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COMMUNITY
LAW CENTRE

research advocacy education human rights democracy

RESPICE PROSPICE

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DIRECTOR'S OVERVIEW

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

At the beginning of 2013, we agreed that, as a Centre, we want to pursue these six objectives:
1. make a visible impact on law and policy
2. grow our footprint in Africa
3. increase our postgraduate output
4. increase our academic output
5. increase the academic profile of Centre staff
6. improve our financial sustainability and internal operations

This Annual Report shows that, even though 2013 was a year of transition, never once did we stop pursuing those objectives and making progress in them.

Impact on law and policy

In 2013, we were instrumental in effecting changes in law and policy, however invisible to the public eye they may have been and however long they may have taken to materialise. For example, in 2013 Parliament adopted the government's proposal to ratify the International Covenant on Economic, Social and Cultural Rights. The Centre has advocated for this for over a decade with Ebenezer Durojaye's Socio-Economic Rights Project in a lead role. The Centre's Parliamentary Programme was instrumental in sustaining a campaign that made 2013 a very 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. We made more than 25 formal submissions to legislatures or government departments. Samantha Waterhouse's Parliamentary Programme empowered 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 3 TV interviews and appeared in 22 print/online publications. This totals 54 appearances in the media, averaging more than one appearance every week.

Footprint in Africa

We grew our footprint in Africa by embarking on new projects in Kenya, Mozambique and Lesotho. We carefully maintained our partnerships with the African Commission on People's and Human Rights and the African Committee on the Rights and Welfare of the Child (ACRWC) by attending and 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 Kenya, Nigeria, Zimbabwe, Ethiopia, Ghana, Botswana, Malawi, Mozambique and Burundi bears testimony to our deep linkages throughout the continent.

The successful organisation of the "2013 International Conference on Constitution-Building in Africa" is also evidence of the deepening of our African network. The Conference was part of the African Human Rights Moot Court week, convened by the Faculty of Law and the University of Pretoria's Centre for Human Rights. Over 250 participants from all over the African continent 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 Community Law Centre played a very 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 of course our founding director, the late Adv Dullah Omar. Two former Ministers (Mr Valli Moosa and Dr Sydney Mufamadi) and internationally renowned constitutional expert Prof Yash Pal Ghai engaged in a panel discussion, chaired by Prof Steytler. The Conference furthermore examined current and recent constitution-building processes on the continent, with reference to countries such as Kenya, Zimbabwe, Uganda, Nigeria, Ethiopia, South Sudan, Madagascar and Zambia.

Postgraduate output

Turning to the highlights of our postgraduate programme, four of our doctoral researchers, namely Aquinaldo Mandlate, Nkatha Murungi, Conrad Bosire and Nicholas Orago received their doctoral degrees in what are always very proud moments for everyone in 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 organised two successful doctoral colloquia where doctoral researchers engaged peers and experts on their doctoral work.

Academic output

With the publication of 18 peer-reviewed articles and 14 chapters in books, the Centre improved its academic output. Our research fellows deserve specific mention for their contribution to the Centre's research output. Our contribution to the academic enterprise goes beyond the accreditable publications. We hosted a total 14 conferences and seminars and presented over 50 papers and presentations at conferences in places as far as Vietnam and the United States. Furthermore, the staff of the Centre reviewed more than 25 journal articles for national and international journals and examined more than 15 postgraduate dissertations, thereby playing a less visible but critical role behind the scenes.

	2011	2012	2013
Doctoral degrees awarded	-	2	4
Peer reviewed articles	19	9	18
Chapters in books	8	7	14
Books	1	1	2

Innovation and working across disciplines is becoming increasingly important, also for the Centre. In 2013, the Centre continued to innovate, straddle disciplines and become a workplace for both social scientists and lawyers. For example Lukas Muntingh's 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, MLGI compiled a database with over 500 governance indicators that is used to analyse government performance and make evidence-based recommendations about issues such as protests, audit outcomes and interventions into local government.

Profile of staff

For an institution with a modest 12 researchers (of which 6 women), 11 PhD candidates (of which 4 women) and 8 support staff (7 women), these are remarkable achievements, particularly given the fact that all but two of the above positions are contract positions. Our progress is driven, in large measure, 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 a so-called

'Article 5 committee' that advise the South African Human Rights Commission. It is clear that our staff and fellows are recognised as leading academics and activists.

