

Detention  
 Service  
 Delivery  
 Legislation  
 Oversight  
 Human Rights  
 Multilevel government  
**Annual Report 2013**  
 Child Justice Act  
 Parliament  
 Special needs  
 housing  
 Correctional Services  
 Bill  
 Doctoral  
 Africa  
 Constitution  
 Children  
 Law  
 Socio-economic  
 Teaching  
 Law  
 Torture  
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 Municipal  
 poverty  
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 Local Government  
 Socio-economic  
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 Society  
 Prisons  
 Masters  
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 Law





# Director's Overview



2013 was my first year as director of the Community Law Centre (hereafter the Centre), and it truly has been an honour to serve an organisation filled with such capable, determined and engaging people. I must begin this overview by expressing deep-felt gratitude for the support I received from everyone on our team.

At the beginning of 2013, we agreed that as a Centre, we would pursue six objectives. This Annual Report shows that, although 2013 was a year of transition, never once did we stop pursuing these objectives and making progress towards them.



## Board of Trustees

Archbishop Thabo Makgoba, represented by Professor Julian May, Director: Institute for Social Development (Chairperson from 11 June 2013)

Professor Julia Sloth-Nielsen, Dean of the Law Faculty (Chairperson until 11 June 2013)

Professor Renfrew Christie, Dean of Research

Professor Jaap de Visser, Director of the Community Law Centre

Advocate Karrisha Pillay, public representative

Judge Vincent Saldanha, public representative

Advocate Anwar Albertus, practising advocate (until 11 June 2013)

Advocate Geoff Budlender SC, practising advocate (from 11 June 2013)

Mr Deon Visagie, practising attorney

Dr Lea Mwambene, Law Faculty representative (from 11 June 2013)

Dr Yonatan Fessha, Law Faculty representative (from 11 June 2013)

Dr Mubarak Sulaiman, Law Faculty representative

Revonja Campher, chairperson of the Law Students' Council

## Management Committee

Professor Julia Sloth-Nielsen, (Chairperson until 11 June 2013)

Professor Julian May, (Chairperson from 11 June 2013)

Dr Mubarak Sulaiman

Professor Jaap de Visser

### Project Heads:

- Mr Edmund Foley (Children's Rights Project)
- Prof Lukas Muntingh (Civil Society Prison Reform Initiative)
- Mr Derek Powell (Multilevel Government Initiative)
- Ms Samantha Waterhouse (Parliamentary Programme)
- Dr Ebenezer Durojaye (Socio-Economic Rights Project)

## Staff

### DIRECTOR

- Professor Jaap de Visser

### CHILDREN'S RIGHTS PROJECT

- Edmund Foley (project head), Dr Nkatha Murungi (doctoral researcher), Maria Assim (doctoral researcher), Dr Aquinaldo Mandlate (doctoral researcher), Michel Ndayikengurukiye (doctoral researcher) Crystal Erskine (administrator)

### CIVIL SOCIETY PRISON REFORM INITIATIVE

- Prof Lukas Muntingh (project head), Clare Ballard (researcher), Gwenaelle Dereymaeker (researcher), Jean Redpath (researcher), Crystal Erskine (administrator)

### SOCIO-ECONOMIC RIGHTS PROJECT

- Dr Ebenezer Durojaye (project head), Gladys Mirugi-Mukundi (researcher), Ngcimezile Mbano (doctoral researcher), Nicholas Orago (doctoral researcher), Keathéla Sapto (administrator)

### MULTILEVEL GOVERNMENT INITIATIVE

- Derek Powell (project head), Annette May (researcher), Prof Nico Steytler (South African Research Chair in Multilevel Government, Law and Policy), Phindile Ntliziywana (researcher), Dr Zemelak Ayele (post-doctoral researcher), Dr Conrad Bosire (doctoral researcher), Tinashe Chigwata (doctoral researcher), Thulaganyo Selokela (doctoral researcher), Mutakha Kangu (doctoral researcher), Valma Hendricks (administrator)

### PARLIAMENTARY PROGRAMME

- Samantha Waterhouse (project head), Keathéla Sapto (administrator)

### FINANCIAL MANAGEMENT

- Virginia Brookes (chief operations manager & financial manager), Nadia Cassiem (bookkeeper)

### INFORMATION AND COMMUNICATION MANAGEMENT:

- Jacob Nthoiwa (information manager from Feb 2013)

### OFFICE MANAGEMENT

- Debbie Gordon (office manager), Nikita Williams (receptionist)

## Research Fellows

- Prof Julia Sloth-Nielsen
- Prof Henk Kummeling
- Dr Jacqui Gallinetti
- Dr Christopher Mbazira
- Dr Yonatan Fessha
- Dr Jamil Mujuzi
- Dr Benyam Dawit Mezmur

This amounts to 54 appearances in the media, averaging at more than one appearance per week.

## Making a strong impact on law and policy

We were instrumental in effecting changes in law and policy, however invisible they may have been to the public eye or how long they took to materialise. For example, our Parliamentary Programme played a key role in sustaining a campaign that made 2013 a difficult year for the Traditional Courts Bill, widely discredited for condemning the rural poor to the mercy of traditional leaders. In 2013, Parliament also adopted the Spatial Planning and Land Use Management Act 16 of 2013, which bears the imprints of the Centre's work. Furthermore, we made more than 25 formal submissions to legislatures or government departments. The PP supported a large number of civil society organisations that work on women and children's issues and linked them to Parliament.

We used the media to disseminate research and advocate positions to defend democracy and protect marginalised groups. In 2013, Centre staff conducted 29 radio and four TV interviews, and appeared in 22 print or online publications. This amounts to 54 appearances in the media, averaging at more than one appearance per week.

## Enlarging our growing footprint in Africa

We grew our footprint in Africa by embarking on new projects in Kenya, Mozambique and Lesotho. We also maintained our partnerships with the African Commission on Human and Peoples' Rights (ACHPR) and African Committee of Experts on the Rights and Welfare of the Child (ACERWC) by participating in sessions of these African Union institutions. The mere fact that the Centre houses staff and doctoral researchers from more than ten African countries, including Botswana, Burundi, Ethiopia, Ghana, Kenya, Malawi, Mozambique, Nigeria, and Zimbabwe, bears testimony to our deep linkages throughout the continent.

Further evidence of this growing network was our successful organisation of the International Conference on Constitution Building in Africa. The Conference was part of the African Human Rights Moot Court week, convened by the Faculty of Law of UWC and the University of Pretoria's Centre for Human Rights. More than 250 participants from across Africa attended, and close to 30 papers were presented in four working groups.

The Conference reflected on the drafting of South Africa's Interim Constitution, in which the Centre played a significant role through past staff members and associates such as former Constitutional Court judge Albie Sachs, Zola Skweyiya, Brigitte Mabandla, the late Prof Kader Asmal and our founding director, the late Adv Dullah Omar. Two former Ministers (Mr Valli Moosa and Dr Sydney Mufamadi) and the internationally renowned constitutional expert Prof Yash Pal Ghai engaged in a panel discussion, chaired by Prof Nico Steytler. The Conference also examined recent constitution-building processes in countries such as Kenya, Zimbabwe, Uganda, Nigeria, Ethiopia, South Sudan, Madagascar and Zambia.

## Increasing our postgraduate output

A major highlight of our postgraduate programme was that four doctoral researchers, namely Aquinaldo Mandlate, Nkatha Murungi, Conrad Bosire and Nicholas Orago, received doctoral degrees in what are always proud moments for the Centre. The investments in bursaries, supervision capacity and doctoral support policies, initiated under my predecessor, Nico Steytler, bore fruit when these young scholars were capped.

The work of the SARChI Chair in Multilevel Government, Law and Policy commenced in 2013. The impact of the prestigious Chair, held by Nico Steytler, was felt immediately. It resulted in greater momentum around PhD research and postgraduate teaching, regular seminars, the appointment of a post-doctoral fellow (Zemelak Ayele) and an international conference on devolution in Kenya and South Africa, hosted in Nairobi. Together with the Law Faculty, we arranged two successful doctoral colloquia in which PhD candidates engaged with peers and experts on their research.

## Increasing our academic output

With the publication of 18 peer-reviewed articles and 14 chapters in books, the Centre improved its academic productivity. Our research fellows deserve specific mention for their contribution to this research output. However, the Centre's contribution to the academic enterprise goes beyond accredited

publications. We hosted a total of 14 conferences and seminars and presented more than 50 papers and presentations at conferences in places as far afield as Vietnam and the United States. Furthermore, our staff reviewed more than 25 journal articles for national and international journals and examined more than 15 postgraduate dissertations, thereby playing a critical role as well behind the scenes.

