs, through its Embassy, Pretoria; Raoul Wallenberg Institute

### DEMOCRACY AND CIVIC ENGAGEMENT UNIT

The Unit was managed by **Bonolo Makgale** assisted by **Tariro Sekeramayi** as a Project Officer **Yolokazi Mfuto** (PAP CSO Liaison officer) and **Yanga Malotana**.

The Unit is responsible for the implementation of projects that spearhead the Centre's efforts to promote democracy, human rights and civic engagement in Africa through research, capacity building and advocacy. The Unit facilitates African CSOs formal mechanism of engagement with AU organs, the Pan-African Parliament (PAP) and AU Economic, Social and Cultural Council (ECOSOCC) with the aim

to close the democratic gap by creating a space for citizens and civil society to interact and influence the work of the African Union through these organs. Furthermore, the Unit does work on democratic elections in Africa and the promotion of human rights through constitutional literacy.



Bonolo Makgale



Tariro Sekeramayi



Yolokazi Mfuto



Yanga Malotana.

#### During 2023

- **Civil Society Breakfast Dialogue** - The DCE Unit convened a Civil Society Organisations dialogue in partnership with the European Union that interrogated the state of human rights in South Africa.
- **Democracy Capacity Building Workshop** - The Unit hosted a democracy capacity building workshop in partnership with the Australian High Commission South Africa. The event was attended by 45 young people representing different civil society organisations, universities, corporates, and high schools from different parts of the country. Delegate age range was from 17 – 35 years old.



Civil Society Breakfast Dialogue





The Unit hosted a historic meeting in May during the Second Ordinary Session of the 6th Parliament of the Pan-African Parliament.

- **The Unit hosted a round-table with the IEC, municipal mayors and key players in the South African CSO** space to share the outcome document from the democracy capacity building workshop.
- **75 Years of the Universal Declaration of Human Rights and 25 years of the HRDs Declaration: A moment of Reflection** -The DCE Unit and OHCHR Regional Office for Southern Africa (OHCHR ROSA), in partnership with the Ford Foundation and the European Union (EU) Delegation in South Africa, commemorated International Human Rights Day in the context of the UDHR 75<sup>th</sup> year and the 25th Anniversary of the HRDs Declaration. The Commemoration assessed progress made in advancing human rights guaranteed by the UDHR and the challenges human rights defenders face in defending human rights.

- **Regional CSOs trainings** - The unit hosted CSOs trainings on the workings of the Pan-African Parliament in Maputo, Abidjan and Accra.
- **The Unit hosted a historic meeting in May during the Second Ordinary Session of the 6<sup>th</sup> Parliament of the Pan-African Parliament.** For the first time CSOs formally met with Members of the PAP in a Parliament dialogue. The PAP CSO Forum presented recommendations to the Members of the Parliament pertaining to the relationship between the PAP and civil society, human rights, peace and security, the Free movement of Peoples Protocol and the Malabo Protocol.
- **The unit placed a Civil Society Liaison Officer at the Pan-African Parliament.**
- **The Unit launched a booklet “A Guide to Your Rights: Fundamental Human Rights**

**and Freedoms in Ghana”.** The launch was attended by various members of civil society, academia, representatives from the government, students and members of the media.

### Partnerships

*Democracy Capacity Building workshop partners*

Civil society representation included:

- OXFAM;
- Disabled Youth South Africa;
- Activate!;
- Pan African Parliament;
- Amazon Leaders Initiative;
- Ahmed Kathrada Foundation

University representation included:

- University of Cape Town;
- University of Kwa-Zulu Natal;

- Fort Hare University;
- University of Pretoria;
- UJ University

Cooperate representation included:

- First National Bank;
- Anglo American

High School Representation:

- Durban Girls' High

*75 Years of the Universal Declaration of Human Rights and 25 years of the HRDs Declaration: A moment of Reflection.*

- Ford Foundation
- European Union
- Global Campus of human rights

OHCHR Regional Office for Southern Africa (OHCHR ROSA)

- African Civil Society Organisations
- Regional PAP CSO forums and first formal Parliamentary dialogue with Members of the*



#### PAP and Civil Society

Sothorn African Defenders Network

Parliamentary Network Africa

- Cote d'Ivoire Human Rights Council
- Centre for Democratic Development (Ghana & Mozambique)
- PAP CSO Forum Members
- Open Society Foundation

- Constitutional literacy
- Konrad Adenauer Foundation
- Centre for Democratic Development (Ghana)
- Parliamentary Network Africa (Ghana)

#### Donors

Open Society Foundation; Konrad Adenauer Foundation; Australian High Commission; Ford Foundation



The Unit hosted a historic meeting in May during the Second Ordinary Session of the 6th Parliament of the Pan-African Parliament.



#### DISABILITY RIGHTS UNIT

In 2023, the Disability Rights Unit was managed by **Dr Dianah Msipa**. She was assisted by a team of three people consisting of two researchers, **Ms Sabeeha Majid** and **Ms Tadiwanashe Mavunga** and one intern, **Ms Thandi Mpopo**. **Professor Nkatha Murungi** provided strategic guidance to the unit and **Professor Charles Ngwena** led some of the unit's activities.

The objective of the Disability Rights Unit is to promote the rights of persons with disabilities in Africa through various academic programmes and conferences, publications, resources and projects. By raising awareness, building an evidence base through research, and building capacity on the rights of persons with disabilities on the continent, the Disability Rights Unit contributes to the Centre's efforts towards human rights education and the improvement of the rights of marginalised groups in Africa, including persons with disabilities.



Dr Dianah Msipa



Ms Sabeeha Majid



Ms Tadiwanashe Mavunga



Ms Thandi Mpopo



Professor Nkatha Murungi



Professor Charles Ngwena

During 2023, the Disability Rights Unit conducted the following activities:

- **Hosting an African dialogue on the UN Guidelines on Deinstitutionalisation, including in Emergencies Hosted on 27 February 2023 in hybrid format**, this dialogue provided a platform for the African disability rights movement to collectively consider the practical application of the newly adopted Guidelines on deinstitutionalization, including in emergencies in an African context.
- **Hosting week zero of the LLM/MPhil Disability Rights in Africa (DRIA) programme**. The unit hosted the new 2023/2024 co-hort of the DRIA master's programme from 2 – 4 March 2023 in Pretoria with the aim of welcoming and orienting them to the programme.



- **Hosting the advanced short course on disability rights in an African context** – This one-week intensive short course on disability rights in Africa was successfully held in hybrid format, from 6 – 10 March 2023.

- **Launch of the Pan African Parliament Guidelines titled ‘Accusations of witchcraft and ritual killings: Towards eliminating harmful practices and other human rights violations (Guidelines for Parliamentarians)’**  
The Unit drafted these guidelines for parliamentarians, in collaboration with other organisations and the Pan African Parliament formally adopted and launched these guidelines at an event held on 16 March 2023 at the an African Parliament in Midrand, South Africa.

- **Hosting these second regional convening on access to justice for persons with intellectual and psychosocial disabilities”** During this two-day convening, held from 2 to 3 May 2023, the Disability Rights Unit strengthened the capacity of criminal justice personnel from various countries in southern Africa to provide accommodations that enable persons with intellectual and psychosocial disabilities to participate effectively in the criminal justice system.
- **Co-hosting the ‘Mothering, albinism and human rights in South Africa’ conference:** From 2 – 4 October 2023, the Disability Rights Unit collaborated with the Trinity Western University, McMaster University, University of Ottawa, University of Toronto and the Department of Nursing Science at the University of Pretoria to co-host this

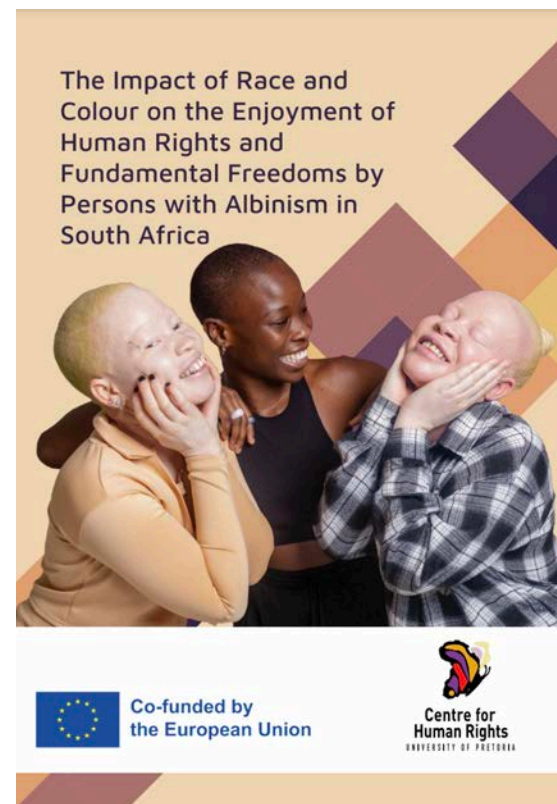
conference focusing on protecting the human rights of mothers impacted by albinism in South Africa.

- **Hosting the block week for the LLM/ MPhil Disability Rights in Africa (DRIA) students:** From 16 – 20 October 2023, the unit hosted a block week for the DRIA students in Pretoria, during which they had the opportunity to engage in person with module instructors and fellow students.
- **Hosting the annual disability rights in Africa conference** – The 11th annual disability rights in Africa conference took place from 20-21 November 2023 in hybrid format at Southern Sun Hotel OR Tambo and online via zoom. The conference theme was ‘Climate change and disability: A human rights response.



*Co-hosting the ‘Mothering, albinism and human rights in South Africa’ conference*





- **Populating the Repository on Disability Rights in Africa** – Throughout 2023, the Disability Rights Unit populated the repository with a variety of materials and resources including journal articles, NGO reports, concluding observations, case-law etc.
- **Publication of the 11<sup>th</sup> edition of the African Disability Rights Yearbook** During 2023, the Unit worked on the publication of the 11th edition of the African Disability Rights Yearbook
- **Report Launch** The Unit launched a report on the 'Impact of race and colour on the enjoyment of human rights by persons with albinism in South Africa' during a webinar that took place on 27 November 2023.

### Partnerships

In 2023, the Disability Rights Unit partnered with a number of organisations and

institutions in the implementation of its activities. These include the International Commission of Jurists (Africa), the International Organisation for Migration, Trinity Western University, the Global Coalition on Deinstitutionalisation, and the UN Independent Expert on the Enjoyment of Human Rights by Persons with Albinism, and Trinity Western University.