Financial sustainability, governance and operations

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

Towards the end of the year, Prof Bernard Martin was appointed as the new Dean of the Law Faculty and thus as *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 particularly grateful to Prof Sloth-Nielsen. She provided tremendous support to the Centre, not only as Dean but also as an energetic research fellow in the Children's Rights Project, contributing to the Centre's impact on the continent.

Edmund Foley returned to Ghana after leading the Children's Rights Project for two years. During his tenure, the Project had provided advice on law reform in child rights matters in Southern and Eastern Africa.The vacancy left by the deployment of Prof Nico Steytler 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 former doctoral researcher of the Centre. He brings a wealth of expertise and knowledge on children's rights into the Centre and adds to the Centre's international standing as chairperson of the African Committee of Experts on the Rights and Welfare of the Child and vice-chairperson of the United Nations Committee on the Rights of the Child. Derek Powell took over the reins of the Multilevel Government Initiative, filling the vacancy left by my appointment as Director. He brought his extensive experience in government, his critical mind and passion for rigorous, multi-disciplinary research into the new position and took MLGI to new heights.

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

We had to overcome nostalgia in taking the decision to close the Documentation Centre. In the early 90s, the 'Doc Centre' started out as a resource centre on gender issues. It grew into a postgraduate and staff library on governance and human rights.

Space constraints and the opportunity to transfer materials to the University's Main Library with better opening hours and a more comprehensive library infrastructure, made us decide to convert it into a space for doctoral researchers as well as a meeting room.

The funding environment is contracting and more funders are withdrawing from or reducing their exposure to South Africa. At the same time, South Africa's position on the continent is presenting new opportunities with an increased interest in international collaboration. The Centre managed to raise 11,702,892.43 Rands to continue its operations and carried forward a surplus of 5,169,145.31 Rands into 2014. Virginia Brookes was promoted to full-time Chief Operations Manager, taking responsibility for coordinating day-to-day operational issues and assisting the Director with managing finances and operations. The integration of the SARChI Chair into the Centre's finances, the increasing number of donor reports with stringent requirements 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.

The chapters that follow elaborate on the five focal areas of the Centre, namely multilevel government, socio-economic rights, children's rights, public participation in Parliament and prison reform and criminal justice.

LLDS AWARDED

Dr Aquinaldo Mandlate

Supervisor: Prof J Sloth-Nielsen

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

Aquinaldo's thesis investigates the implementation of the Convention on the Rights of the Child and the African Children's Charter in these Portuguese speaking countries, which ratified the treaty 20 years ago. Set against the backdrop of the actual conditions under which most children grew up and the developmental challenges experienced by these governments in the aftermaths of civil wars, he delves into laws, policies, institutional measures, infrastructure, training, and oversight mechanisms. His work covers juvenile justice, trafficking, family laws, the judicial system and the rights to education. He carefully assesses gains made and where more could be done. This is the first systematic study in this area by any Lusophone researcher, thereby making an original contribution to scholarship. His bursary was supported by the Open Society for Southern Africa (OSISA).

Dr Conrad Bosire

Supervisor: Prof N Steytler

Topic: Devolution for Development, Conflict Resolution and Limiting Central Power: 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, limiting central power – thereby seeking to address the very root causes of conflict in that country. Conrad examined how these objectives have been pursued in that constitution. This is the first in-depth examination of the topic and the first in the international literature to identify and analyse how the design features giving effect to the objects of devolution are not always in harmony, but require difficult trade-offs to strike a balance appropriate for a country. This work is an ambitious and important study and it may well have influence beyond the case of Kenya for those seeking to design devolutionary systems of government. His bursary was supported by the Open Society for Southern Africa (OSISA).

Dr Nkatha Murungi

Supervisor: 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 for the Right to Primary Education of the Children with Disabilities: A Comparative Study of Kenya and South Africa.

The study is of special significance as the first interpretation of the right to primary education enshrined in the CRPD (in operation from 2008 and ratified by both Kenya and South Africa) as a crucial for children with disabilities. The strength lies in the methodological application of the criteria and norms contained in emerging international law and policy in the respective countries. It constitutes a distinct and comprehensive contribution to knowledge which will serve as an important tool for legislators, policy makers and practitioners concerned with the education rights of children with disabilities. Nkatha's study was supported by UNICEF and Plan International.