Innovation and cross-disciplinary work are increasingly important for the academic community at large and the Centre in particular. We continued to innovate, bridge disciplines and create a workplace for both social scientists and lawyers. For example, Lukas Muntingh's Civil Society Prison Reform Initiative (CSPRI) uses LLB students to monitor court proceedings in order to collect information about police conduct and provided crime statistics for the Commission of Enquiry into Policing in Khayelitsha. Under Derek Powell's leadership, the Multilevel Government Initiative (MLGI) compiled a database of over 500 governance indicators which is used to analyse government performance and make evidence-based recommendations about matters such as protests, audit outcomes and local government.

## Enhancing our staff's academic status

For an institution with a modest complement of 12 researchers (six of which are women), 11 PhD candidates (of which four are women) and eight support staff (seven are women), the achievements outlined above are remarkable, particularly given that all but two of these are contract positions. To a large measure our progress is driven by the stature of our staff. For example, Nico Steytler was appointed by President Zuma as a member of the Finance and Fiscal Commission, a constitutional body advising government on intergovernmental fiscal relations. Our staff and fellows occupy a total of seven editorial positions in local and international journals and eight positions as board members or trustees of local and international organisations. Lukas Muntingh and Annette May each serve on an Article 5 committee that advises the South African Human Rights Commission (SAHRC). It is clear that the Centre's staff and fellows are recognised as leading academics and activists.

## Strengthening finances, governance and operations

Important changes were made to our governance and staff structures. The Board of Trustees appointed Prof Julian May, Director of UWC's Institute for Social Development, as its Chairperson. With his impressive scholarly record and experience in academic governance, he will be a potent asset as the Centre enters a new era in which it becomes increasingly interdisciplinary. Dr Fessha, Dr Mwambene and Dr Sulaiman were appointed to the Board as representatives of the Faculty of Law. Adv Geoff Budlender, a leading legal activist and respected advocate, was elected to replace outgoing board member Adv Albertus.

Towards the end of 2013, Prof Bernard Martin was appointed as Dean of the Law Faculty and thus as an ex officio member of the Board. Prof Martin fills the vacancy left by Prof Julia Sloth-Nielsen as Dean and member of the Centre's Board of Trustees. The Centre is most grateful to Prof Sloth-Nielsen, who provided invaluable support, not only as Dean but an energetic research fellow in the Children's Rights Project (CRP), thereby contributing to the Centre's impact on the continent.

Edmund Foley returned to Ghana after leading the CRP for two years. During his tenure, the Project provided advice on law reform in child-rights matters in Southern and Eastern Africa. The vacancy left by Prof Nico Steytler's deployment into the SARChI Chair was filled by the appointment of Dr Benyam Mezmur as Associate Professor in the Law Faculty. Dr Mezmur is a former research fellow and doctoral researcher of the Centre. He brings a wealth of expertise on children's rights to the Centre, and adds to our international standing as chairperson of the ACERWC and vice-chairperson of the United Nations Committee on the Rights of the Child. Derek Powell took over the reins of the MLGI, filling the vacancy left by my appointment as Director. He has brought his extensive experience in government, his critical mind and passion for multi-disciplinary research into the position and taken the MLGI to new heights.

Jacob Nthoiwa joined the Centre as Communications Manager and significantly increased our capability to engage with online, social and traditional media.

We had to overcome nostalgia in deciding to close the Documentation Centre. In the 1990s the 'Doc Centre' began as a resource facility on gender issues and grew into an in-house library. Space constraints and the opportunity to transfer materials to the University's Main Library led to its conversion into a meeting room and space for doctoral researchers.

The funding environment is contracting, with more funders withdrawing from or reducing their

To a large measure our progress is driven by the stature of our staff.



The Rector, Prof Brian O'Connell opens the Conference on Constitution-Building



Prof Nico Steytler, Dr Sydney Mufamadi and Mr Vali Moosa



Prof Julian May



Prof Bernard Martin

We had to overcome nostalgia in deciding to close the Documentation Centre. In the 1990s the 'Doc Centre' began as a resource facility on gender issues and grew into an in-house library.

exposure to South Africa. At the same time, our country's position on the continent is presenting new opportunities, given the increased interest in international collaboration. The Centre succeeded in raising R12,427,941.99 to continue its operations, and carried forward a surplus of R5,545,937.47 into 2014. Virginia Brookes was promoted to full-time Chief Operations Manager and Financial Manager, taking responsibility for coordinating operational issues and assisting the Director with managing finances and operations. The integration of the SARChI Chair into the Centre's finances, the growing number of stringent donor reports, and the imperative of aligning Centre and University finances were challenges that our Financial Office met with vigour and determination. In 2013, we managed 44 cost centres, of which 10 are subject to external audits.



Virginia Brookes -  
Chief Operations and Financial Manager



Debbie Gordon -  
Office Manager



Jacob Nthoiwa -  
Communications  
Manager



Nadia Sutton -  
Bookkeeper



Nikita Williams -  
Receptionist

## LLDs Awarded in 2013

### Dr Conrad Bosire (multilevel government)

Supervisor: Prof N Steytler

Topic: Devolution for Development, Conflict Resolution and Limiting Central Power: An Analysis of the Constitution of Kenya 2010.

In a radical break with the past, Kenya adopted a new constitution in 2010 that has as one of its centrepieces the devolution of power, the objects of which are development, peace-making and limiting central power. The constitution thereby aims to address the root causes of conflict in that country, and Bosire examines how these objectives have been pursued. His is the first in-depth examination of the topic and the first in the international literature to identify how the design features giving effect to the objects of devolution are not always in harmony but require trade-offs in order to strike an effective balance. This is an important study, with lessons for all those seeking to design devolutionary systems of government. Bosire's bursary was supported by OSISA.



### Dr Aquinaldo Mandlate (children's rights)

Supervisor: Prof J Sloth-Nielsen and Dr B Mezmur

Topic: Assessing the Implementation of the Convention on the Rights of the Child in Lusophone Africa (Angola and Mozambique).

Mandlate's thesis investigates the implementation of the United Nations Convention on the Rights of the Child (UNCRC) and the African Children's Charter in these Portuguese-speaking countries. Taking into account the developmental challenges caused by a legacy of civil war, he delves into laws, policies, institutional measures, infrastructure, training and oversight mechanisms in an enquiry that covers juvenile justice, trafficking, family laws, the judicial system and rights to education. This is the first systematic study in the area by any Lusophone researcher, and as such it makes an original contribution to scholarship. His bursary was supported by the Open Society for Southern Africa (OSISA).



### Dr Nkatha Murungi (children's rights)

Supervisors: Prof J Sloth Nielsen and Dr B Mezmur

Topic: The Significance of Article 24(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD) for the Right to Primary Education of the Children with Disabilities: A Comparative Study of Kenya and South Africa.

The study has special importance as it is the first interpretation undertaken of the right to primary education enshrined in the CRPD. The study's strength lies in its methodological application of the criteria and norms contained in emerging international law and policy in Kenya and South Africa. It makes a distinct and comprehensive contribution to knowledge that will be an important tool for legislators, policy-makers and practitioners dealing with the education rights of children with disabilities. Murungi's study was supported by UNICEF and Plan International.



### Dr Nicholas Orago (socio-economic rights)

Supervisors: Prof J De Ville and Prof F Viljoen (University of Pretoria)

Topic: Poverty, Inequality and Socio-Economic Rights: A Theoretical Framework for the Realisation of Socio-Economic Rights in the 2010 Kenyan Constitution.

The realisation of socio-economic rights in African countries is crucial to alleviating poverty, enhancing sustainable human development and achieving substantive equality. At the national level, however, this has been hampered by a number of problems, including scarcity of resources, ideological differences about the justiciability of socio-economic rights, and the lack of normative and institutional frameworks strong enough to enforce them. In 2010 Kenya promulgated a new constitution that entrenched justiciable socio-economic rights, and Orago has provided a comprehensive analysis of the challenges facing their realisation. Although the study focuses on Kenya, its findings stand to benefit other African countries in a similar situation. Orago's bursary was supported by the Ford Foundation.