### Publications

The unit has published the eleventh edition of the African Disability Rights Yearbook.

### Donors

Open Society Initiative for Eastern Africa (OSISA); Ford Foundation; Norwegian Embassy; Disability Rights Fund/Disability Rights Advocacy Fund

## EXPRESSION, INFORMATION AND DIGITAL RIGHTS UNIT

In 2023, the Expression, Information and Digital Rights Unit was managed by **Hlengiwe Dube**, assisted by **Marystella A Simiyu** (Project Officer), **Dr Tomiwa Ilori** (Post-Doc Fellow & Project Coordinator), **Henok Kremte** (Project Officer), **Ivy Gikonyo** (Project Officer), **Ompa Tshamano** (Project Associate) and **Jared Gekombe** (Project Officer)

The objective of the Unit is to advance freedom of expression, access to information and the intersection between human rights and technology, which includes digital rights through advocacy and research. In light of the objectives the Unit undertook a number of activities in partnership with various stakeholders in Africa.



Hlengiwe Dube



Marystella A Simiyu



Jared Gekombe



Dr Tomiwa Ilori



Henok Kremte



Ivy Gikonyo



Ompa Tshamano

The main activities that were implemented by the unit include:

- **Commemorating the 10<sup>th</sup> Anniversary of the Model Law on Access to Information for Africa:** A number of podcasts were recorded and published under the Africa Rights Talk. The podcasts featured the current Special Rapporteur, Hon Commissioner Ourveena Geereesha Topsy-Sonoo, the former Special Rapporteur Advocate Pansy Tlakula; and experts on access to information on the continent,



Maxwell Kadiri of the Open Society Foundations and Fatou, a human rights advocate from The Gambia. Viola Ochola of the Kenyan Office of the Commission on Administrative Justice also participated. A webinar was also held on the implementation of the access to information law in Malawi. On the International Day for Universal Access to Information, the unit hosted a commemorative access to information seminar in which about 20 articles covering various access to information themes were presented. The articles will be published in 2024. During the 77th Ordinary Session, the unit participated in the Special Rapporteur's commemorative panel discussion on the 10 years of the Model Law.

- **Digital Rights in Southern Africa:** The research and advocacy initiative commenced in 2022 with the publication of the report titled “The Digital Rights Landscape in Southern Africa” and subsequent stakeholder training and capacity-building workshops. In 2023 the unit focused on Lesotho and trained parliamentarians, compiled a country report on digital rights and recorded a number of podcasts on themes including privacy and data protection; cybersecurity and legislating in the digital age.
- **Privacy in the digital age Massive Open Online Course (MOOC):** MOOC will be **launched in 2024**. In 2023, the main activity was updating the content of the MOOC which was initially launched in 2021.
- **Data Protection in Africa advanced human rights course:** The course was hosted on 6 to 10 November 2023. The

objective of the course is to enhance existing knowledge on various intersecting aspects of data protection and ways of mainstreaming them in the African context. It is also designed to empower more data protection advocates with practical knowledge on the new frontiers of data protection in Africa. The course was taught by experts in the field of data protection in Africa.

- **Participation at the African Commission Session:** During the 77th Ordinary Session, the Unit collaborated with other partners (Global Partners Digital, CIPESA, Article 19 Eastern and West Africa, Amnesty International and ICNL) and hosted sessions and side events on: artificial intelligence, disinformation, Whistleblower protection, and surveillance in Africa.







- **Disinformation:** This is a research and advocacy based project. 2023 marked the finalisation of the project on disinformation in sub-saharan Africa. With the assistance of the unit clinic, the unit conducted research which contributed to updating the to LEXOTA, an interactive online tool that tracks and analyses laws and policies related to the restriction of freedom of expression across Sub-Saharan Africa. Three workshops on disinformation were held: two in Zimbabwe and the other one for southern African stakeholders.
- **Access to information and Elections in Africa:** The unit and its partners ARTICLE 19 Eastern Africa and ARTICLE 19 Senegal and West Africa launched four reports on Proactive Disclosure of Information and Elections in Africa, during a webinar that was held on 26

September 2023. The reports assessed state compliance with the African Commission on Human and Peoples' Rights 2017 Guidelines on Access to Information and Elections in Africa. The studies focused on the recent elections in Ghana, Kenya, Uganda, and The Gambia. The initiative was undertaken with the support of the Special Rapporteur on Freedom of Expression and Access to Information in Africa, currently led by Hon Commissioner Ourveena Geerasha Topsy-Sonoo. The unit initiated the assessment of Zimbabwe, Senegal and DRC. It also conducted advocacy on access to information, focusing on the 2024 elections.

- **Artificial intelligence:** in 2023, the unit provided technical support to the African Commission project on undertaking a study on artificial intelligence and human

rights in Africa. An inception meeting was convened with members of the technical experts in July in Nairobi. The draft study is being finalised by a consultant and will be proceeding to the validation stage in 2024. The project is informed by the African Commission's Resolution 473: Resolution on the need to undertake a Study on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa.

- **Strategic litigation:** the unit, in collaboration with the Litigation and implementation and the Children's Rights units, partnered with the Open Society Foundation, Amnesty International and the University of California, Berkeley, organised a workshop on Strategic litigation and state obligations to secure platform accountability in respect of the

effects of technology on children. The workshop aimed to devise a litigation strategy holding states accountable for protecting children from the adverse effects of technology and the internet, with a focus on creating a test case for this strategy.

#### Partnerships

The Unit works with various partners in undertaking its activities. These include: Information Regulator (SA), South African Human Rights Commission, Independent Electoral Commission (SA), Human Sciences Research Council, Media Monitoring Africa, Media Institute of Southern Africa chapters, International Center for Not-for-Profit Law, Global Partners Digital, The Collaboration on International ICT Policy for East and Southern Africa (CIPESA), Paradigm Initiative,

#### Publications

Access to information and Election country reports:

- South Africa **(factsheet)**
- The Gambia **report**
- Kenya **report**
- Uganda **report**

#### Donors

META; GOOGLE; USAID through the Advancing Rights in Southern Africa (ARISA) programme at Freedom House; Ford Foundation; US Department of State through Global Partners Digital; Open Society Foundations; European Union



## LITIGATION AND IMPLEMENTATION UNIT

In 2023, the Unit was managed jointly by **Foluso Adegalu** and **Michael Nyarko** and assisted by **Ruth Versfeld**, **Brian Kibiriango**, **Dr Zainab Olaitan**, and **Tamika Thumbiran**.

The objectives/mandates of the Unit are: seeking redress for victims of human rights violations and preventing human rights violations through judicial and quasi-judicial institutions; and improving the efficacy of international human rights standards and jurisprudence.

- **Conference on Implementation and Domestic Impact of Decisions of the African Commission on Human and Peoples' Rights.** The conference was held from 13-15 September at Southern Sun Hotel, Pretoria. It is one of the major



Foluso Adegalu



Michael Nyarko



Brian Kibiriango



Dr Zainab Olaitan



Ruth Versfeld



Tamika Thumbiran

projects of the Litigation and Implementation unit as it seeks to assess the implementation progress of decisions of African Human Rights bodies. The objective of the September 2023 conference was to provide a platform for an intellectual engagement between stakeholders and the African Commission on improving the compliance and implementation of the jurisprudence of the African Commission. The conference looked at the broader influence (impact) of the jurisprudence of the African Commission. The conference provided an intellectual platform to discuss the implementation and compliance of the decisions of the African Human and People's Rights Commission as well as assess the status of implementation of concluding observations and other decisions of the Commission to enhance implementation by State Parties. The Conference was attended by 55 participants comprising two commissioners:

the Chairperson of the African Commission of Human and Peoples' Rights and the Special Rapporteur on Persons living with HIV, Acting Executive Secretary of the African Commission and other members of staff of the Secretariat of the African Commission, Representative from the African Committee of Experts on the Rights and Welfare of the Child, Representative from the African Court on Human and Peoples' Rights, Representation from the Pan African Parliament, members of the academic community, civil society organizations, judges from national high courts, personnel of the African Union etc. The conference saw presentation of 23 papers on themes broadly touching on the role of the African Commission in the Implementation of its decisions, the role of other actors and case study discussions of implementation of decisions.

- **Capacity building workshop for engagement of African CSOs with the African human rights system.** The workshop was held from 12 and 13 October at Murray Guesthouse, Pretoria. The Capacity Building Training Workshop on the African Human Rights System for African CSOs is an important training that is integral to the work of the unit. The workshop aims to increase implementation of the African Human Rights system as well as to raise awareness and increase engagement with the system as a whole. The training allows for both of these aims. First, implementation of decisions of the system is often driven by the CSOs so making them aware of these decisions allows for better implementation. In addition the CSOs that were picked were

ones that had little to no experience with the African Human Rights system and thus this training allowed for awareness raising for these CSOs and their networks which deal with a wide range of human rights issues. The workshop was attended by over 30 participants representing different CSOs across Africa. Participants were trained on the African human rights system, the African Commission, the African Court and the Committee on Experts. A practical exercise to gauge the participants' understanding of the workshop content was done on the second day.

- **Case discussion series on decisions issued by the three African human rights bodies.** The case discussion series provides stakeholders across the continent with an opportunity to



analyse the normative aspects of recent decisions of Africa's human rights bodies, provide an update on the status of and the challenges to implementation of the orders contained in these decisions, and reflect on necessary strategies with which to build momentum for advocacy and effective implementation of the decisions issued by African human rights bodies.

In 2023, the unit organised four case discussion series. The first one was held in April to discuss the decision of the African Court on Human and Peoples' Rights on Morocco's occupation of the Sahrawi Democratic Republic. The second one was held in July to discuss the decision of the African Committee of Experts on the Rights and Welfare of the Child on the Tanzanian schoolgirls case (ACERWC: Decision No 002/2022

in *Legal and Human Rights Centre and Centre for Reproductive Rights (on behalf of Tanzanian girls) v. United Republic of Tanzania Communication No: 0012/Com/001/2019*, while the remaining two were held in September. The September case discussion series focused on decisions of the African Commission on Human and Peoples' Rights (ACHPR: *Justice Thomas S. Masuku V. The Kingdom of Swaziland; Equality Now and Ethiopian Women Lawyers Association (EWLA) V. Federal Republic of Ethiopia*). Two of the case discussions were held in hybrid format to allow for in-person and virtual participation.