Dr Nicholas Orago

Supervisor: 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 2010 Kenyan Constitution.

The realisation of the socio-economic rights in African countries, such as the rights to education, health, housing, food and social security, plays a crucial role in the alleviation

of poverty, the enhancement is sustainable human development and the achievement of substantive equality. The realisation of these rights at the national level have, However, been hampered by several complexities, such as ideological differences regarding their justiciability, the unavailability of adequate resources for their realisation and the lack of a sufficient normative and institutional framework to enforce them. On 27 August 2010, Kenya promulgated a new constitution which entrenched justiciable socio-economic rights. Nicholas has provided a comprehensive analysis of the challenges to the realisation of socio-economic rights in the Kenyan context. Though specific to Kenya, Nicholas' study has the potential to enhance positively the realisation of socio-economic rights in similarly situated African countries. His bursary was supported by the Ford Foundation.

MULTILEVEL GOVERNMENT INITIATIVE

MLGI focuses on five main sets of activities:

- the systematic review of multilevel government to inform the coming institutional reforms
- building capacity for evidence-based research and interventions
- developing tools to inform public debate on good governance and make data accessible
- making targeted interventions into particular policy debates related to multi-level governance
- developing the law

2013 saw the commencement of the South African Research Chair in Multi-Level Government, Law & Policy (SARChI), based in the Community Law Centre. The Chair has been fully integrated into the MLGI.

Adding an evidence-based, independent and critical voice on the reconsideration of MLG in South Africa

The National Development Plan 2030 identified interventions to improve the system of multilevel government. The question is: how will these interventions differ from previous attempts to reform the system? With national and local government elections scheduled for 2014 and 2016 respectively, 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 one single database. In 2013 the database was developed and MLGI will continue to expand it and build capacity in this area.

Developing the new Municipal Audit Consistency Barometer (MAC-B)
The poor state of municipal financial management is a serious public concern. Government's 'Operation Clean Audit' set 2014 as the target by when all 278 municipalities must achieve a clean audit. This target was not achieved. Moreover, there is a limited statistical basis for identifying and addressing the systemic governance problems that underlie poor audit outcomes. In 2013, MLGI started preparing a Municipal Audit Consistency Barometer (MAC-B), to be launched in early 2014. MAC-B is a composite set of indicators measuring municipal 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.

High impact policy briefs, papers and presentations
MLGI has been actively involved in policy engagement, advocacy, and applied research, producing over 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
- Jaap de Visser produced an opinion piece on the Western Cape Community Safety Act
- Nico Steytler delivered the key note 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 multilevel government, government's anti-corruption strategy and the role of organised local government
- Nico Steytler and 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.

In that period, MLGI recorded at least 18 direct impacts on existing policy processes. Some examples:

- Parliament passed the Spatial Planning and Land Use Management Act 16 of 2013, with considerable input by MLGI into the development of the Bill
- The City of Cape Town passed a new Liquor By-law, based on earlier advice rendered by MLGI;
- The Western Cape government introduced the Western Cape Support and Monitoring Of Municipalities Bill, 2013, based on earlier advice by MLGI

A capable state with a professional local government system
MLGI's work in the area of professionalisation grew 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 a paper on the 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
- Phindile Ntliziywana presented an overview of the enforcement of competency standards to the Western Cape Municipal Managers Forum

Building networks: Good Governance Learning Network (GGLN) and other partners
Collaboration and partnership are central to the way MLGI works. MLGI works with other NGOs through our membership of the Good Governance Learning Network. This is a long standing relationship. 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.

Strengthening the role of multilevel government in peace-building in Africa

The work of the MLGI is increasingly expanding into the region, notably through our masters and doctorate 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 Masters' and Doctoral programmes, presented under the auspices of the SARChI Chair, attracted students from Ethiopia, Cameroon, Kenya, Malawi, Uganda and Zimbabwe.

MLGI also taught a course in multilevel government for Ethiopian doctoral students in partnership with the Center for Federal Studies, Addis Ababa University, Ethiopia. MLGI and the SARChI Chair played a key role in the International Conference on Constitution building in Africa hosted by the CLC on 6 September.