# The Community Law Centre AT A GLANCE



**31 Staff**  
(including doctoral researchers/  
post-docs)

55% Female  
45% Male

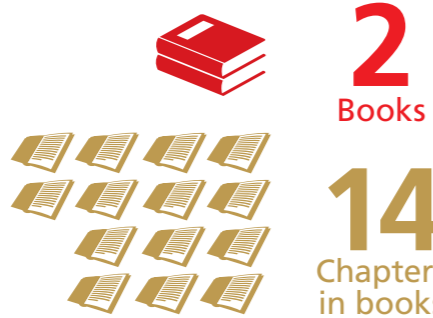


**9**  
Phd Holders

**2**  
NRF Rated

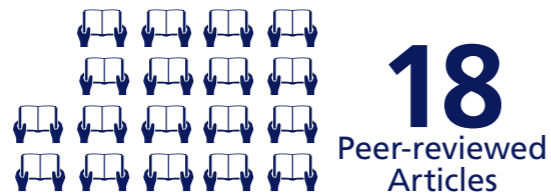
11 Phd Candidates

2013  
Publications



**2**  
Books

**14**  
Chapters  
in books



**18**

Peer-reviewed  
Articles



64%  
male



36%  
female

Other key  
outputs

**2** Conferences

**13** Workshops

**25**  
Submissions

**37**  
Conference  
Papers

**14**  
Research  
Reports

Where we  
work



We were  
active in

**14**

African Countries

Media  
appearances

**29**

**22**

**4**



Part of  
**49**  
civil society  
campaigns/  
alliances

# five

## Five focal areas

The following sections elaborate on the Centre's five focal areas:

- 1 Multilevel Government Initiative (MLGI)
- 2 Civil Society Prison Reform Initiative (CSPRI)
- 3 Socio-economic Rights Project (SERP)
- 4 Children's Rights Project (CRP)
- 5 Parliamentary Programme (PP)



# Multilevel Government Initiative (MLGI)



## Project Staff

**Derek Powell** (project head)

**Prof Nico Steytler**  
(South African Research Chair in  
Multilevel Government, Law and  
Policy)

**Annette May** (researcher)

**Phindile Ntliziywana** (researcher)

**Dr Zemelak Ayele** (post-doctoral  
researcher)

**Dr Conrad Bosire**  
(doctoral researcher)

**Tinashe Chigwata**  
(doctoral researcher)

**Thulaganyo Selokela**  
(doctoral researcher)

**Mutakha Kangu**  
(doctoral researcher)

**Valma Hendricks** (administrator)

MLGI is an independent scholarly initiative that conducts advanced applied research focused on complex problems of governance in South Africa and the African region that lie at the intersection of the law, the state and the economy. MLGI creates and disseminates new knowledge through publications, post-graduate teaching, and by participating in open, public dialogue on issues of public policy. MLGI strives to provide objective research and informed opinion on matters of governance in order to educate wider public debate.

The MLGI focuses on five main sets of activities:

01

the systematic review of multi-level government to inform the coming institutional reforms;

02

building capacity for evidence-based research and interventions;

03

developing tools to inform public debate on good governance and make data accessible;

04

making targeted interventions into particular policy debates related to multi-level governance; and

05

developing the law.

## Adding an independent and evidence-based voice to MLG

The National Development Plan 2030 identifies interventions to improve multilevel government. The question is: How will these differ from previous attempts to reform the system? The MLGI assesses the effectiveness and sustainability of South Africa's three-sphere system of government using 'big data' as a barometer of how well multilevel government is working. This project brings together the enormous amount of data on state performance pocketed in many different places into a single database. It was developed in 2013, and the MLGI will continue to expand it and build capacity in this area.



## Developing the new Municipal Audit Consistency Barometer

The poor state of municipal financial management is a serious public concern. The government's Operation Clean Audit set 2014 as the date by when all 278 municipalities had to receive a clean audit, but this target has not been met. Moreover, there is a limited statistical basis for identifying and addressing systemic governance problems that underlie poor audit outcomes. In 2013, the MLGI started preparing a Municipal Audit Consistency Barometer (MAC-B), to be launched in 2014. MAC-B is a composite set of indicators measuring compliance with audit standards over the municipal five-year term of office, the effectiveness of national policy and legislation on clean audits, the effectiveness of provincial interventions in troubled municipalities, and the audit outcomes of provincial departments.

## Delivering high-impact policy briefs, papers and presentations

The MLGI has been involved actively in policy engagement, advocacy and applied research, producing more than 31 presentations, policy briefs and papers on a range of issues related to the review or operation of multilevel governance in South Africa:

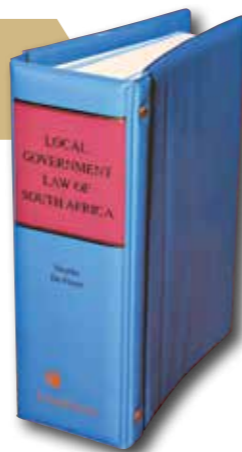
Derek Powell and Phindile Ntliziywana produced a paper on the developmental state and the impact of the new Infrastructure Development Bill;

Prof Jaap de Visser produced an opinion piece on the Western Cape Community Safety Act;

Prof Nico Steytler delivered the keynote address to the senior management of COGTA at their strategic planning session;

smaller studies were conducted by postgraduate students on the functionality of state institutions supporting multi-level government, government's anti-corruption strategy and the role of organised local government; and

Prof Nico Steytler and Prof Jaap de Visser published an update to *Local Government Law of South Africa*, which remains the most widely-used and quoted publication on local government law in the country.



Douglas Singiza, Prof Jaap de Visser and Tinashe Chigwata present at the Commonwealth Local Government Forum (Kampala)

In that period, the MLGI recorded at least 18 direct impacts on existing policy processes. For example:

Parliament passed the Spatial Planning and Land Use Management Act 16 of 2013, with considerable input by the MLGI into the development of the Bill;

the City of Cape Town passed a new liquor by-law, based on earlier advice rendered by the MLGI; and

the Western Cape government introduced the *Western Cape Support and Monitoring of Municipalities Bill*, 2013, based on earlier advice by the MLGI.



## Fostering a professionalised system of local government

The MLGI advocates for a capable state with a professional local government system, and its work in the area of professionalisation has grown significantly. There were several major activities and impacts under this objective:

Phindile Ntliziywana is conducting a doctoral study, under the supervision of the SARChI Chair, on the professionalisation of local government;

Derek Powell and Phindile Ntliziywana published an article on public service reforms, announced by the Minister of Public Service and Administration, Lindiwe Sisulu – the paper was referred to in her budget address to Parliament;

Phindile Ntliziywana presented a paper at the Commonwealth Local Government Forum on the enforcement of competency standards in local government; and

Phindile Ntliziywana presented an overview of the enforcement of competency standards to the Western Cape Municipal Managers Forum.

## Building networks through collaboration and partnerships

Collaboration and partnership are central to the MLGI, which works with other NGOs through our membership of the Good Governance Learning Network (GGLN). This is a long-standing relationship, one in which the MLGI served on the Board of GGLN, regularly assists the development of the GGLN's flagship State of Local Government Report, and participates in GGLN roundtables and its Managers' Forum.



The MLGI made critical contributions to the Commonwealth Local Government Forum's Research Colloquium held in Kampala, Uganda.

Strengthening the role of MLG in peace-building in Africa

The work of the MLGI is expanding into the region, notably through our masters' and doctoral programmes. These draw top African students, grow the demand for our knowledge services and products by other countries, and stimulate new partnerships with research centres similar to ours. The programmes, held under the auspices of the SARChI Chair, attracted students from Ethiopia, Cameroon, Kenya, Malawi, Uganda and Zimbabwe.

The MLGI also taught a course in multilevel government for Ethiopian doctoral students in partnership with the Centre for Federal Studies at Addis Ababa University. The MLGI and SARChI Chair played a key role in the International Conference on Constitution-Building in Africa that the Centre hosted in September.

Led by the SARChI Chair, the MLGI collaborated with the Katiba Institute of Kenya in an international research project on devolution in Kenya and South Africa. A conference was held in Nairobi in August with Kenyan counterparts, receiving major press coverage and attended by senior officials and prominent scholars. In collaboration with Kenyan counterparts, more than ten papers were prepared by MLGI members on various themes. The conference was preceded by a series of newspaper articles, some written by MLGI staff, in prominent Kenyan newspapers.

Furthermore, in 2013 two PhD studies on the same theme were completed under the supervision of the SARChI Chair. Conrad Bosire completed his PhD on devolution in Kenya and graduated in September. Derek Powell completed a PhD examining local polities in South Africa's peace transition.

In the same vein, given that Zimbabwe has passed a Constitution which for the first time includes a chapter on devolution, Tinashe Chigwata, under the supervision of Jaap de Visser, is conducting a doctoral study assessing the prospects of devolution in that country. Together they produced an opinion piece advocating for local government reform under the new Constitution. Jaap de Visser also co-authored an article on councillors in Zimbabwe.

The MLGI made critical contributions to the Commonwealth Local Government Forum's Research Colloquium held in Kampala, Uganda. Jaap de Visser, Tinashe Chigwata, Phindile Ntliziywana and Douglas Singiza presented papers on devolution in Zimbabwe, ethnicity and local government in Uganda, and professionalisation in South Africa. Nico Steytler and Jaap de Visser developed a paper on 'fragile federations' in Africa for the annual meeting of the International Association of Centres for Federal Studies.