- **Training on litigation of SRHR claims before national and regional mechanisms.** The training was held from 3-4 August at Southern Sun Hotel, Pretoria as part of the SIDA project. The training

sought to empower SRHR actors on the continent with the best practices relating to litigation of SRHR claims before national and regional mechanisms. It laid emphasis on three major spread across the two days, namely; the normative standards on SRHR; overview of the gaps and opportunities in litigation of contemporary SRHR issues in Africa as well as the procedural aspects and strategies for effective litigation of SRHR claims before national and regional mechanisms.

The training was attended by 40 participants selected to ensure representation of the geographical location/coverage of operation, professional background and thematic focus of actors. In terms of the geographical representation, the participants came from 12 African countries, namely: South Africa, Tanzania, Mauritius, Botswana, Sudan, Nigeria, Kenya, Zambia,

DRC, Zimbabwe, Malawi and Uganda. Professionally, the participants included legal practitioners (including litigators, prosecutors and judicial officers), public health actors/ medical personnel, as well as political and social scientists.



Centre for Human Rights trains 40 African practitioners on litigation of sexual and reproductive health and rights claims



Case discussion series on decisions issued by the three African human rights bodies





*Interdisciplinary roundtable dialogue on implementation and impact of decisions of human rights bodies.*



session of the African Commission in Arusha Tanzania. It aims to contribute to efforts of the African Court and other human rights stakeholders towards realisation of universal ratification of the African Court Protocol and submission of the declaration under Article 34(6) of the Court Protocol allowing for direct access to the court by individuals and NGOs with observer status before the ACHPR.

Other activities were organised to advocate for the ratification of the Article 34(6), they are; Meeting with the Secretary of State for Human Rights and Citizenship in Angola to discuss the ratification of the Protocol to the African Court by Angola in August; Conference presentation on the role of the African court in promoting good governance in Africa during the Christof Heyns

moot court competition in Ghana in September.

- **Interdisciplinary roundtable dialogue on implementation and impact of decisions of human rights bodies.** The dialogue was held on 24 April, it focused on interdisciplinary methods for the investigation of implementation and analysing the impact of decisions and recommendations of human rights bodies. The objective of the dialogue was to explore the potential of adopting diverse disciplinary approaches to understand implementation and impact and to seek innovative ways in which multidisciplinary work can augment the implementation of human rights decisions and recommendations. The entry point of the discussion was the Concluding Observations emanating

from South Africa's fifth periodic report under the UN Convention on the Elimination of Discrimination Against Women.

The roundtable discussion boasted participation from numerous disciplines within UP, encompassing Human Rights, Political Sciences, Educational Psychology, African Music, Educational Management, and Early Childhood Education. The multidisciplinary nature of the participants was in line with and supported the overarching theme of the discussion. Several themes surfaced in the course of the dialogue, including collaboration among stakeholders from different disciplines in addressing implementation, using music to drive awareness, localising phrases used in recommendations, and adopting an intersectional, action-oriented

approach to practical education, all aimed at bolstering the implementation of decisions and recommendations of human rights bodies.

- **Huridocs discovery findings report:** In order to design and develop a secure and efficient digital database for the Centre, HURIDOCs conducted the discovery phase. The discovery phase entails preliminary research at the beginning of user experience (UX) design. The discovery phase included a series of activities designed to understand the needs and challenges of potential users of the product or the service (in this case, the database). HURIDOCs and the Centre agreed to dedicate one month for the discovery phase and conducted in-depth discovery sessions from 19 June to 16 July 2023. The Centre is in the



process of putting together a team that will work on the second phase of the project. We anticipate that the database will be launched in 2024.

### Litigation

The Unit was involved in the submission of a number of cases and *amicus curiae* briefs to global and regional human rights bodies and national courts. The engagements at the international and regional level include:

- A joint communication submitted with the Amhara Association of America to the African Commission on Human and Peoples' Rights against the government of Ethiopia on behalf of ethnic Amharas resident in the Oromia regional state who have been victims of ethnic based violence, dispossession and displacement affecting hundreds of thousands of people;

- Continued engagement with the African Committee of Experts on the Rights and Welfare of the Child on two pending cases against the government of Nigeria – one on behalf of children accused of witchcraft and the other relating to the unequal implementation of the African Charter on the Rights and Welfare of the Child throughout Nigeria which has resulted in some constituent states not having protection against child marriage and therefore exposing children to differentiated rights depending on their geographic location and consequently putting millions of girls at risk of child marriage.
- Joining a coalition of partners to file an *amicus curiae* brief at the Inter-American Court of Human Rights in relation to the Request for Advisory Opinion on the Climate Emergency and Human

Rights submitted by Colombia and Chile asking the Inter-American Court of Human Rights to 'clarify the scope of State obligations, in their individual and collective dimension, in order to respond to the climate emergency within the framework of international human rights law, paying special attention to the differentiated impacts of this emergency on individuals from diverse regions and population groups, as well as on nature and on human survival on our planet'. The coalition includes, in addition to the Centre: the Robert F Kennedy Human Rights, ARTICLE 19, Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), Latin American and Caribbean Network for Democracy (REDLAD), Amazon Watch and International Service for Human Rights (ISHR).

- Special procedures intervention against

the UAE. On 8 May 2023, the Centre for Human Rights, Faculty of Law, University of Pretoria, submitted a **complaint** on behalf of two South African citizens, Mr Sello Tsolo and Mr Tjoko Kambule, to the United Nations Working Group on Arbitrary Detention (UNWGAD) against the United Arab Emirates (**UAE**). The two men have been held hostage for over a decade through the nation's **debt laws** that arguably are in violation of international law and the applicants' rights on account of, among others: its excessive duration, the absence of legal grounds, and the lack of a fair trial. In the complaint, the Centre requests the UNWGAD to recommend that the **UAE** release the complainants' immigration documents and lift the travel ban, allowing them to return to South Africa. The unit issued a

**statement** on the website of the Centre, as part of the awareness raising around the matter.

- At the domestic level, the Unit was involved in the submission of a joint *amicus* brief in the case of *Van Wyk and Others v Minister of Employment and Labour [2023] ZAGPJHC 1213* filed before the Gauteng Division of the High Court. In its ruling, the Court declared the provisions of the Basic Conditions of Employment Act, 75 of 1997 ("BECA") relating to maternity, parental, adoption and commissioning parental leave, as well as the relevant provisions of the Unemployment Insurance Act, 63 of 2001 ("UIA"), unconstitutional and invalid insofar as they unfairly discriminate between mothers and fathers and between one set of parents and another on the basis of whether the children

were either born of the mother, adopted or conceived by surrogacy.

### Partnerships

The Coalition for an Effective African court: The unit collaborated with the Coalition for an Effective African Court on Human and Peoples' Rights organized a Stakeholders' Dialogue on the Ratification of the Protocol Establishing the African Court on Human and Peoples' Rights and Increased Direct Access to the African Court on Human and Peoples' Rights on the side-lines of the 77th Ordinary Session of the African Commission on Human and Peoples' Rights.

African Commission on Human and Peoples' Rights: For the Conference on implementation of decision, the unit worked with the African Commission on Human and Peoples' rights as a strategic partner.



*Interdisciplinary  
roundtable dialogue  
on implementation  
and impact of  
decisions of human  
rights bodies.*



The unit furthermore partnered with three organisations in the holding of the training of litigation of sexual and reproductive health rights claims before national and regional mechanisms in Africa, namely: the Centre for Reproductive Rights (CRR), the Institute for Strategic Litigation in Africa (ISLA) and the Institute for Human Rights and Development in Africa (IHRDA). This partnership took the form of inputting in the content and programme of

the training and each availing a facilitator who attended the entire training. The facilitator from CRR was the head of litigation whose costs of attendance were met by CRR except for accommodation and meals which was catered for within the budget set aside for the event. On their part, the facilitators from ISLA and IHRDA were the Executive Director (Ms Sibongile Ndashe) and Senior Legal Officer (Mr. Oludayo Fagbemi) respectively.

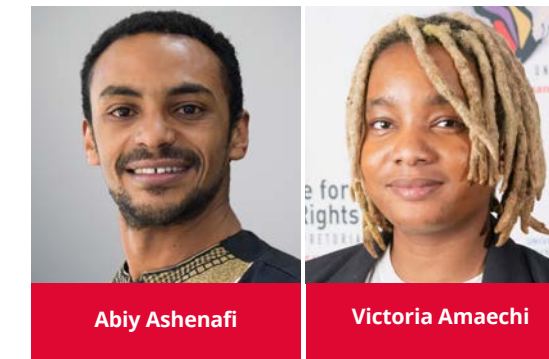
#### Donors

Open Society Foundation, Swedish International Development Corporation Agency.

#### MIGRANTS' RIGHTS UNIT

In 2023, **Abiy Ashenafi** managed the Migrants' Rights Unit, and **Victoria Amaechi** assisted as Project Officer of the Unit.

The vision of the Unit is an Africa where the rights of migrants are respected, protected and fulfilled; and displaced persons, stateless persons, and other persons who need protection, can achieve durable solutions. The mission of the Unit is promoting the rights of migrants in Africa through research, advocacy, training and monitoring. The Unit's activities are geared towards realising the Centre's mission for the improvement of the rights of marginalised individuals and groups.



#### Major Activities in 2023

- MRU coordinated the **Centre's High-level Advocacy Mission to Namibia for the ratification of African Union human rights treaties** from 3 to 4 April 2023 in Windhoek, Namibia. The Centre's team held an advocacy meeting with the Minister of Justice of Namibia, Hon Yvonne Dausab, and other senior officials drawn from the Ministry of Justice, Home Affairs, and Disaster Management Directorate of the Office of the Prime Minister of the Government of Namibia. The meeting was

aimed at stimulating a national conversation about the ratification by Namibia of three Protocols to the African Charter on Human and Peoples' Rights (African Charter), and the **African Union (AU) Convention on the Protection and Assistance of Internally Displaced Persons ('Kampala' Convention)**. On 4 April 2023, the Centre's team held a consultation meeting with 37 representatives of Namibian CSOs and facilitated discussions on advocacy strategies for Namibia's ratification of these treaties.

- MRU organised **training for journalists, other media professionals and artists on 12 June 2023**. The training aimed at harnessing the role of the media in positively influencing public attitudes through accurate, human-rights-based, and context-sensitive reporting on issues relating to migrants. It provided participants



with valuable insights, research findings regarding popular anti-migrant myths, and practical strategies to effectively counter xenophobia through responsible and informed media coverage. The Unit commissioned the development of a training guide, which was disseminated to participants of the training.