Led by the SARChI Chair, MLGI collaborated with the Katiba Institute of Kenya in an international research project on devolution in Kenya and South Africa. A successful conference was held in Nairobi in August in 2013 with Kenyan counterparts. The conference received major coverage and was attended by senior officials and prominent scholars. More than 10 papers were prepared by MLGI members on various themes, in collaboration with Kenyan counterparts. The Conference was preceded by a series of newspaper articles, some written by MLGI staff, in major Kenyan newspapers.

During 2013, two PhD studies on this 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 studying local polities in South Africa's peace transition.

Zimbabwe passed a Constitution, which for the first time includes a specific chapter on devolution. Tinashe Chigwata is conducting a doctoral study under the supervision of Jaap de Visser, assessing the prospects of devolution in Zimbabwe and together they produced a opinion piece, advocating for local government reform under the new Constitution. Jaap de Visser co-authored an article on councillors in Zimbabwe.

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.

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. MLGI undertook several activities to position its work, supported by the Ford Foundation, in this regard. For example, Jaap de Visser delivered papers into the Urban Law sessions of the World Bank Law Justice & 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 almost daily, country-wide and increasingly violent. In 2010, the MLGI started gathering data on the prevalence and frequency of protests as well as the grievances raised by protesting communities. The outcome was the Service Delivery Protest Barometer. The data from this project has provided vital insights into the fault lines in service delivery and also provide credible data to inform decision-making in remedying the status quo. In 2013, work commenced 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 MLGI. The new barometer, to be launched in 2014 will be called the Inclusive cities and towns barometer. This will be accompanied by an online search facility to allow users to search the MLGI database and develop their own research outputs, including tables and maps.

Good City Governance Index
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 under the issue whether good governance matters.

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

The MLGI continues to contribute to the changing legislative and policy landscape governing 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 on their role in implementing the Spatial Planning and Land Use Management Act.

Inequity in cities is growing 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 a key focus of MLGI. The MLGI, through its planning and access to basic services focus areas is contributing to the regional Just Cities Initiative in South Africa by conducting research on access to basic services by vulnerable communities, premised on a rights-based approach.

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

CIVIL SOCIETY PRISON REFORM INITIATIVE

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 their families as well as the broader community. 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.

Criminalisation of torture

After advocating for the criminalisation of torture for more than ten years, the Prevention and Combating of Torture of Persons Act (13 of 2013) came into force in July 2013. The Act criminalises torture as is 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 both physical and 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 state officials must not only refrain from committing the crime of torture but must also prevent that it happens. CSPRI together with a range of other civil society organisations have been advocating for the legislation for several years and when the draft legislation was tabled in Parliament, participated actively through written and oral submissions to the Portfolio Committee on Justice and Constitutional Development.

Article 5 Initiative

CSPRI is a partner to the Article 5 Initiative, an international three-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 in order to strengthen the implementation of standards aimed at preventing and eradicating torture and other ill-treatment in Africa.

In 2013 CSPRI engaged with in-country stakeholders in Burundi, Mozambique and South Africa to finalise the package of practical, context-specific tools and guidelines. These have also been translated into French and Portuguese, representing an important resource for government departments, National Human Rights Institutions and civil society organisations to monitor compliance with the UN Convention against Torture. It is important to acknowledge that in a number of countries targeted by the Article 5 Initiative rapid advances are being made in respect of the prevention and eradication of torture. For example, as noted above, in South Africa the Prevention and Combating of Torture of Persons Act was recently enacted; Uganda and Burundi have criminalised torture in domestic legislation; Rwanda has criminalised torture 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 the Article 5 Initiative and its in-country partners.

Court monitoring project

The Community Law Centre entered into an agreement with the Western Cape Department of Community Safety for the purpose of carrying out 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 in any way. The students attend court proceedings in six districts court in the Western Cape, and record their observations of the proceedings. Thereafter, the observations are analysed and communicated to the Department. The students that have been involved in the project have not only gained a significant amount of exposure to criminal proceedings, but have had the opportunity to hone their analytical and writing skills.

Promoting Pre-trial Justice in Africa

PPJA has made significant progress in building a network of like-minded organisations and individuals. This has been extremely useful in communicating its message and also to gather information. There is little doubt that the challenges facing African criminal justice systems are significant and can be ascribed to, amongst others, resource constraints, lack of law reform, criminal justice conservatism and lack of effective civilian oversight over the criminal justice system.