Advancing the Just Cities Initiative

Cities are emerging as a major force in South Africa, and inclusion and growth as some of the key issues related to the Just City. Supported by the Ford Foundation, the MLGI undertook several activities to position its work in this regard. For example, Jaap de Visser delivered papers at the Urban Law sessions of the World Bank Law Justice and Development Week, focusing on the legal and political space for African cities to develop innovative and response strategies to the challenges of urbanisation.

Service delivery protests are country-wide and increasingly violent. In 2010 the MLGI started gathering data on their prevalence and frequency as well as the grievances raised by protesting communities. The outcome was the Service Delivery Protest Barometer. The project has furnished vital insights into the fault lines in service delivery, and its data provides a basis for informed decision-making about measures to remedy the status quo.

Work began in 2013 to expand the scope of the Barometer to draw in a much wider range of data on service delivery and governance. This involved sifting through reports, updating the database on protests, adding new indicators and building analytical capacity in the MLGI. The new barometer, to be launched in 2014, will be called the Inclusive Cities and Towns Barometer. It is to be accompanied by an online search facility allowing users to access the MLGI database and develop their own research outputs, including tables and maps.

In addition, during 2013 work commenced to develop a Good City Governance Index in order to bring issues relating to inclusion in local government into the election debate.

Other initiatives under the Just Cities theme include:

a postgraduate study on the use of internal political oversight mechanisms in Cape Town, Johannesburg and Ekurhuleni; and

collaboration between the MLGI and City of Cape Town on the rationalisation of by-laws to ensure legal certainty for officials tasked with implementing by-laws; further to this, a roundtable was held with officials responsible for local law-making and a series of policy briefs were prepared for the City.

The MLGI continues to contribute to the changing legislative and policy landscape of planning law. Jaap de Visser advised on the drafting of planning legislation in the Eastern Cape, Northern Cape and Free State, and assisted these three provinces in their role in implementing the Spatial Planning and Land Use Management Act.

Inequity in cities is increasing, and growth and development is often achieved at great cost to vulnerable communities living within the urban margins of cities in slums and informal settlements. The key socio-economic obligations of cities, such as access to housing, sanitation and municipal health services, are an important focus of the MLGI. Through its related focus areas of planning and access to basic services, it is contributing to the regional Just Cities Initiative in South Africa by conducting research on access to basic services by vulnerable communities.

Under the supervision of the SARChI Chair, Annette May is conducting a doctoral study on the intersection between socio-economic rights and multilevel government. She also collaborated with Gladys Mirugi-Mukundi on a research paper unpacking government's responsibility to prioritise those with special needs in the development of housing policy.

Service delivery protests are country-wide and increasingly violent. In 2010 the MLGI started gathering data on their prevalence and frequency as well as the grievances raised by protesting communities.



Prof de Visser presenting at the World Bank

MLGI Staff





# Civil Society Prison Reform Initiative (CSPRI)



## Project Staff

**Prof Lukas Muntingh**  
(project head)

**Clare Ballard**  
(researcher)

**Gwenaelle Dereymaeker**  
(researcher)

**Jean Redpath**  
(researcher)

**Crystal Erskine**  
(administrator)

People deprived of their liberty are at risk of a range of human rights violations relating to their treatment and conditions of detention.

When a person is imprisoned, this has consequences for families as well as the broader community. The CSPRI has continued to conduct research and undertake policy engagement processes to limit the risk of these violations and mitigate the external consequences of imprisonment, especially pre-trial detention.

## Ensuring the criminalisation of torture

After more than ten years of advocacy for the criminalisation of torture, the Prevention and Combating of Torture of Persons Act (13 of 2013) came into force in July 2013. The Act criminalises torture, as required by the UN Convention against Torture to which South Africa is a party. The legislation now enables the prosecution of persons alleged to have committed torture and is thus an important step in combating impunity, especially in law enforcement agencies. The definition of torture in the Act covers physical as well as mental torture perpetrated by state officials or any person acting in an official capacity. Importantly, the definition covers both actions and omissions by state officials, meaning that the latter must not only refrain from committing the crime of torture but must also prevent it from happening. Together with a number of civil society organisations, the CSPRI has been advocating for such legislation for several years, and when the draft legislation was tabled in Parliament, it participated actively through written and oral submissions to the Portfolio Committee on Justice and Constitutional Development.

## Partnering with the Article 5 Initiative

The CSPRI is a partner to the Article 5 Initiative (A5I), an international four-year collaboration funded by the European Union. The project derives its name from the two articles in the African Charter and the Universal Declaration of Human Rights establishing the right of all persons to be free from torture. A5I is working towards the prevention and eradication of torture in six post-conflict African states, namely Burundi, Kenya, Mozambique, Rwanda, Uganda and South Africa. The other partners are the University of Cape Town, University of Bristol and the African Policing Civilian Oversight Forum.

The project's aim is to develop a 'package' of practical, context-specific tools and guidelines, which will be used by relevant mechanisms of the African human rights system and national actors to strengthen the implementation of standards aimed at preventing and eradicating torture and other ill-treatment in Africa. Further to this, in 2013 the CSPRI engaged with in-country stakeholders in Burundi, Mozambique and South Africa to finalise these tools and guidelines. They have also been translated into French and Portuguese, making them an important resource for government departments, National Human Rights Institutions and civil society organisations to monitor compliance with the UN Convention against Torture.

The PPJA website ([www.ppja.org](http://www.ppja.org)) hosts information relating to pre-trial justice on all African countries, and is a valuable resource to practitioners and researchers alike.

A number of countries targeted by A51 have seen rapid advances in the prevention and eradication of torture. For example, as noted, South Africa recently enacted the necessary legislation; Uganda and Burundi have criminalised torture in domestic legislation; Rwanda, too, has criminalised it and is in the process of ratifying the Optional Protocol to the Convention against Torture (OPCAT); Mozambique has adopted a resolution to ratify OPCAT; Burundi has ratified OPCAT; and human rights commissions have been established in Burundi and Mozambique. These advances are well-supported by the work done through A51 and its in-country partners.

### Monitoring the Courts

The Centre entered into an agreement with the Western Cape Department of Community Safety to conduct the Court Monitoring Project to assess police efficiency and effectiveness in preparing court-ready dockets. Final-year LLB and postgraduate law students are employed by the project to monitor criminal cases in the initial stages of prosecution and determine whether policing inefficiency is hampering the prosecution. Students attend court proceedings in six districts court in the Western Cape and record their observations, after which these are analysed and communicated to the Department. The participating students have gained not only exposure to criminal proceedings but the opportunity to hone their analytical and writing skills.

### Promoting Pre-Trial Justice in Africa (PPJA)

The PPJA has made significant progress in building a network of like-minded organisations and individuals, which has been extremely useful for communicating its message and gathering information. There is little doubt that the challenges facing African criminal justice systems are considerable. In many countries, large numbers of unsentenced prisoners remain in custody for extended periods before their cases are finalised, often under abysmal conditions that violate their rights to dignity and a speedy trial. The impact, however, is borne not only by the imprisoned individuals but their families and households as well.

In order to gather empirical evidence on the socio-economic impact of pre-trial detention, the CSPRI commenced in 2013 with a three-country study in Kenya, Mozambique and Zambia. The project is undertaken in collaboration with local partners in these countries, namely the Independent Medico-legal Unit in Kenya, *Liga dos Direitos Humanos* in Mozambique and Rumbi Mutasa in Zambia. The project will be completed in 2014 and is supported by OSISA.

Following the successful pre-trial audits carried out under the CSPRI's project management in Malawi and Zambia in 2011-2012, it has trained, advised and assisted local partners in Mozambique (*Universidade Eduardo Mondlane*), Zimbabwe (Zimbabwe Lawyers for Human Rights) and Angola (*Maos Livres*) in carrying out similar or adapted pre-trial audits in their countries. Zimbabwe has published its pre-trial audit, and those of the other two countries are under way.

Emerging from the 2011-2012 Malawi pre-trial audit, the CSPRI has been assisting a consortium of local partners (led by the Paralegal Advisory Service Malawi) in designing and implementing a project to ensure better implementation of custody time limits in Malawi. The project seeks to do this through improved record-keeping in the criminal justice system, public education on pre-trial rights and custody time limits, and the use of pro-forma bail applications based on unreasonable delay. Funded by OSISA and EU-DGP (Malawi), it is scheduled to be completed by the end of 2014.