- MRU organised a **community dialogue to promote solidarity with migrants in South Africa** on 29 August 2023. The community dialogue was attended by 54 participants, including community leaders, leaders of faith-based organisations, hospital staff, and representatives of grassroots organisations working on the protection of refugees, asylum seekers, and other migrants(migrants)in Cape Town. The dialogue covered a range of issues including narratives about migration and migrants in South Africa; the legal framework for the

protection of migrants from xenophobic discrimination and violence; challenges faced by migrant women and children in accessing healthcare, particularly, migrant women's rights to sexual and reproductive health services; advocacy strategies for faith-based organisations in promoting solidarity with migrants who are also sexual minorities; and practical examples of community-based initiatives that promote social cohesion. There were 54 participants at the dialogue.

The Unit produced a community dialogue toolkit. The toolkit was disseminated to participants of the community dialogue.

- MRU co-coordinated the 3<sup>rd</sup> edition of the Advanced Human Rights Course on the Protection of Forcibly Displaced Persons in Africa.
- MRU coordinated research on the application of article 1(2) of the OAU Refugee

Convention to cross-border displacements in the context of climate change, disasters and environmental degradation. The research included field work in case study countries (Angola, Namibia, Malawi, and Mozambique), comparative analysis of case studies, and recommendations.

- MRU hosted a webinar entitled Recent Legal Developments: The African Guiding Principles on the Rights of All Migrants, Refugees and Asylum Seekers (Guiding Principles) on 22 November 2023. The webinar was attended by participants from diverse professional backgrounds, and promoted the normative contents of the Guiding Principles, and their significance in advancing the protection of the rights of migrants, refugees, and asylum seekers in Africa.
- MRU organised a meeting on early warning and urgent responses to xenophobic

violence in South Africa on 29 November 2023. The meeting was attended by high-level representatives of government departments, academic institutions, civil society organisations, UN bodies, and diplomatic communities.

#### Outcomes and impact

- Some participants of the training of journalists, other media professionals and artists have used the knowledge they gained during the training and advocated for responsible, human rights-based, and ethical journalism through their media.
- The meeting on early warning and urgent responses to xenophobic violence has created an opportunity for fostering a continuous engagement between CHR, the Department of Justice and Constitutional Development, and other actors. Further engagements are underway to



*Centre for Human Rights conducts a high-level advocacy mission to Namibia for ratification of African Union human rights treaties*



*Centre for Human Rights facilitates community dialogue to promote solidarity with migrants in South Africa*



strengthen institutional preparedness for early warning and urgent response to xenophobic violence.

#### Partnerships

- European Union Delegation in South Africa
- Embassy of Switzerland

- Office of the United Nations High Commissioner for Refugees Regional Bureau for Southern Africa
- International Institute of Humanitarian Law

#### Donors

European Union Delegation in South Africa; Embassy of Switzerland; Office of the United Nations High Commissioner for Refugees Regional Bureau for Southern Africa



MRU organised training for journalists, other media professionals and artists on 12 June 2023

#### SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION AND SEX CHARACTERISTICS (SOGIESC) UNIT

The staff of the Unit were **Dr Landilani Banda** (Project Manager), **Chanel van der Linde** (Project Officer), **Naledi Mpanza** (Project Officer), and **Nathan Milanzi** (Project Officer until April 2023). The work of the Unit was supported at various times during the year by intern **Tholoana Mosia** and two students of the Human Rights and Democratisation in Africa (HRDA) programme.

The SOGIESC Unit's mandate is to advocate for and work towards equality, inclusion, non-discrimination, non-violence and non-heteronormativity for lesbian, gay, bisexual, transgender and intersex (LGBTIQ+) persons. The SOGIESC Unit implements the Centre's human rights research, training, and



Dr Landilani Banda



Chanel van der Linde



Naledi Mpanza



Tholoana Mosia



Nathan Milanzi

advocacy projects for the rights of LGBTIQ+ persons in South Africa and generally across Africa. In South Africa, the Unit promotes the South African legal framework for equality and unfair discrimination for the benefit of LGBTIQ+ people living in South Africa. At the regional level, the Unit promotes the African Commission's Resolution 275 to encourage state parties to the African Charter to adhere to the call to protect LGBTIQ+ persons. The Unit also strengthens advocacy and shares research and knowledge on issues of decriminalisation, anti-discrimination, and strategic litigation and advocacy through short courses, conferences and workshops for potential and existing SOGIESC activists, lawyers, and social workers.

#### Advocacy activities

- **23 February:** commissioned **the staging of a play, *Born Naked***, for an audience composed of international and local participants.



- **4 March:** outreach visit to Cape Town for **community engagement** with Triangle Project and dissemination of SOGIESC literature.
- **18 March:** Held **Equality Courts training** in Bloemfontein with Unit for Institutional Change and Social Justice at University of Free State.
- **14 April:** participated in **Model Policy Framework (MPF) Launch and Colloquium** coordinated by Gender Dynamix to discuss challenges for transgender staff and students in higher education contexts.
- **27 May:** held Equality Courts training in Limpopo with Gender Desk Office at University of Limpopo.
- **24 June:** held Equality Courts training in Stellenbosch with Gender Dynamix.
- **30 June:** held **roundtable and LGBTIQ+ sensitivity workshop** with SAC-IAWJ for

presiding officers in Gauteng, Limpopo, and Mpumalanga.

- **September:** participated in ARASA-SADC PF Convening on Implementation of key and vulnerable populations commitments in Southern Africa in Johannesburg.
- **3 November:** published **Volume 3 of the Queer Dignity in South Africa** photobook.
- **Various times:** issued public statements celebrating the **International Transgender Day of Visibility** and the **Intersex Remembrance Day**.
- **24 November:** hosted **training workshop for NHRI's on Resolutions 275 and 552** in Pretoria.
- **Various times:** contributed to the Centre's statements to the African Commission on the LGBTIQ+ situation in Africa.
- **6 October:** held **Equality Courts training** in Gqerberha with Transformation Office of Nelson Mandela University.

- Production of **HOLD: a documentary commemorating the legalisation of same-sex marriage in South Africa, Belgium and France.**

#### Research activities

- **April:** published pamphlet resource on the rights of intersex children.
- **May:** created and published booklet on 'Resolution 552 what it means for state and non-state actors'.
- **June:** Created handbook on presiding officers training for unit sensitisation workshops.
- **August:** Commenced Access to Justice research project partnering with Synergia.

#### Event hosting activities

- **19 – 23 February:** hosted a hybrid Advanced Human Rights Course on Sexual Minorities in Africa.
- **April – June:** co-hosted the Pretoria

Marburg Queer Conversations: **a series of webinars themed: 'Scholarly and Activist Perspectives on LGBTIQ+ Lived Realities in Africa.**

- **April:** participated in **CSO forum** hosted by Children's Rights Unit at African Committee of Experts on the Rights and Welfare of the Child on intersex children's rights.
- **2 May:** hosted **hybrid side-event on Resolution 552 on the Promotion and Protection of Intersex Persons in Africa** at 75<sup>th</sup> ordinary session of the African Commission in Banjul.
- **19 May:** co-hosted **IDAHOBIT 2023** events, including a panel discussion on 'Are we always together, united in diversity in Africa?', a panel discussion with the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC) on **'The Uganda Anti-Homosexuality Bill (The Bill)' - does**

**it constitute an International Crime?'**

- **6 July:** Co-hosted **virtual meeting of experts on colonialism** with United Nations Independent Expert on Sexual Orientation and Gender Identity.
- **24 – 28 July:** hosted the **annual capacity building workshop on strategic litigation and advocacy for LGBTIQ+ defenders** in Africa.
- **22 – 24 August:** Co-hosted workshop on Intractable Problems of Human Rights with University of Bayreuth at University of Pretoria.
- **23 November:** hosted **conference on sexual and gender minority rights in Africa**, for presentation of papers under the theme of 'Decriminalising anti-sodomy laws in a hostile environment'.
- **19 October:** hosted side event with ACSE (African Civil Society Engagement) on steps to **practical realisation of Resolution**

**552 on the Protection and Promotion of the Rights of Intersex Persons in Africa**

during 79<sup>th</sup> ordinary session of the African Commission in Arusha. *Various times:* engaged the Department of Justice, and the South African Judicial Education Institute to share our work with them and strengthen collaboration and commence planning on SOGIE trainings for presiding officers and clerks of the Equality Courts in South Africa.

#### Outcomes and impact

The Unit was able to largely achieve the following demonstrable outcomes:

- Developing and disseminating more advocacy materials, including across various events locally and internationally thereby broadening knowledge and empowering the community and civil society organisations.





*Model Policy Framework (MPF) Launch and Colloquium coordinated by Gender Dynamix to discuss challenges for transgender staff and students in higher education contexts.*



*Centre for Human Rights holds capacity building workshop on strategic litigation and advocacy for LGBTIQ+ activists in Africa*



*Centre for Human Rights holds Sexual and Gender Minority Rights in Africa Conference*

activists from across the continent, improving and creating networks and allowing the dissemination of knowledge on human rights systems, LGBTIQ+ advocacy, and strategic litigation.

- Encouraging the intellectual shaping of well-informed activists through the provision of scholarships for academic and professional courses.
- Strengthening collaborative partnerships and improving our level of engagement and networking with the wider LGBTIQ+ advocacy movements, thereby contributing more effectively to the knowledge building of the movement.
- Participating in several advocacy efforts through panel discussions, coalition meetings, and media engagements and thus continuing to raise awareness on and understanding of the rights of LGBTIQ+ persons in Africa.

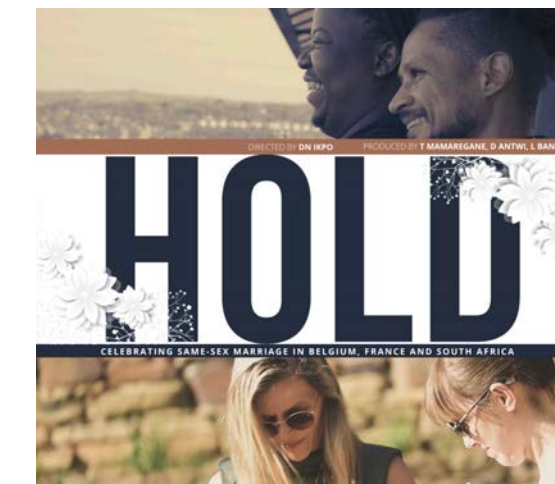
## Partnerships

The Unit has several institutional and individual partners in its networks and entered no new MOU's. The Unit also partnered with the South African Chapter of the International Association of Women Judges (SAC-IAWJ) and expects to complete an MOU.