In many African countries, large numbers of unsentenced prisoners remain in custody for extended periods, often years, before their cases are finalised. Frequently they are detained under abysmal conditions violating their right to dignity and the right to a

speedy trial. The impact is, however, not only on the individuals imprisoned but also on their families and households as a result of socio-economic consequences of imprisonment. Families may lose a breadwinner or have to borrow money to survive or to pay bail. In order to gather empirical evidence on the socio-economic impact of pre-trial detention, CSPRI commenced in 2013 with a three-country study on the subject in Kenya, Mozambique and Zambia. The project is undertaken in collaboration with local partners in the three countries, being 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 CSPRI's project management in Malawi and Zambia in 2011-2012, CSPRI has trained, advised and assisted local partners in Mozambique (Universidade Eduoardo 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 their pre-trial audit while pre-trial audits in the remaining two countries are under way.

Emerging from the 2011-2012 Malawi pre-trial audit, CSPRI has been assisting a consortium of local partners (lead by the Paralegal Advisory Service Malawi) in designing and implementing a project which seeks to ensure better implementation of custody time limits in Malawi, 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. The project, funded by OSISA and EU-DGP (Malawi) is scheduled to be complete at the end of 2014.

The PPJA website at www.ppja.org hosts information relating to pre-trial justice on all African countries and is a valuable resource to practitioners and researchers alike.

Policy engagement

CSPRI made the following submissions:

To the Portfolio Committee on Correctional Services:

- on strengthening the JICS as an oversight mechanism through a legislative amendment
- on the DCS budget vote and strategic plan
- 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 African Commission on Human and Peoples' Rights (ACHPR)

- on the duty to combat impunity, 53rd Ordinary Session of the ACHPR
- on deaths in custody in South Africa, 53rd Ordinary Session of the ACHPR

To the Khayelitsha Commission

- On crime rates in Khayelitsha

To the Malawi Law Commission

· On the draft Malawi Prisons Bill

SOCIO-ECONOMIC RIGHTS PROJECT

Socio-economic rights are increasingly being used by civil society to demand that government respects and protects the dignity of marginalised communities more and more countries on the continent are interested in including socio-economic rights in the constitution. The Socio-Economic Rights Project (SERP) promotes the realisation of socio-economic rights both domestically and on the African continent.

Examining the link 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 vulnerable and marginalised 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. The atmosphere was cordial and at the same time engaging as some of the communities represented noted that if government officials would grant them audience and communicate with them regularly, most of the misunderstanding and violent service delivery protests would have been avoided.

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

The Centre facilitated a fact finding visit by the SAHRC to Blikkiesdrop, a Temporary Relocation Area in Cape Town to assess the challenges relating to the deplorable living conditions of the inhabitants. The Project assisted the Blikkiesdrop Community with preparing and submitting a complaint to the SAHRC to highlight the lack of basic and essential amenities necessary for a dignified existence. The complaint emphasises the need for the City of Cape Town to take appropriate measures with a view to addressing the deplorable living conditions in this community.

Advancing sexual and reproductive health and right in informal settlements

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

The Project engaged with civil society groups in urban and semi-urban areas in the Eastern Cape to deliberate on the challenges women face with regard to accessing maternal health care services. The Project is currently in discussion with civil society groups in the province with a view to strengthening existing coalition to include maternal health as part of their area of focus.

Also, the Project is working with partners based in Nigeria, including the Alliance for Africa with a view to filing a test case with the African Commission on Human and People's Rights with regard to maternal mortality as a human rights violation in Nigeria. The initial drafting of the communication has begun and will continue in 2014.

Promoting participation of vulnerable and marginalised groups in policy formulation on socio-economic rights

A Roundtable was organised on 30 May under the theme 'Meaningful Engagement as a Political Process: Understanding the Roles of Government, Citizens and Civil Society.' The roundtable brought together government, civil society including community organisations and social movements, and academia to share their experiences and practices around meaningful engagement.