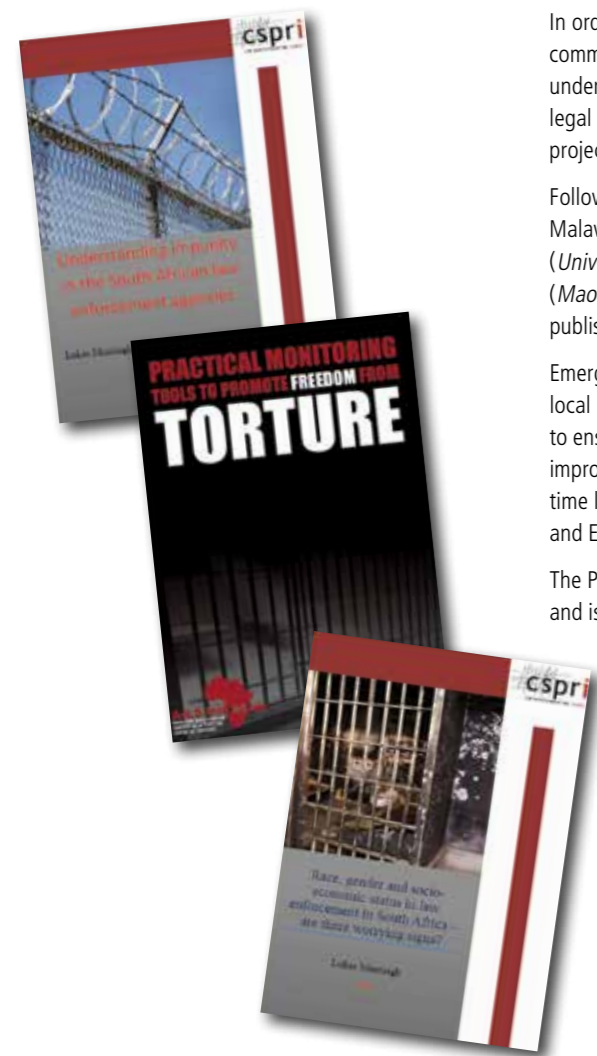
The PPJA website ([www.ppja.org](http://www.ppja.org)) hosts information relating to pre-trial justice on all African countries, and is a valuable resource to practitioners and researchers alike.

### Engaging with domestic and continental policy-makers

The CSPRI made the following submissions:

- to the Portfolio Committee on Correctional Services:
  - on strengthening the Judicial Inspectorate for Correctional Services as an oversight mechanism through a legislative amendment;
  - on the DCS budget vote and strategic plan; and
  - on the DCS Annual Report for 2012/13;
- to the Department of Justice and Constitutional Development:
  - on the draft state report to the UN Committee against Torture;
- to the Western Cape legislature:
  - on the Community Safety Bill;
- to the ACHPR:
  - on the duty to combat impunity (53rd Ordinary Session of the ACHPR); and
  - on deaths in custody in South Africa (53rd Ordinary Session of the ACHPR);
- to the Khayelitsha Commission:
  - on crime rates in Khayelitsha; and
- to the Malawi Law Commission:
  - on the draft Malawi Prisons Bill.

A number of countries targeted by A51 have seen rapid advances in the prevention and eradication of torture.



Clare Ballard and Jean Redpath



# Socio-economic Rights Project (SERP)



## Project Staff

- Dr Ebenezer Durojaye**  
(project head)
- Gladys Mirugi-Mukundi**  
(researcher)
- Ngcimezile Mbano**  
(doctoral researcher)
- Nicholas Orago**  
(doctoral researcher)
- Keathélia Sapto**  
(administrator)

Civil society is making increasing use of constitutionally-enshrined socio-economic rights to demand that governments throughout Africa respect and protect the dignity of marginalised communities. SERP promotes the realisation of these rights both domestically and on the African continent.

## Interrogating the links between housing and poverty

Together with the Socio-Economic Rights Institute, SERP published a book entitled *Jumping the Queue, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa*. It examines gaps in housing allocation policies and practices in the Western Cape and Gauteng and how these impact on the poverty situation of vulnerable and marginalised groups. The launch of the book was accompanied by a roundtable discussion with policy-makers and communities facing housing challenges. The forum afforded government officials from the Human Settlements Departments at the City of Cape Town and the Western Cape Provincial Government an opportunity to engage with communities around their housing needs.

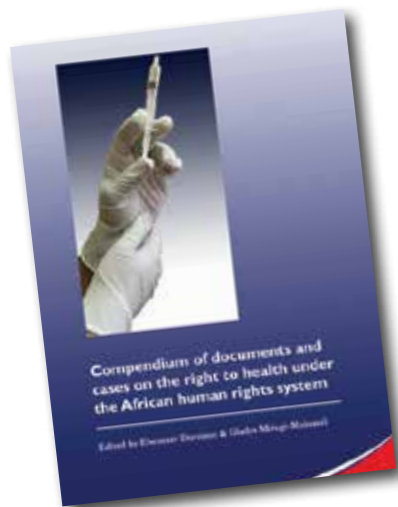
SERP also conducted advocacy around special-needs housing in South Africa in conjunction with the Centre for Disability Law and Policy (UWC); Project Preparation Trust (PPT) of the University of KwaZulu-Natal; Sector Task Team for Older Persons (STTOP) of NOAH; Shelter Network of the National Shelter Movement SA; Tshwane Deaf Association; and the Western Cape Disability Network. It organised five strategy meetings on special needs housing in South Africa and made a submission to the SAHRC on access to housing for persons with special needs.

Further to this, the Centre facilitated a fact-finding visit by the SAHRC to Blikkiesdorp, a Temporary Relocation Area in Cape Town, to assess the challenges arising from the inhabitants' deplorable living conditions. SERP assisted the Blikkiesdorp community in preparing and submitting a complaint to the SAHRC to highlight the lack of basic and essential amenities necessary for a dignified existence.

## Advancing sexual and reproductive health and rights

The Project engaged with civil society groups in urban and semi-urban areas in the Eastern Cape to deliberate on the challenges women face in accessing maternal health-care services. SERP is in discussion with civil society groups in the province with a view to strengthening existing coalitions by including maternal health among their areas of focus.

The Project is also working with partners in Nigeria, including the Alliance for Africa, with a view to filing a test case with the ACHPR with regard to maternal mortality as a human rights violation in Nigeria. The initial drafting of the communication has been commenced and will continue in 2014.



SERP published *The Compendium of Documents and Cases on the Right to Health under the African Human Rights System*. It contains decisions, resolutions, declarations and cases by the AU and African Commission dealing with the right to health under the African Human Rights system. The publication makes critical materials relating to the right to health in Africa easily accessible, and will assist activists, scholars, students, lawyers, judges and others involved in this area.

## Encouraging policy participation by the marginalised

A roundtable was organised in May under the theme 'Meaningful Engagement as a Political Process: Understanding the Roles of Government, Citizens and Civil Society'. With the aim of promoting the participation of vulnerable and marginalised communities in policy formulation around socio-economic rights, the event brought together government, academia and civil society to share experiences around meaningful political engagement.

## Advocating for ratification of the ICESCR and OP-ICESCR

While the South African government has decided to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), it appears reluctant to ratify the Optional Protocol to the ICESCR (OP-ICESCR). These issues require further advocacy. As the secretariat of the Campaign for South Africa's ratification of the ICESCR and OP-ICESCR, SERP has taken up the matter with the Department of Justice, DIRCO and the Portfolio Committee on Justice. It is currently supporting the Department of Justice with research on communication procedures related to the Optional Protocol.

Together with the Black Sash, National Welfare Social Service and Development Forum, People's Health Movement South Africa, Global Call to Action against Poverty, SERP organised five strategy meetings on South Africa's ratification of the ICESCR. It also issued a press release on the relevant approval processes, doing so in conjunction with SERI, Studies in Poverty and Inequality Institute (SPII), Black Sash, Peoples' Health Movement SA, National Welfare Forum and Global Call to Action against Poverty SA.

## Engaging with the ACHPR on human rights monitoring

As part of its commitments to advancing human rights at the regional level, the Centre, with support of the Ford Foundation, has continued to engage with the ACPHR in order to strengthen its responsibility to monitor human rights in Africa. Ebenezer Durojaye and Gladys Mirugi-Mukundi represented the centre at the 53rd Ordinary Session of the ACHPR in Banjul, The Gambia, in April 2013, presenting a statement that highlighted maternal mortality as a human rights challenge in Africa.

In addition, during this period they attended the Forum for Participation of NGOs hosted by the African Centre for the Development of Human Rights Studies (ACDHR) and participated in the ACHPR Book Fair, where a number of publications were displayed. The Centre regularly uses the Book Fair as an avenue for disseminating its research and products to a wider constituency in Africa and beyond.

SERP escalated its campaign for ratification of the ICESCR and OP-ICESCR to a continental level by actively participating in an event during the 53rd Ordinary Session dedicated to the topic 'Extraterritorial Obligations of States (ETOs) for Human Rights Beyond Borders' and organised by the ETO consortium.