Worthy of particular mention for activities in 2023 include the Centre for Sexualities, AIDS, and Gender; Center for Gender Studies and Feminist Futures and Center for Conflict Studies (both at the Philipps-University Marburg); Synergia-IHR; SAC-IAWJ; Gender Dynamix.

## Donors

Embassy of the Kingdom of the Netherlands in South Africa; European Union through its Delegation in South Africa; Swedish International Development Cooperation Agency through the greater CHR project.



*HOLD: a documentary commemorating the legalisation of same-sex marriage in South Africa, Belgium and France.*



## WOMEN'S RIGHTS UNIT

In 2023, **Matilda Lasseko-Phooko** managed the Women's Rights Unit (WRU). **Lydia Chibwe**, **Oluwaseyitan Solademi-Ebrahim**, **Susan Mutambasere** and **Bianca Knight** were Programme Officers through the year. **Tintswalo Ngobeni** served as an intern.

### Objective

The WRU aims to realise the rights of women in Africa as enshrined in the African regional and international human rights treaties. It seeks to do this by working with governments, civil society, and other stakeholders to ensure the implementation of treaty obligations through capacity building, advocacy, research and training.



Matilda Lasseko-Phooko



Lydia Chibwe



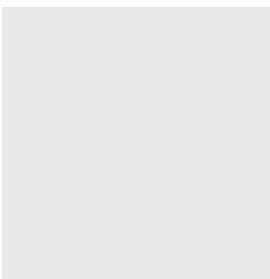
Oluwaseyitan Solademi-Ebrahim



Susan Mutambasere



Bianca Knight



Tintswalo Ngobeni

## Major Activities in 2023

This section highlights the major activities undertaken by the unit. Information on all activities undertaken in the year is available on the Centre's website.

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

The WRU seeks to advance the implementation of the African Charter and the Maputo Protocol through strengthening the state reporting mandate of the African Commission on Human and Peoples' Rights (African Commission) so as to ensure adequate monitoring of states' implementation of rights. This work includes building capacity of member states'

representatives to develop required state reports in line with established guidelines, civil society and other stakeholders' capacity to engage member states and the African Commission in assessing state measures during the reporting process and supporting various stakeholders with following-up and implementing feedback received after the state reporting cycle is complete in the form of concluding observations and recommendations. Several activities were undertaken in support of this work.

- Combined State Reporting and Drafting Workshop: Ghana: 13-15 March 2023
- Civil society shadow reporting meeting on SRHR: Ghana: 16-17 March 2023
- Advocacy on Concluding Observations and Recommendations: Lesotho: 13 April 2023
- Combined State Reporting and Drafting Workshop: Tunisia: 3-7 July 2023

- State Report Validation Workshop: Sierra Leone: 1-2 August 2023
- Civil society shadow reporting meeting: Zimbabwe: 3 October 2023
- Stakeholder meeting on Concluding Observations and Recommendations: Eswatini: 5 December 2023
- Civil society shadow reporting meeting: Eswatini: 6 December 2023
- Appointment of Technical Assistants to Support the Development of State Reports: Rwanda

### *Legislative review: towards an Africa free of laws that perpetuate violence against women*

The WRU continued with the research project on laws in Africa that perpetuate violence against women. Consultants from 25 countries in Africa were recruited to conduct research in their respective countries. On 1

and 2 February 2023, the Centre convened a Consultation Meeting on Review of discriminatory laws related to violence against women on the African continent in Pretoria, South Africa. Having internally reviewed the first draft reports from the respective consultants, the Workshop enables the Centre to finalise the reports by facilitating a consultation between the Technical Reference Team, the Office of the President of South Africa and the country specific researchers on the second drafts generated. The final draft country reports were finalised and are being consolidated into a joint regional report.

A Policy Brief was developed highlighting the key findings of the research study and disseminated at the African Union Men's Conference on Positive Masculinity in Leadership to End Violence Against Women and Girls: Accelerating Commitments



Towards an African Union Convention on Ending Violence Against Women and Girls held in Pretoria, South Africa on 27-28 November 2023. A summary of the key findings of the study was presented on a panel at this event on 27 November 2023.

#### ***Technical Support to the Special Rapporteur on the Rights of Women in Africa (SRRWA)***

*Dialogue on the place of the African Union's Maputo Protocol Score Card Index within the protection mandate of the African Commission: 77<sup>th</sup> Ordinary Session of the African Commission: 23 October 2023:* The Centre) hosted a side event on the margins of the ongoing 77th Ordinary Session of the African Commission on Human and Peoples' Rights (African Commission) taking place in Arusha, Tanzania. The side event was aimed at highlighting issues emerging

from the apparent concurrence and overlap of reporting processes related to the implementation of the Maputo Protocol. The processes of concern are the State Periodic Reporting to the African Commission as outlined under the Guidelines on State Reporting under the Maputo Protocol, and the reporting under the Maputo Protocol Score Card Index which was recently adopted by the African Union.

The two processes call on member states to assess the extent to which they have taken measures to advance the rights of women in their countries. They are both tools necessary to realise the transformative potential of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). However, to the extent that both processes have different sources of the reporting obligations, and technical

requirements articulated and endorsed separately by the African Commission and the African Union, the event sought to offer member states' representatives and other stakeholders clarity on the two processes, points of synergy, and the utility of both processes in monitoring the extent of the implementation of the Maputo Protocol.

*SRRWA Newsletter on the Maputo Protocol:* SRRWA noted the 20 years since the adoption of the Maputo Protocol through a Newsletter showcasing both the accomplishments achieved and the obstacles encountered since its inception. The Newsletter showcased contributions as part of the year-long celebrations of the Maputo Protocol at 20. The Centre supported this endeavor.

*Ad Hoc Technical support to the Special Rapporteur on the Rights of Women in Africa:* The WRU assigns a Programme Officer dedicated to providing support to the

office of the SRRWA. This Program Officer continuously provided required support to this office in the year.

#### ***Maputo Protocol Anniversary Commemoration Activities***

The Centre undertook several activities to commemorate the 20th anniversary of the adoption of the Maputo Protocol. The activities were in celebration of the Maputo Protocol turning 20 on 11 July 2023.

#### **Launch of books on the Maputo Protocol**

The Centre and the Faculty of Law, University of Nairobi launched two books related to the Maputo Protocol published by the Pretoria University Law Press (PULP). The book launch took place in Nairobi, Kenya on 13 July 2023. The first book launched was 'The

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: A Commentary' edited by Anika Rudman, Trésor Makunya and Celestine Nyamu Musembi. The second book was 'The Impact of the Maputo Protocol in selected African Countries' edited by Susan Mutambasere, Ashwanee Budoo-Scholtz and Davina Murden.

#### ***SOAWR Coalition activities***

As part of the Solidarity for African Women's Rights (SOAWR), the Centre convened with other women's rights organisations in Nairobi, Kenya for the Annual General Meeting on 9 July 2023. The SOAWR AGM took place ahead of a two-day celebration of the Maputo Protocol anniversary on 10 and 11 July 2023 in collaboration with the African Union and the Government of Kenya, as the host state. The

Centre financially supported representatives of 5 SOAWR member organisations based in the Southern Africa region to participate in the AGM and the pivotal anniversary celebrations on 10 and 11 July 2023.

The Centre was able to showcase and distribute several advocacy and research material at this event. This included a Fact sheet on access to SRHR for migrant, asylum seeking and refugee women in South Africa developed as part of the SOAWR activities. This Fact Sheet was further disseminated in collaboration with the Centre's Migration Unit at its events including: Refugees Day celebrations on 20 June 2023; Training of Journalist on Responsible reporting on 12 June 2023 and a Community Engagement in Cape Town on 28-29 August 2023.



### Advanced Short Course on the Rights of Women in Africa: 15-19 May 2023

Held in hybrid format, the WRU hosted participants for the annual short course.

### Outcomes and impact

Overall, the WRU has disseminated information to create awareness on rights of African women as enshrined in the Maputo Protocol and the role of various stakeholders at the domestic level to ensure there is implementation of these treaty rights, monitoring of state compliance and steps taken to hold the state accountable for failure to meet their state obligations to women. Outputs achieved in 2023 are:

1. Create awareness of and enable collaboration between states and civil society on the implementation of the Maputo Protocol and the African Charter.

2. Building the capacity of states to develop state reports in line with the guidelines set out by the African Commission and civil society organisations to participate in the shadow reporting process and the African Commission's open sessions in line with clear guidelines.
3. Support the mandate of the SRRWA in raising awareness on the implementation and promotion of the Maputo Protocol.
4. Increase knowledge on the regional and international law frameworks on the rights of women in Africa with the states, civil society, members of judicial and quasi-judicial entities tasked with interpreting the Maputo Protocol.

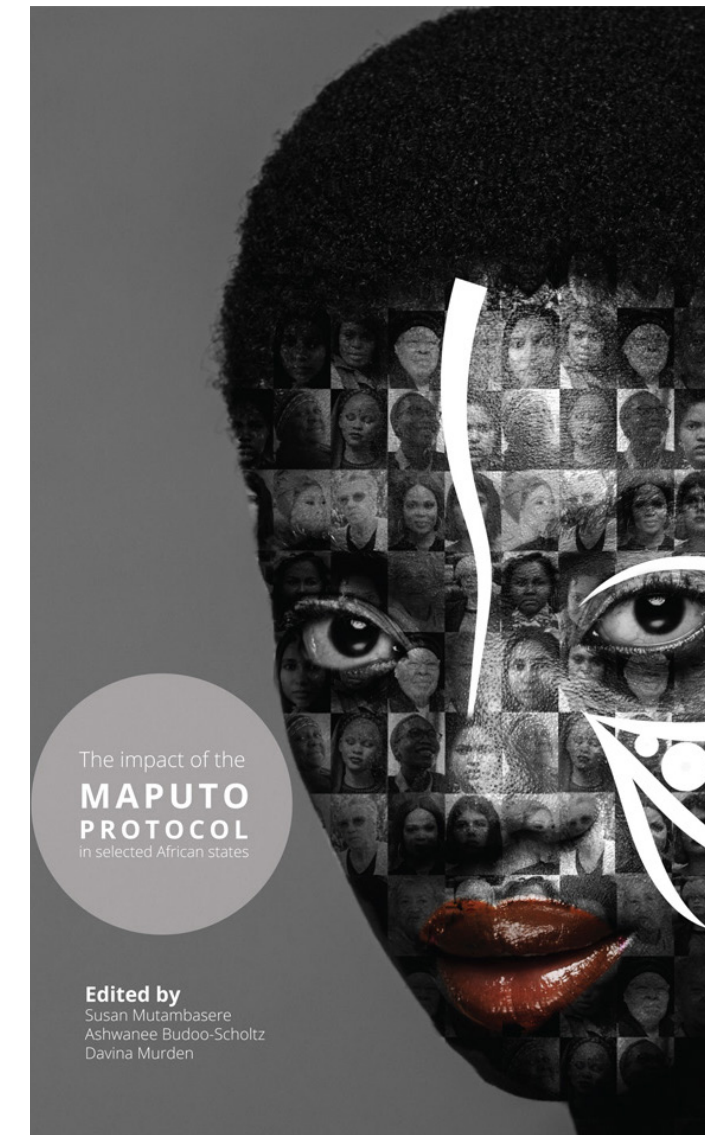
### Partnerships

Office of the President of South Africa, Women's Coalition of Zimbabwe, Kadirat, Tunisia, Women in Law and Development

in Africa (WiLDAF) Ghana, Women and Law in Southern Africa (WLSA), Lesotho, Coordinating Assembly of Non-Governmental Organisations (CANGO), Eswatini, and the Solidarity for African Women's Rights (SOAWR).