Ratification of the ICESCR and the OP-ESCR

While the South African government has decided to ratify the International Covenant on Economic, Social & Cultural Rights, it appears reluctant to ratify the Optional Protocol to the ICESCR. These issues therefore require further advocacy. As the secretariat of the Campaign for South Africa's ratification of ICESCR and OP-CESCR, SERP engaged with government departments and relevant parliamentary committees on the need for South Africa to ratify the ICESCR and its Optional Protocol. A number of engagements took place with the Department of Justice, DIRCO and the Parliamentary Committee on International Cooperation. SERP is currently providing legal research support to the Department of Justice with regard to the communication procedures related to the Optional Protocol.

Together with 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 the ratification of the ICESCR by South Africa.

Together 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, SERP issued a press release on the Approval process for the Ratification of ICESCR on 23 August 2013.

African Commission on Human and People's Rights (ACHPR)

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 African Commission on Human and Peoples' Rights in order to strengthen its responsibility of monitoring human rights situation in Africa. Ebenezer Durojaye and Gladys Mirugi-Mukundi represented the Community Law Centre (CLC) at the 53rd Ordinary Session of the ACHPR in Banjul, The Gambia, held from 9 – 23 April 2013. They presented a statement, on behalf of the Centre, which focused on addressing maternal mortality as a human rights challenge in Africa and the role of the ACHPR. During this period they also attended the Forum for Participation of NGOs in the 53rd Ordinary Session of the ACHPR (NGO Forum) hosted by the African Centre for the Development of Human Rights Studies (ACDHRS), participated in the Book Fair, where various publications by the CLC were displayed. The Centre consistently uses the ACHPR Book Fair as an important avenue to disseminate CLC research and knowledge generated products to a wider constituency of actors in Africa and beyond.

SERP took its campaign for the ratification of the ICESCR and OP-ICESR to a content-wide scale by actively participating in a side event during this Session of the African Commission dedicated to the topic on "Extraterritorial Obligations of States (ETOs) for Human Rights Beyond Borders" organised the by the ETO consortium (10 April 2013) .

SERP also participated in the 54th Ordinary Session of the ACHPR held from 22nd October to 5th November 2013 in Banjul and presented a statement on the Importance of the Rights to Participation under the African Charter. The statement focused on public participation as a human right in South Africa. Together with the office of the United Nations Special Rapporteur on Extreme Poverty and Human Rights, CLC hosted a side event on the penalisation of poverty. It examined the trends across the region to penalize people living in poverty through policies and practices in the fields of public health, law enforcement, welfare and urban planning. The Centre again participated in the ACHPR Book Fair and launched the *The Compendium of documents and cases on the right to health under the African Human Rights System*.

Socio-economic rights on 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 provided technical support to

Kenya's Constitution Implementation Commission (CIC) regarding the implementation of the socio-economic rights provisions in the new Kenyan Constitution. Gladys Mirugi-Mukundi attended and presented a paper at an international roundtable on socio-economic rights held in November 2013 in Cairo, Egypt.

As part of its collaboration with the UN Special Rapporteur, the Centre provided background research on the poverty situation in Mozambique in preparation for the Rapporteur's mission visit to that country.

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

Research and newsletters

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

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

SERP produced three editions of *ESR Review.* By distributing this online newsletter to over 2000 organisations, institutions and individuals, SERP actively promotes the understanding and interpretation of socio-economic rights.

SERP's researchers continued to 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*.

CHILDREN'S RIGHTS PROJECT

It is almost 25 years ago that the United Nations Convention on the Rights of the Child (CRC) came into operation and also almost 25 years ago that the African Charter on the Rights and Welfare of the Child (ACRWC) was adopted. For most of that time, the Children's Rights Project (CRP) has played a vital role in progressively transforming the legal landscape of South Africa and other African countries with regards to the rights of children on the continent and it will continue to do so.

CRP was established in the mid-1990s, and played a crucial role in the multi-party negotiations that led to the drafting of South Africa's interim Constitution. It successfully advocated for the inclusion of a children's rights section (section 30) in South Africa's interim Constitution. This section later evolved into the current section 28 of the Constitution on the rights of children.

CRP focuses on the status and concerns of all children, with a particular focus on the most vulnerable and marginalised children, including children with disabilities. Our 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 as well as other civil society organisations to secure the effective realisation of children's rights.

The Child Justice Alliance

Since the publication of *Getting to know the Child Justice Act* in 2009, the CRP has served as the Secretariat of the Child Justice Alliance; a network of CSOs 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 in South Africa. Apart from the publication of *Article 40*, a newsletter of the Alliance, a key research output for 2013 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. It was prepared for the Western Cape Provincial Child Justice Forum.