SERP also participated in the 54th Ordinary Session of the ACHPR in October-November in Banjul and issued a statement emphasising the importance of the Rights to Participation under the African Charter. Together with the Office of the United Nations Special Rapporteur on Extreme Poverty and Human Rights, the Centre hosted a side-event on the penalisation of poverty. This examined the regional trend to penalise people living in poverty through policies and practices in public health, law enforcement, welfare and urban planning.

## Providing rights expertise to the African continent

On a number of occasions SERP made its expertise on socio-economic rights available to countries that are considering the inclusion of socio-economic rights or have started implementing them. For example, Ebenezer Durojaye gave technical support to Kenya's Constitution Implementation Commission (CIC) on the implementation of the socio-economic rights provisions in the new Kenyan Constitution. Gladys Mirugi-Mukundi presented a paper at an international roundtable on socio-economic rights held in November in Cairo.

As part of its collaboration with the UN Special Rapporteur on extreme poverty and human rights, the Centre provided background research on poverty in Mozambique in preparation for the Rapporteur's mission visit there.

Nicholas Orago completed a PhD on the enforceability of socio-economic rights in Kenya and South Africa.

## Publishing research and conducting online outreach

SERP was involved in preparing two research reports, the one on the gender implications of access to water in South Africa, and the other a review of laws, policies and programmes on infant and maternal health in selected SADC countries.

Further research was undertaken on the gender dimension of the right to water in South Africa and is to be published in an international journal in 2014. Ebenezer Durojaye and Gladys Mirugi-Mukundi conducted a comparative study into steps taken in Southern Africa to realise children's right to health.

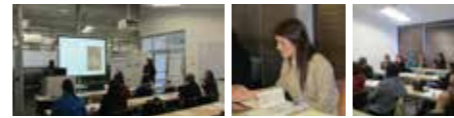
SERP produced three editions of ESR Review, an online newsletter that reaches more than 2,000 organisations, institutions and individuals. The Review promotes understanding and interpretation of socio-economic rights.

SERP's researchers made significant scholarly contributions to the field of socio-economic rights by publishing in reputable international and national journals, including the *International Journal on Family, Policy and the Law*, *International Journal of Human Rights Law*, the *African Human Rights Law Journal* and the *Comparative and International Law Journal of Southern Africa*.



Gladys Mirugi-Mukundi





# Children's Rights Project (CRP)



## Project Staff

- Edmund Foley**  
(project head)
- Dr Nkatha Murungi**  
(doctoral researcher)
- Maria Assim**  
(doctoral researcher)
- Dr Aquinaldo Mandlate**  
(doctoral researcher)
- Michel Ndayikengurukiye**  
(doctoral researcher)
- Crystal Erskine**  
(administrator)

**It has been almost 25 years since the UNCRC came into operation and the ACRWC was adopted. For most of that time, the CRP has played a vital role in progressively transforming the legal landscape of South Africa and other African countries with regard to the rights of children; indeed, it strives to continue doing so into the future.**

The Project was established in the mid-1990s, during which time it was firmly involved in the multi-party negotiations that led to the drafting of South Africa's Interim Constitution, successfully advocating for the inclusion therein of a children's rights section (section 30). This section later evolved into the current section 28 of the Constitution of South Africa.

The CRP deals with the status and concerns of all children, focusing on those of the most vulnerable and marginalised, including children with disabilities. Its core areas of intervention include child care and protection as well as the child justice system. Through quality high-impact research, advocacy and legal analysis, the CRP engages with parliaments, state governments, sub-regional and regional bodies, educational institutions and other civil society organisations to secure the effective realisation of children's rights.

## Furthering advocacy through the Child Justice Alliance

Since the publication in 2009 of *Getting to Know the Child Justice Act*, the CRP has served as the Secretariat of the Child Justice Alliance, a network of civil society organisations concerned with the reform of the child justice system in South Africa, particularly the implementation of the Child Justice Act which came into operation in April 2010. Through advocacy, research and communication-sharing, the Alliance has continued to monitor the child justice system. Apart from the publication of Article 40, a newsletter of the Alliance, a key research output for 2013, prepared for the Western Cape Provincial Child Justice Forum, was the compilation of a checklist of requirements for facilities holding children in conflict with the law under the Child Justice Act and the Children's Act.

## Safeguarding the rights of children with disabilities

During 2013 the Project led the Campaign on the Right to Education of Children with Disabilities (R2 ECWD), a South African civil society advocacy campaign that promotes the right to education for children with disabilities. In its capacity as Secretariat of the Campaign, the CRP convened a meeting of members as well as the Steering Committee in September 2013 to decide on a number of strategic interventions to advance the Campaign's objectives.



The Project provided legal assistance on child law reform in selected Eastern and Southern African countries... based on an Agreement with UNICEF.

The Campaign made a submission to the Department of Transport following a request for comments on the draft National Learner Transport Policy. In response to another request for comments on the draft Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure by the Department of Basic Education, the Campaign reviewed and commented on the draft insofar as it relates to learners with disabilities.

On a global scale, the Campaign made a submission to the Office of the United Nations High Commissioner for Human Rights (UNHCHR) in Geneva. This was developed in response to a request for information from member states to prepare a study on the right of persons with disabilities to education arising out of *Human Rights Council Resolution 22/3 – The work and employment of persons with disabilities*.

## Promoting children's rights in the African continent

Within the normative framework of the ACRWC and the UNCRC, the CRP worked to secure the advancement of children's rights in Africa. CRP researchers participated in the 21st and 22nd Ordinary sessions of the ACERWC.

In previous years, the CRP had demonstrated its expertise and competence by, for example, assisting the Committee with the drafting of its very first General Comment on the rights of children of imprisoned mothers.

In 2013, two key outputs resulted from the CRP's collaboration with the ACERWC. It assisted the latter by developing a Concept Note for the celebration of the Day of the African Child in 2014. Entitled *A child friendly quality free and compulsory Education for all children in Africa*, the Note was adopted by the Committee during its 22nd session.

The CRP also supported the ACERWC with the development of its second General Comment on Article 6 of the Charter dealing with children's right to a name and registration at birth. The adoption of this General Comment was put on the agenda for the 23rd session in 2014.

In addition, the Project continued to provide on-site and remote technical legal assistance on child law reform processes in selected Eastern and Southern African countries. This work is based on a Programme Cooperation Agreement (PCA) signed with the UNICEF Regional office for Eastern and Southern Africa. In 2013, support was provided to Malawi and South Sudan. One of the major outputs of the PCA was the compilation of the report *Lessons Learned*, which identifies good practices as well as challenges in the child law reform process of various countries.

As a further deliverable under the PCA, the CRP has continued to host the African Child Law Reform website ([www.aclr.info](http://www.aclr.info)), a repository of information about initiatives in the Eastern and Southern African regions. The site contains freely downloadable legal documents such as Bills, Acts and case law relating to countries in these region. In addition, it houses a library of key regional and international instruments.



Dr Aquinaldo Mandlate and Maria Assim during an African Children's Charter Project review meeting.



CRP provided teaching and training on children's rights to the police, members of the judiciary and other stakeholders in the implementation of Lesotho's Child Welfare and Protection Act.

## Providing teaching and training on children's rights

The CRP provided teaching and training on children's rights to the police, members of the judiciary and other stakeholders in the implementation of Lesotho's Child Welfare and Protection Act.

CRP researchers assisted in teaching the LLM module, Children's Rights and the Law, as well as the undergraduate module on socio-economic rights offered by the Law Faculty at UWC. It also taught in the Advanced Children's Rights Course presented by the Centre for Human Rights of the University of Pretoria.

## Generating cutting-edge research outputs

Apart from continuing with the CRP's flagship newsletter, *Article 40*, and the research reports mentioned above, CRP staff maintained the Project's tradition of generating cutting-edge research on children's rights issues.

Prof Julia Sloth-Nielsen, research fellow in the centre, produced a number of articles and book chapters, including an analysis of children's rights in South African courts and an appraisal of children's rights in Angola's Children Act. Dr Mandlate published a book chapter on children's rights in Angola and, with Dr Murungi, wrote a book chapter on disability rights in the sub-regional economic communities. Dr Assim produced a book chapter on children's right to social security in South Africa and, together with Prof Sloth-Nielsen, wrote an article on Islamic kafalah as an alternative care option for children deprived of parental care.



The Centre hosted the ACERWC during their working visit to Cape Town.



Participants at the Campaign on the Right to Education for Children with Disabilities meeting in Cape Town.



# Parliamentary Programme



## Project Staff

**Samantha Waterhouse**  
(project head)

**Keathélia Sapto**  
(administrator)

Compared to others on the continent, South Africa's legislatures are well resourced and open to public engagement. Yet despite a robust constitutional framework, questions persist about their weak record in holding the executive to account and the degree to which they represent the will of the electorate rather than the will of parties.