### Donors

SIDA, Wellspring, Embassy of Ireland, The Solidarity for African Women's Rights (SOAWR), European Union



Members of the Solidarity for African Women's Rights (SOAWR) Coalition in Nairobi, Kenya during the Annual General Meeting on 9 July 2023



From 13 – 14 November 2023, the Centre for Human Rights, Faculty of Law, University of Pretoria conducted a workshop on utilising General Comments on Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) as tools for Advocacy on Sexual and Reproductive Health Rights in Africa.



## INTERNATIONAL DEVELOPMENT LAW UNIT (IDLU)

In 2023, the staff of the International Development Law Unit (IDLU) consisted of **Rimdolmsom Jonathan Kabré** as postdoctoral researcher and programme Manager for the LLM programme in International Trade and Investment Law in Africa (TILA programme); **Ethel Fiattor** as academic tutor for the LLM programme in International Trade and Investment Law in Africa; **Pumeza Matwa** as administrative officer for the LLM programme in International Trade and Investment Law in Africa; and **Tinyiko Ngobeni** joined IDLU as Senior lecturer from 1st September 2023. The objective of IDLU is to conduct and promote policy-oriented legal research on international development law topics and to manage the LLM programme in International



**Dr Rimdolmsom  
Jonathan Kabré**

**Dr Ethel Fiattor**



**Pumeza Matwa**

**Dr Tinyiko Ngobeni**

Trade and Investment Law in Africa. The 11 students completed all the academic requirements to obtain the LLM degree in International Trade and Investment Law in Africa, on 8 December 2023.

In 2023, IDLU hosted the 2023 intake of the TILA programme, which alternates each year between the University of the Western Cape and University of Pretoria. In 2023, 11 students from 7 African countries registered for the TILA programme. An academic conference was organized to celebrate 20 years of existence of the TILA programme. The activity took place on 5 and 6 October 2023, simultaneously at University of Pretoria and University of the Western Cape and online, with 30 participants at UP, 30 at UWC and 40 online, and 25 speakers.

### Donors

**Dr Charles Okehalam** sponsors the TILA programme through the Maria Okehalam scholarship.

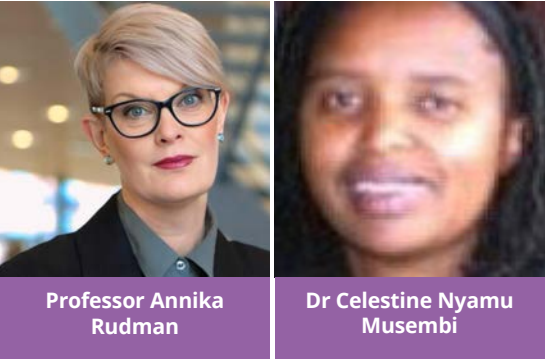
# PUBLICATIONS



PUBLICATIONS SECTION

Until August 2023, the Publications Unit of the Centre for Human Rights was headed by **Dr. Trésor Muhindo Makunya** who was also a Postdoctoral Research Fellow within the Centre for Human Rights. He was assisted by **Janet Gbam**, **Clément Agyemang** and **Jared Gekombe**. The Unit worked closely with two external consultants, who co-edited the Maputo Protocol Commentary.

As part of the Centre’s overall vision to improve the accessibility and popularisation of key human rights documents and the quality of human rights education, research and teaching in Africa and beyond, the publications team coordinates the publication of open access documents of the Centre and that of its institutional partners. In close collaboration with the



Pretoria University Law Press (PULP), the section manages the annual publication of the African Court Law Reports, the African Human Rights Yearbook and ensures that compendiums of key human rights instruments are published in different languages. The publications section helps to position the Centre as the leading research institute on human rights issues in Africa and the world.

Initiatives in 2023 include:

- During 2023, the Unit completed the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa: A Commentary, an edited volume published by the Pretoria University Law Press. This comprehensive Commentary on the Maputo Protocol, the first of its kind, provides a systematic analysis of each

article of the Protocol, delving into the drafting history, and elaborating on relevant key concepts and normative standards. This Commentary aims to be a ‘one-stop-shop’ for anyone interested in the Maputo Protocol, such as researchers, teachers, students, practitioners, policymakers and activists. Two book launches were organised. The first took place at the University of Nairobi in July while the second was organised at the University of Stellenbosch in September. The book was distributed to various scholars and relevant African human rights stakeholders in Arusha (Tanzania) on the margin of the 77th Ordinary Session of the African Commission on Human and Peoples’ Rights.

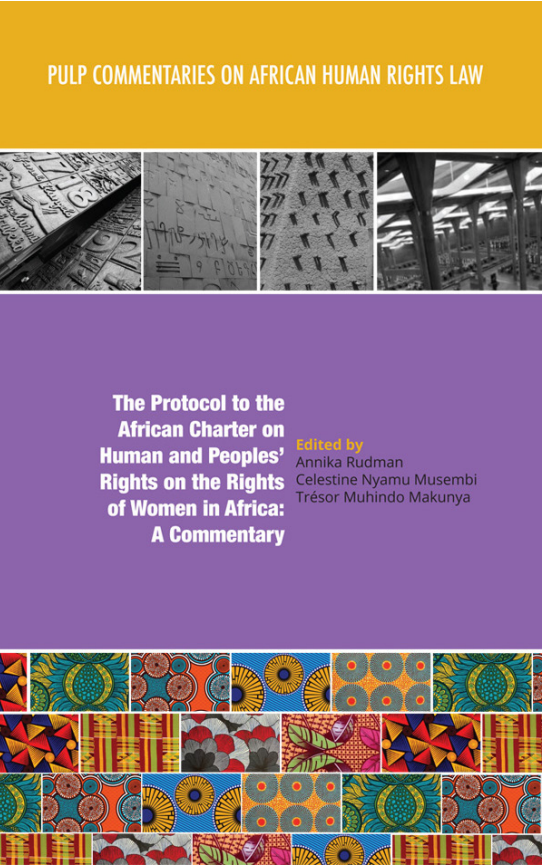
- The *African Court Law Report* was printed and distributed; preparing and working on the *African Court Law Report* Volume

5 and Volume 5; the first formatted draft of the *African Court Law Report*, French, Volume 5 was produced.

- African Human Rights Yearbook* (Volume 7) was prepared. In recognition of the progress made over the past seven years, the *Yearbook* was accredited, in 2023, by SCOPUS, SCIELO and South Africa’s Department of Higher Education (DHET). These three international accreditations show recognition of academic rigour. Articles are now eligible for subsidies where appropriate.

Donors

Wellspring Philanthropic Fund; Norwegian Ministry of Foreign Affairs, through the Royal Norwegian Embassy, Pretoria







## CHRISTOF HEYNS Memorial Thesis Award

Pretoria University Law Press  
**PULP**  
[www.pulp.up.ac.za](http://www.pulp.up.ac.za)

### PRETORIA UNIVERSITY LAW PRESS

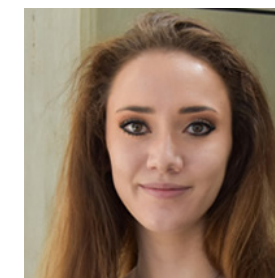
**Lizette Hermann** was the Manager of the Pretoria University Law Press (PULP). She was assisted by **Sydney Mdhlophe** and **Liesl Hager**.



Lizette Hermann



Sydney Mdhlophe



Dr Liesl Hager

PULP, an independent press based in the Centre, seeks to strengthen the rule of law and promote legal scholarship on the African continent by publishing primary materials and scholarly texts on law and its related disciplines in Africa. In keeping with PULP's access to information policy – all books are available online in electronic format at no charge at <https://www.pulp.up.ac.za>. Some of PULP's titles have had more than 10 000 downloads since their publication and most have more than 3000 downloads. During 2023, PULP published 14 titles. It also published annually, and published in 2023, five law journals: the *African Human Rights Law Journal*, *De Jure Law Journal*, the *Pretoria Student Law Review*, the *African Disability Rights Yearbook* and the *African Human Rights Yearbook*. Of these, 4 are available as fully open-access, online journals. PULP also accepted a new journal in collaboration

with the Faculty of Law, University of Lagos, called the *African Journal of Privacy and Data Protection* of which the first edition will be produced in 2024.

In July 2023, to mark the 20th anniversary of the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Centre for Human Rights, University of Pretoria and the Faculty of Law, University of Nairobi launched two books published by the Pretoria University Law Press (PULP). The book launch took place in Nairobi, Kenya on 13 July 2023. The publications were launched in celebration of the Maputo Protocol turning 20 on 11 July 2023. The first book is 'The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa: A Commentary' edited by Anika Rudman, Trésor Makunya and Celestine Nyamu



Musembi. This Commentary aims to provide a systematic commentary of provisions of the Maputo Protocol to elucidate their meaning and implications in improving women's rights in Africa. It traces the legal, political, and economic foundation and justifications of the Protocol and its provisions. It analyses normative standards developed and institutional efforts made by the African Commission, the African Court and AU states to improve the protection of women's rights in Africa. The Commentary is the first in a series of PULP commentaries on African human rights law, under the series title 'PULP Commentaries' on African human rights law.

PULP awarded the third Christof Heyns memorial thesis award to the winning thesis, by **Dr Alphonse Paul Mbuya**, titled 'Assessment of the realisation of older persons' right to healthcare in Tanzania',

and was completed under the supervision of **Prof Andrew Mollel** and **Dr Fiona Batt**. The degree was awarded by St. Augustine University of Tanzania School of Law. The runner-up was a thesis by Dr Susan Carolyn Knox-Mosdell, titled 'A constitutional law perspective on structural poverty in South Africa', and was completed under the supervision of Professor AA Du Plessis. The degree was awarded by North-West University.