Safeguarding the rights of children with disabilities

In the year under review, the Project lead the Campaign on the Right to Education of Children with Disabilities (R2ECWD) - 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 the Campaign members as well as a meeting of the Campaign's Steering Committee in September 2013 to

decide on a number of strategic interventions for the advancement of the objectives of the Campaign.

The Campaign made a submission to the Office of the Deputy Director (Public Transport Special Groups) in the Department of Transport. The submission (in relation to learners with disabilities) was based on a request by the Deputy Director, 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, in October 2013, reviewed and commented on the draft Norms and Standards in so far as it relates to learners with disabilities. On a global scale, the Campaign also made a submission to the Office of the United Nations High Commissioner for Human Rights (UNHCHR) in Geneva. The submission was made 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 Africa

Within the normative framework of the ACRWC and the CRC, 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 African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

In previous years, the CRP had demonstrated its expertise and competence, for example by 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. The CRP assisted the ACERWC by developing a Concept Note for the celebration of the Day of the African Child in 2014. The Concept Note was entitled *A child friendly quality free and compulsory Education for all children in Africa* and was adopted by the Committee during its 22nd session.

The CRP also assisted 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.

The Project also continued with the provision of 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 a report on *Lessons Learned* in the on-going child law process in various countries across the continent. The report captures both the good practices and challenges in the child law reform process of various countries. Also under the PCA, the CRP continued to host the African Child Law Reform website which is a repository of information about law-reform initiatives on children's rights in the Eastern and Southern African regions. The site contains freely downloadable legal documents such as Bills, Acts, case law and research relating to the various countries in these regions; the site also contains a library of key regional and international instruments: http://www.aclr.info/

Children's right teaching/training

In 2013, the CRP conducted teaching and training on children's rights CRP trained the police, members of the judiciary and other stakeholders on the implementation of Lesotho's Child Welfare and Protection Act.

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

Research outputs

Apart from continuing with the CRP's flagship newsletter, *Article 40* on child justice, and the research reports mentioned above, CRP staff continued in the tradition of producing cutting edge research on children's rights issues.

Prof Julia Sloth-Nielsen, CRP research fellow produced a number of articles and book chapters including an analysis of children's rights in South African courts and an appraisal of children' rights in Angola's Children Act. Dr Mandlate published a book chapter on children's rights in Angola and with Dr Murungi, jointly wrote a book chapter on disability rights in the sub-regional economic communities. Dr Assim also 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.

PARLIAMENTARY PROGRAMME

South Africa's legislatures are, compared to many others on the continent, relatively well resourced and open to public engagement. Yet, in spite of a strong constitutional framework, questions persist about their weak track record in holding the executive to account and if legislatures represent the will of parties more than that of the electorate. Because South Africa has been strong in enshrining human rights in our constitution and legislation but weak on delivery, strengthening the legislatures' capacity for oversight and accountability and strengthening civil society engagement on this is essential.

The Parliamentary Programme (PP) uses evidence-based advocacy to strengthen Parliament and the legislatures. We work extensively within networks and alliances of civil society organisations (CSO) to improve capacity for parliamentary engagement and we facilitate opportunities for such engagement.

During this period the Programme has focussed its efforts on promoting delivery on the rights of women and children, in particular focussing on the intersections of these rights with contexts such as violence, poverty and disability. In addition the Programme uses the lessons learnt in these areas to engage in activities that look at the general functioning of legislatures within the framework of our constitutional democracy. The Programme's budget and staff capacity was reduced in 2013, affecting the outputs for this period when compared to those of the preceding years.

The full impact of our activities will only emerge over time and is also difficult to isolate from the efforts of our allies. However, there is no doubt that we have played a significant role in a number of developments in 2013.

Our method

Parliamentary engagement
We engage with the legislatures on both law reform and oversight issues, at times we also interact 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 to embed information into long term committee functions, irrespective of political reshuffling. The parliamentary research team also provides critical information to us, which we in turn disseminate to our networks.

In 2013, we engaged 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 and the Western Cape Provincial Parliament public participations office.
- Departments: Justice and Constitutional Development, Transport and Women, Children and People with Disabilities.