## Overview

Compared to others on the continent, South Africa's legislatures are well resourced and open to public engagement. Yet despite a robust constitutional framework, questions persist about their weak record in holding the executive to account and the degree to which they represent the will of the electorate rather than the will of parties. Because South Africa has been strong in enshrining human rights but weak on delivery, legislatures need greater capacity for oversight and accountability. For this to be achieved, it is essential that civil society be strengthened so as to engage more vigorously in legislative processes.

In the light of this, the Parliamentary Programme (PP) uses evidence-based advocacy to strengthen Parliament and the legislatures. It works extensively within networks and alliances of civil society organisations to improve capacity for parliamentary engagement and facilitates opportunities for such engagement.

The Programme focused its efforts in 2013 on promoting delivery on the rights of women and children, attending in particular to the points at which these rights intersect with social contexts such as violence, poverty and disability. The PP also uses the lessons learnt in these areas to engage in activities that look at the general functioning of legislatures within the framework of South Africa's constitutional democracy. Notwithstanding a reduction in budget and staff, which affected outputs for the review period compared to those of others, the Programme continued to play a significant role in a number of developments.

## Our method

### Engaging with Parliament and other legislatures

We engage with the legislatures on law reform and oversight issues, at times also interacting with other structures for this purpose. In our work with the legislatures we build relationships with committees, chairpersons, individual MPs, committee support staff and parliamentary researchers. The investment in relationships with parliamentary researchers is important in view of the need to embed information into long-term committee functions, irrespective of political reshuffling. The parliamentary research team also provide critical information on parliamentary processes and meetings, which we in turn disseminate to our networks.

Our alliances consist of broad-based membership networks that range from around 20 to more than 200 members.



Keathéla Supto, Parliamentary Programme's administrator.

In 2013 we engaged with the following structures in and around Parliament:

- Portfolio Committees: Police; Justice and Constitutional Development; Basic Education; Human Settlements; Women, Children and Persons with Disabilities; Health;
- Select Committee on Security and Constitutional Development;
- the Speaker's offices in 10 legislatures as well as the Western Cape Provincial Parliament's public participation office; and
- Departments: Justice and Constitutional Development, Transport and Women, Children and People with Disabilities.

We made five written and two oral submissions on law reform and oversight during the period, submissions which are usually prepared in collaboration with other stakeholders ranging from two to nearly 40 endorsing organisations.

The Programme hosted four seminar workshops that targeted parliamentary and civil society stakeholders in order to improve the quality of information available to Parliament. These served as 'think tanks' to discuss human rights issues, and dealt with the presidential state-of-the-nation address and gender politics as well as the issue of policing, domestic violence and the Women Empowerment and Gender Equality (WEGE) Bill.

### Promoting collective action through alliances and networks

Collective action holds a far greater prospect of improving delivery on human rights than the actions of organisations working in isolation. As such, we invest in developing organisational databases, building networks and supporting active coalitions. The result, for example, is that the Programme has developed a strong reputation in the women and children's rights sectors, and more recently we entered into networks that are concerned with promoting constitutional democracy in South Africa in general.

Our alliances consist of broad-based membership networks that range from around 20 to more than 200 members. In all of our alliances we play a role on the steering or other driving structures, in some cases providing leadership and secretariat support. We do not seek to own networks but rather facilitate their establishment, provide support and build capacity for sustainability. The role we play is defined by the skills and capacity that exists in the civil society networks.

Our alliances and partner organisations are as follows: the Black Sash; Budget Expenditure Monitoring Forum; Centre for Child Law, UP; Centre for Disability Law and Policy, UWC; Centre for Law and Society, UCT; Centre for the Study of Violence and Reconciliation; Children's Institute, UCT; Co-operative and Policy Alternative Centre; Corruption Watch; Democracy from Below; Disabled Children's Action Group; Disabled People South Africa; Geihuis Initiative; Gender Health and Justice Research Unit, UCT; Heinrich Boell Foundation; Inclusive Education Western Cape; Human Sciences Research Council; Justice and Women; Legal Resources Centre; MOSAIC; the National Council for People with Physical Disabilities South Africa; Open Democracy Advice Centre; Oxfam in South Africa; Parliamentary Monitoring Group; People's Health Movement; Ndifuna Ukwazi; New Women's Movement; RAPCAN; Rape Crisis Cape Town Trust; Refugee Clinic, UCT; Rural Women's Movement; Save the Children South Africa; Section 27; Social Justice Coalition; Sonke Gender Justice; South African Disability Alliance; SAHRC; Southern African Association for Learning and Educational Differences; Teddy Bear Clinic; Triangle Project; Tswaranang Legal Advocacy Centre; UNICEF; and the Western Cape Forum on Intellectual Disabilities.

In 2013 we facilitated two capacity-building workshops and six one-on-one interactions with individuals in order to build the capacity of organisations to participate in advocacy.

### Strengthening campaigns with leadership and support

The PP has contributed significant leadership and support capacity to 11 alliances. We are the lead partner in four. These alliances deal with issues such as:

- promoting public engagement with, and the accountability of, Parliament;
- strengthening civil society's voice in South Africa;
- the implementation of sexual offences legislation;

- the implementation of the Domestic Violence Act;
- promoting a stronger gender machinery in South Africa;
- the WEGE Bill;
- monitoring South Africa's progress on implementing children's rights;
- promoting (with the CRP) the implementation of the Child Justice Act;
- promoting (with the CRP) education rights for children with disabilities (R2E CWD) and
- the Traditional Courts Bill law reform process (led by the Alliance for Rural Democracy).

We also played a role in three smaller campaigns:

- promoting victim empowerment legislation (led by the Open Democracy Advice Centre, Women's Legal Centre and Rape Crisis);
- special needs housing (with SERP); and
- improving maternal and child health (with SERP).

We participated in at least 65 strategic meetings or workshops with civil society partners to develop, drive and monitor campaigns; of these, 18 were hosted by the PP.

## The issues

### Participatory democracy and civil society

We engaged with Parliament's Public Participation and Petitions Framework, calling for stronger mechanisms and systems to support effective public participation in the legislatures. We also supported the establishment of a large national civil society alliance, the *Awethu! People's Platform for Social Justice*, to promote collaboration for stronger democracy. Furthermore, we participated in the work of the Alliance for Rural Democracy regarding the law reform process of the Traditional Courts Bill, mainly by monitoring processes and provide information.

### Women's rights

The PP supported the Commission on Gender Equality Monitor (CGEM) in its re-strategising process. The alliance has re-focused on promoting gender equality and accountability structures and changed its name to Support Action for Gender Equality (SAGE). In addition, the Programme led a civil society campaign on the WEGE Bill, which fell short of its intended aims and would not address the pervasive inequalities women experience in South Africa. Our communications with the Committee on Women, Children and Persons with Disabilities led to an extension of the date for submissions on the Bill.



An extension of the date for submissions on the WEGE bill was due to our communications with the Committee on Women, Children and Persons with Disabilities.





The Programme also undertook activities to build sustained collaboration in civil society to improve the implementation of the Domestic Violence Act, with our focus having been on the role of the South African Police Service. In addition, we provided leadership support to campaigns relating to the provision of shelters to women and children affected by this violence. Work with Parliament's Police Committee led to its chairperson attending a civil society meeting hosted by the Programme to engage on implementation of the Act.

Linked to the promotion of the rights of women and children is our involvement with the Shukumisa Campaign. This is a large national campaign of about 39 organisations that deals, inter alia, with the performance of the Department of Justice and Constitutional Development and the National Prosecuting Authority (NPA) in implementing sexual offences legislation. Within that area, the PP focused on specialised court services in sexual offences. Our leadership on submissions to the Department and its Portfolio Committee has influenced the development of a legislative framework for sexual offences courts and led to closer scrutiny of the Department and NPA's implementation plans.

## Children's rights

The PP coordinated a collective civil society complementary report to the ACERWC in response to the government's initial country report to this body. By the end of 2013 we had established a coalition of 35 authors, representing 27 organisations, who were finalising the first draft of the report. It addresses all areas of children's lives, ranging from health and nutrition to education, violence and family arrangements. It provides an overview of positive and negative aspects of the state's performance in this regard, and will be presented to the African Committee in 2014.

In partnership with the CRP, the Programme also coordinated the R2E CWD campaign which promotes the rights of children with disabilities to education. The campaign has conducted advocacy around the minimum norms and standards developed by the Department of Basic Education in response to the activities of the Equal Education Campaign. Lastly, the Programme has continued (again, with the CRP) to promote parliamentary oversight on the implementation of the Child Justice Act.

## Communications

In 2013 we expanded and maintained our databases, with the South African database including almost 1,500 contacts. We sent out 30 alerts about human rights delivery and opportunities to engage legislatures to a total of 10,592 recipients. The average number of persons reached per alert is 353.