PULP launched its 'Emerging voices series' with the first publication in the series that of **Dr Satang Nabaneh**, *Choice and conscience: Lessons from South Africa for a global debate*. The series is a platform for the 'Emerging voices' of young academics which represent a dynamic and promising cohort of scholars and researchers who are poised to make significant contributions to their fields. They bring a fresh perspective, innovation, and a

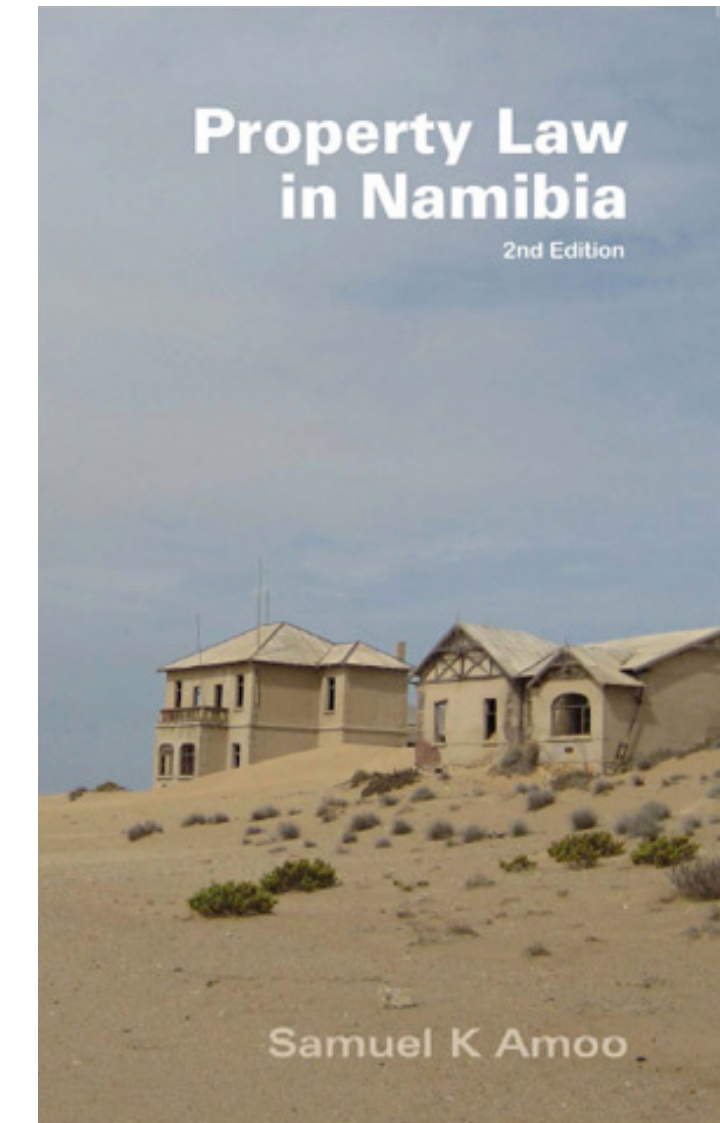
commitment to advancing knowledge and scholarship within their areas of expertise.

The monographs in this series are drawn from:

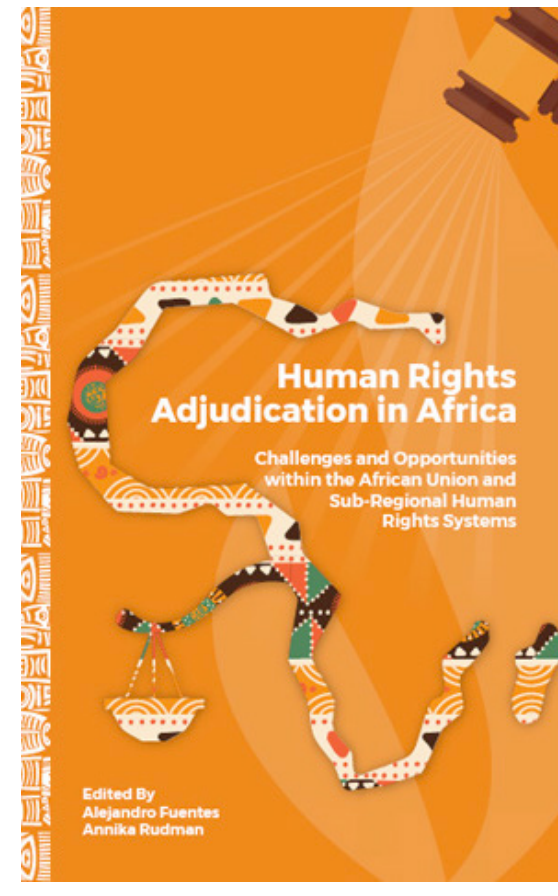
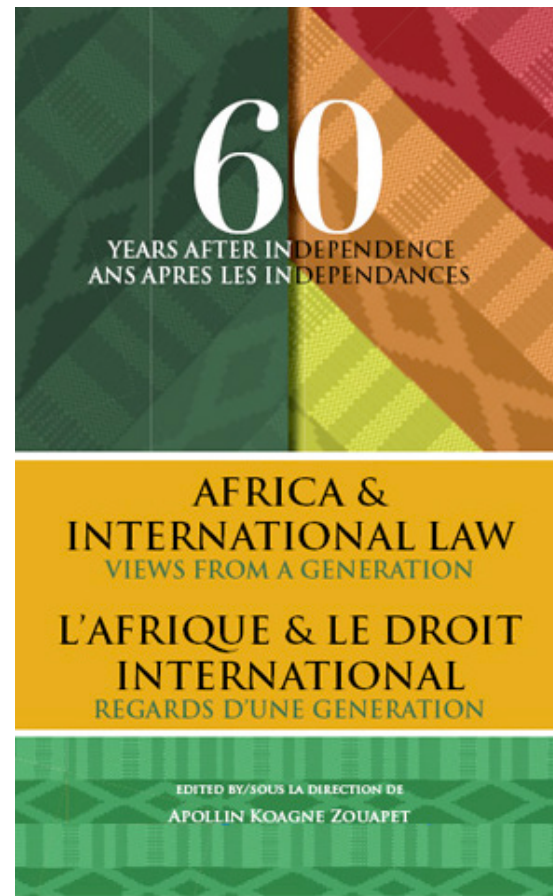
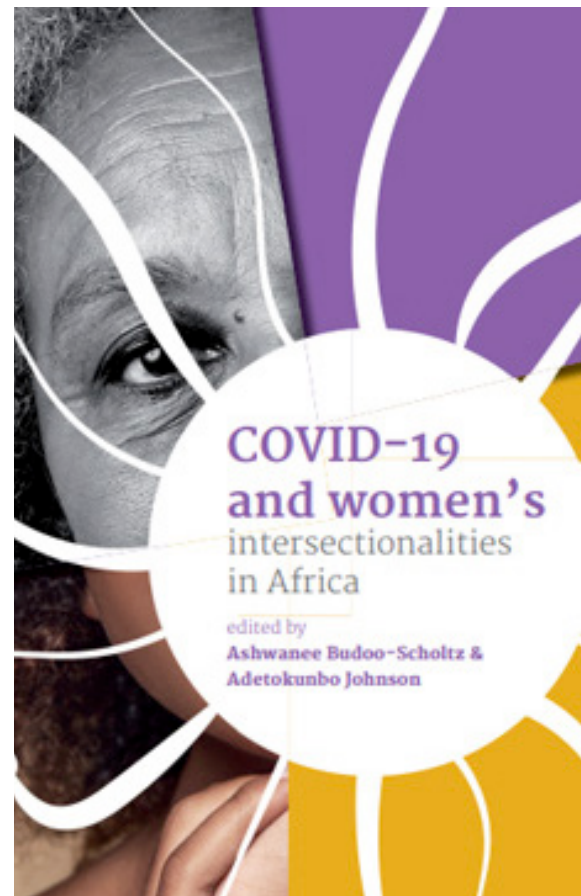
- The winner and runner-up of the annual Christof Heyns Memorial Thesis Award;
- Doctoral theses written and defended by emerging African scholars within the last 5 years; and
- Any monographs written by scholars who are younger than 40 years old.

During 2023, PULP's editorial committee was convened by **Prof Charles Fombad**, its other members were **Lizette Hermann** (PULP Manager); **Prof Frans Viljoen** (Director Centre for Human Rights); **Dr Gustav Muller** (Associate Professor, Department of Private Law, Faculty of Law, University of Pretoria); **Prof Magnus Killander** (Professor

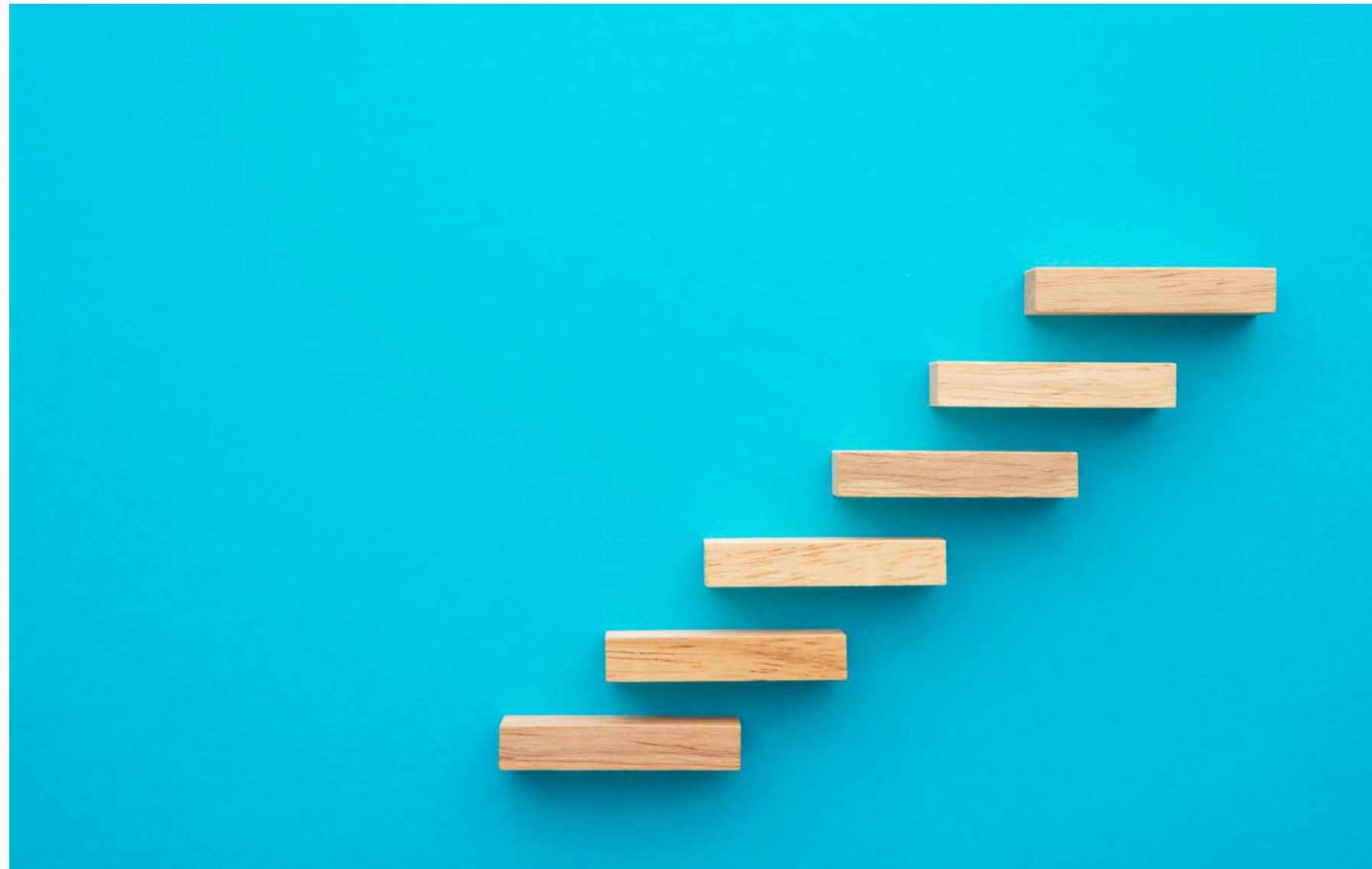
of human rights law, CHR); **Dr Martha Bradley** (Associate Professor, Department of Public Law, Faculty of Law, University of Johannesburg); **Dr Tshepiso Scott** (Lecturer in the Department of Mercantile Law, Faculty of Law, University of Pretoria); **Dr Yvonne Jooste** (Research associate in the Department of Jurisprudence, Faculty of Law, University of Pretoria); **Dr Trésor Makunya** (then Postdoctoral Fellow and Publications Coordinator, Centre for Human Rights); **Prof Serges Djoyou Kamga** (Dean, Faculty of Law, University of the Free State); **Prof Babatunde Fagbayibo** (Professor of international law, Department of Public Law, Faculty of Law, University of Pretoria).







## ASSOCIATED ENTITIES



## INSTITUTE FOR INTERNATIONAL AND COMPARATIVE LAW IN AFRICA (ICLA)

ICLA's vision is to create new knowledge and develop research capacity across geographical, legal and linguistic divides in Africa, at the highest level, within the fields of International and Comparative Law and to help integrate African legal developments with those in the rest of the world. It also aims, amongst other things, to serve as the point of convergence and institutional memory for judicial and legislative reform across the continent and to constitute a base from where the legal systems of African countries can be accessed by other regions and international organizations. It also strives to link African legal scholars with those in the rest of the world at the cutting edge of contemporary international and comparative research.

The academic staff during 2023 at ICLA were: **Professors Charles Fombad, Dire Tladi, Corlia van Heerden, Niek Grove, Stuart Casey-Maslen, Jann Kleffner** and **Dr Thomas Probert**. **Professors Casey-Maslen** and **Jann Kleffner** are extraordinary and honorary professors, respectively, at the Centre, while **Dr Probert** is an extraordinary lecturer. Other members consist of researchers such as **Dr. Lukman Abdulrauf, Dr Thompson Chengeta, Simon Mateus**, and two post-doctoral fellows, **Dr Samson Dabire** and **Dr. Johannes Socher**. ICLA manages the Freedom from Violence project which aims to bring together human rights and public health-based approaches towards the problem of violence, particularly on the African continent. ICLA's Freedom from Violence project also manages a website on Police use of Force (<https://policinglaw.info>) and the Right of Assembly

(<https://rightofassembly.info>). ICLA co-organises the National Schools Moot Court Competition, and conducts various research projects. Professor Fombad annually organises the Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA). The SASCA seminar on the theme "Constitutional change and constitutionalism in Africa" took place in Stellenbosch from 13-16 September 2023. The keynote addresses were delivered by Dr Osy Eekesili, a former Vice President of the World bank, and Professor Babacar Kante, a former Vice President of the Constitutional Court of Senegal. In 2023, the University of Pretoria's 2021 Chancellor Award for Research was awarded to Prof. Fombad and Prof Dire Tladi was elected as Chair of the UN International Law Commission.



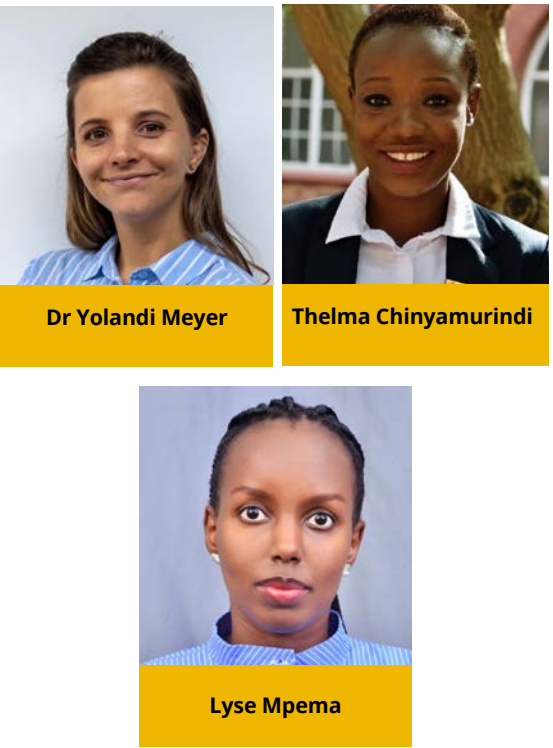


Prof. Fombad organised the Stellenbosch Annual Seminars on Constitutionalism in Africa in partnership with the UWC Chair in Constitutional Design for Divided Societies, the South African Research Chair in Multilevel Government, Law and Development (SARChI) at the Dullah Omar Institute, University of the Western Cape,

and the Stellenbosch Institute for Advanced Study (STIAS) and the Konrad Adenauer Stiftung (KAS) Rule of law Programme Sub-Saharan Africa (Anglophone Countries), based in Nairobi.

### CENTRE SERVED AS SECRETARIAT TO THE AFRICAN COALITION FOR CORPORATE ACCOUNTABILITY

In 2023, ACCA was managed by **Dr. Yolandi Meyer**, and upon her departure from the Centre, by **Ms. Lyse Mpema**. **Ms. Thelma Chinyamurindi** was a researcher in the Unit. ACCA is a coalition of organisations based in Africa supporting communities, and individuals whose human rights are adversely impacted by business activities on the continent. The ACCA secretariat is hosted by the Centre and is partly under the supervision of the Business and Human Rights Unit Manager. The main objective is to strengthen the capacities and cooperation among African CSOs working on business and human rights and corporate accountability and enhance the protection and respect for collective and



individual rights in relation to the activities and relationships of business enterprises. In 2023, the ACCA secretariat in partnership with the Initiative for Social and Economic Rights (ISER) and the Global Initiative for Economic, Social and Cultural Rights (GIESC)

hosted a webinar titled “Unpacking General Comment 7 on State obligations under the African Charter on Human and Peoples’ Rights in the context of private provision of social services: Towards effective implementation.” The primary objective of the webinar was to delve into the key aspects of General Comment 7 and foster discussions among Civil Society Organisations (CSOs) and stakeholders involved in the provision of social services. The webinar provided a platform to raise awareness regarding the challenges faced by the social services sector in Africa, with a specific focus on the profound impact of the COVID-19 pandemic. The pandemic exacerbated existing issues and highlighted the pressing need for robust and effective mechanisms to address the provision of social services on the continent. A four-year collaborative project started in 2023, the Global Initiative on Corporate Accountability

is a network of organisations based across the globe working on Mandatory Human Rights and Environmental Due Diligence (mHREDD). The “Challenging corporate power: a global movement to advance mHREDD corporate accountability laws” brings together various organisations, including the European Coalition for Corporate Justice (ECCJ), the Corporate Justice Coalition (CJC), Above Ground, the Canadian Network on Corporate Accountability (CNCA), the International Corporate Accountability Roundtable (ICAR), the African Coalition for Corporate Accountability (ACCA), and the Human Rights Law Centre (HRLC) representing the Australian Corporate Accountability Network (ACAN). ACCA is the representative of the African region and has received funding to conduct regional workshops on mHREDD and support members in developing policy briefs on the need of domestic legislation and conduct advocacy campaigns in Africa sub-regions.

Other conferences and workshops during 2023 include: Conference on Reclaiming Public Services and General Assembly; the Africa Business and Human Rights Forum; the West Africa Mining Indaba 2023 and a Workshop on Illicit financial flows.

**Donors**

True Cost Initiative; Open Society Foundations; Steelworkers Humanity Fund, Swedish International Development Agency



ACCA General Meeting 2023



CENTRE SERVED AS SECRETARIAT OF  
THE ASSOCIATION OF HUMAN RIGHTS  
INSTITUTES (AHRI)

At the annual conference of the Association of Human Rights Institutes (AHRI) in Bilbao, Spain, the Centre for Human Rights was elected to host the AHRI Secretariat for the next three years. **Prof Frans Viljoen** was elected AHRI chair and **Prof Magnus Killander** AHRI Executive Secretary. **Dr Zainab Olaitan**, a post-doctoral fellow in the Centre, is the AHRI administrator. AHRI brings together around 80 university-based human rights institutes around the world. The 2024 AHRI conference will be held in Lund, Sweden and the 2025 conference in Lima, Peru.



Professor Frans Viljoen



Professor Magnus Killander



Dr. Zainab Olaitan



DONORS

Financial contributions from a number of donors enabled the Centre to undertake and continue its programmes. **Without these generous contributions, the work of the Centre would not be possible. We are very grateful to all the donors.**

- 11th Hour Project; Charitable Gift Trust
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- PLAN International
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law
- Right Livelihood Foundation
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- Stellenbosch University
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