We also communicated regularly with our campaign networks to provide updated information on processes taking place in Parliament. The Centre hosts the People to Parliament website ([www.peopletoparliament.org.za](http://www.peopletoparliament.org.za)), which serves as a repository of information on human rights as well as our campaigns. The site supported the launch of the People's Parliament website ([www.peopleparliament.nu.org.za](http://www.peopleparliament.nu.org.za)). We administer two dedicated Facebook pages on the Traditional Courts Bill and the strengthening of Parliament.

The Centre also uses the mass media to engage politicians and citizens in public discourse. As previously stated, our staff conducted 29 radio and three TV interviews, and appeared in 22 print or online publications.



The work, discussed in this Annual Report was made possible by the generous support of a variety of donors and supporters, some of whom are mentioned below.

The University supported the Centre by funding the Director's salary and by providing a building, utilities, IT, financial management and human resources management systems. The University also supported the media strategy around the Conference on Constitution-Building and co-funded work on the forthcoming book flowing from the Conference.

The Centre has been particularly fortunate with the support of the Ford Foundation for core expenditure and project funding ever since starting its operations in June 1990. The National Research Foundation provided research support to rated researchers through its rating programme.

## MLGI

The Multilevel Government Initiative received project funding from the Ford Foundation and the Charles Stewart Mott Foundation. The Mott Foundation started supporting the Centre's activities in local government in 2005. It has supported the Multilevel Government Project throughout its transition from a focus on South African local government to becoming an international think tank on multilevel government. The National Research Foundation funds the SARChI Chair, and supports, amongst other things, Masters' and Doctoral bursaries. The United States Institute of Peace supports the Kenya-South Africa dialogue on devolution.

The Mott Foundation started supporting the Centre's activities in local government in 2005. It has supported the Multilevel Government Project throughout its transition from a focus on South African local government to becoming an international think tank on multilevel government. Its funding is not used for any work that might be construed of as lobbying for purposes of US tax law.

## CRP

The Children's Rights Project was funded by UNICEF Eastern and Southern Africa Regional Office (UNICEF-ESARO) for its work on child law reform. Funding was also received from the UNICEF-Kenya Country Office to conduct a situational analysis of children in the justice system in Kenya.

The Open Society Foundation for South Africa funds the Project's work on child justice in South Africa through the Child Justice Alliance.

The European Union Delegation to South Africa provides funding for the Project's campaign for the right to education of children with disabilities in South Africa.

Plan International, through the African Children's Charter Project, funds the Project's work on supporting the African Committee of Experts on the Rights and Welfare of the Child in the performance of its mandate.

## CSPRI

The European Union, through its European Instrument for Democracy and Human Rights (EIDHR), supports the Article 5 Initiative (A5I) which is a joint project between CSPRI, the Gender Health and Justice Research Unit (University of Cape Town), the Centre for the Implementation of Human Rights (University of Bristol) and the African Policing Civilian Oversight Forum (APCOF).

The Open Society Foundation (SA) has supported CSPRI since its inception and enabled the project to conduct research and advocacy on a broad front of issues related to prison and criminal justice reform in South Africa. In 2012, OSF support was utilised to continue advocacy work targeted at Parliament and to continue its research. OSF(SA) also supports, with the Foundation for Human Rights, the Network on Reducing Re-Offending of which CSPRI is the secretariat.

The Open Society Initiative for Southern Africa (OSISA) supports a number of projects on pre-trial detention in southern Africa. CSPRI undertook research in Mozambique on pre-trial detention in collaboration with local partners there.

The Open Society Foundations Rights Initiative Global Criminal Justice Fund supports the project on Promoting Pre-trial Justice in Africa (PPJA).

By the end of 2013 a coalition of 35 authors, representing 27 organisations, was established by the centre.

## PP

The Parliamentary Programme was principally funded by the **European Union** during this period. This was provided through the Justice & Constitutional Rights – CSO Support Programme. This Programme provided substantial funding to various Civil Society Organisations to promote good governance; to strengthen democratic culture and participation of CSOs in governance, to improve law-making and to improve the prevention and combating of crime.

In addition 30% of the funding for the Programme was received through a range of other funders to the Centre, such as the **Open Society Foundation**, the **Ford Foundation**, the **Open Society Initiative for Southern Africa** and the **Foundation Open Society Institute**.

## SERP

The **Ford Foundation** supports the work of SERP on the right to housing and the right to health, the ICESCR Campaign for South Africa's Ratification of the ICESCR and CLC's engagement with the African Commission on Human and Peoples' Rights.

The Centre's work on poverty and human rights, especially its collaboration with the **UN Special Rapporteur** on extreme poverty and human rights, is supported by the Department of International Relations and Cooperation.

The **Foundation for Human Rights (FHR)** supports SERP's work on housing, particularly the research on the Housing Demand Data Base.

The **European Union** is currently supporting the project's work on maternal mortality and the realisation of MDG5 in Eastern Cape and Limpopo.

The **International Water Management Institute** supported research focussing on gender implications of access to water in South Africa

The Centre's project to review laws, policies and programmes relating to infant and maternal mortality in selected southern African countries was supported by the **World Vision**.



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FOUNDATION  
FOR HUMAN RIGHTS

OPEN SOCIETY  
FOUNDATIONS



OHCHR



UNITED STATES  
INSTITUTE OF PEACE



IWMI  
International  
Water Management  
Institute



EUROPEAN UNION



international relations  
& cooperation  
Department of International Relations and Cooperation  
REPUBLIC OF SOUTH AFRICA

# Financial Statement

## Income and Expenditure Statements

	2013	2012
<b>INCOME</b>		
Funders	11 604 272.64	10 820 169.81
Consultancies	732 727.27	1 476 067.42
Other	90 942.08	71 795.13
University of the Western Cape (includes 1 x Professorial post, premises, utilities & IT)		
<b>TOTAL INCOME</b>	<b>12 427 941.99</b>	<b>12 368 032.36</b>
<b>EXPENDITURE</b>		
Advertising	0.00	23 088.42
Audit Fees	9 847.67	147 516.00
Bank Charges	0.00	457.51
Computer Equipment	218 464.25	67 563.19
Conferences, Seminars & Workshops	347 855.16	343 549.47
Consultation Fees	487 574.91	330 299.50
Functions & Catering	39 515.91	41 279.16
Evaluation	15 214.41	15 175.65
Partner Activities	501 435.60	766 379.92
Photocopying & Postage	23 370.53	80 246.05
Post-Graduate Bursaries	1 299 487.12	1 214 632.13
Publications	180 957.00	500 070.20
Research	87 620.54	103 609.35
Returned to Funder	14 448.08	0.00
Salaries	7 284 536.94	6 177 914.99
Stationery	111 482.93	108 754.67
Subscriptions & Books	89 370.49	90 264.97
Telephone	42 898.19	41 659.33
Travelling & Accommodation	1 467 239.14	2 276 579.66
Rentals & Maintenance	78 000.00	66 914.00
Website	388 115.51	172 993.09
<b>TOTAL EXPENDITURE</b>	<b>12 687 434.38</b>	<b>12 568 947.26</b>
CLOSING BALANCE FOR YEAR	-259 492.39	-200 914.90
<b>Surplus carried forward from previous year</b>	<b>5 842 131.47</b>	<b>6 013 604.54</b>
Prior Year Adjustment	-36 701.61	29 441.83
<b>NET CLOSING BALANCE 2013</b>	<b>5 545 937.47</b>	<b>5 842 131.47</b>

In 2013, the world lost one of the greatest icons of peace, justice and humanity. At the Community Law Centre, we are reminded of the many intersections between our work and the life and legacy of Nelson Mandela. Our founding director, Adv Dullah Omar was appointed by President Mandela as Minister of Justice. Many other CLC staff members and associates were appointed by President Mandela into government and the judiciary and were thus called upon by him to redouble their efforts towards realising human rights and building our young democracy. At the Centre, we are duty bound to persevere in that work to keep alive the dreams that Mandela made untold sacrifices for. Mandela was a lawyer by training. He became a freedom fighter, a peace builder, an international statesman and a philanthropist. The best tribute the Community Law Centre can make to his life and legacy is to work, with ever greater determination, towards peace, democracy and the realisation of human rights in Africa.

Uphume gqatsu kugqatso ebelibaleka, ugqatso ulufezile, umzam'omhle uwenzile, ulindelwe kukuwongwa ngesithsaba sobom. Lala ngoxolo Madiba, Yem Yem, Sopitsho, Ngqolomsila, Vela bembhentsele, fafa ndini olumadolo dolo, faf'olude lokurhintyel'amavelithi, thol'elimakhandakhanda lukaNtando, luka Ndaba, luka Ngubengcuka, luka Mandela. Vayvay ndini ka nkonka.

18 July 1918 – 5 December 2013



Leonard Zhukovsky / Shutterstock.com

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