We have made five written and two oral submissions in respect of law reform during the period. Our submissions are usually written in collaboration with other stakeholders ranging from two to up to 39 endorsing organisations.

The CLC PP hosted four workshops or seminars that target parliamentary and civil society stakeholders in order to improve the quality of information available to Parliament. These serve as 'think tanks' to discuss human rights issues. The workshops dealt with the Presidential State of the Nation Address and Gender Politics (in partnership with WLC and HBF); Policing and domestic violence and the WEGE bill.

Alliances, networks and databases
Collective action holds a far greater promise of impact on the delivery of human rights than actions of organisations working in isolation. We thus invest in developing databases, building networks, and supporting active coalitions. The CLC PP has developed a strong reputation in the women and children's rights sectors. More recently we have entered into networks that are concerned with promoting constitutional democracy in South Africa in general. Our alliances comprise of broader membership networks that range from around 20 to above 200 members. Each alliance is led by a coordination structures on average, comprise of 7 organisations. Through these coordination structures, we collaborated closely and regularly with 43 partners during the year. In all of our alliances we play a role on the steering or other driving structures. In some we provide 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.

Alliances and partner organisations:
The Black Sash; the Budget Expenditure Monitoring Forum; the Centre for Child Law, UP; the Centre for Disability Law and Policy, UWC; The 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; the 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; the South African Disability Alliance; the South African Human Rights Commission (SAHRC); the Southern African Association for Learning and Educational Differences; Teddy Bear Clinic; Triangle Project; Tswaranang Legal Advocacy Centre; UNICEF; Western Cape Forum on Intellectual Disabilities.

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

Campaigns
The CLC PP has contributed significant leadership and support capacity to 11 alliances. We are the lead partner in four. These alliances deal with issue 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 Women's Empowerment and Gender Equality (WEGE) Bill;
- monitoring South Africa's progress on implementing children's rights;
- promoting the implementation of the Child Justice Act (together with the CRP); and
- the right to education of children with disabilities (R2E CWD) (together with the CRP).

We also participated in four smaller campaigns:

- the Traditional Courts Bill law reform process (led by the Alliance for Rural Democracy);
- promoting victim empowerment legislation (led by Open Democracy Advice Centre, Women's Legal Centre and Rape Crisis);
- special needs housing (together with SERP); and
- improving maternal and child health (together with SERP).

During 2013 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 CLC PP.

The issues

Promoting participatory democracy, human rights and strengthening 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 across civil society sectors for stronger democracy. This platform evolved from a number of civil society processes, including the Conference hosted by the CLC and partners in 2012. Finally 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 on these.

Women's rights
The PP supported *the Commission on Gender Equality Monitor (CGEM)* in its re-strategising process. The alliance has re-focussed on promoting gender equality and accountability structures and changed its name to Support Action for Gender Equality (SAGE). PP lead a civil society campaign on the Women's Empowerment and Gender Equality Bill. The Bill falls short of its intended aims and in its current form will not address the pervasive inequalities and violations experienced by women in South Africa. Our communications with the Committee on Women, Children and Persons with disabilities led to the extension of the date for submissions on the WEGE Bill.

PP undertook activities to build sustained collaboration in civil society to improve the implementation of the Domestic Violence Act. Our focus has been primarily on the role of the South African Police Service. In addition we have provided leadership support to campaigns focussed on the provision of shelters to women and children affected by domestic violence. Our work with Parliament's Police Committee led to the chairperson of that committee attending a civil society meeting hosted by the CLC PP to engage on implementation of the Act.

Linked both to the promotion of women's rights as well as those of children, has been our work with the *Shukumisa Campaign* promoting implementation of sexual offences legislation. Shukumisa is a large national campaign of approximately 39 organisations, focusing on a number of issues. One of these is the performance of the Department of Justice and Constitutional Development (the Department) and the National Prosecuting Authority (NPA). Within that area, PP focused on specialised court services in sexual

offences. Our leadership on submissions to the Portfolio Committee on Justice and Constitutional Development and the Department has influenced the development of a legislative framework for sexual offences courts and closer scrutiny of the Department and NPA's implementation plans.

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

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

Communication

We have continued to expand and maintain our databases. Our South African database includes just under 1500 contacts. We sent out 30 alerts on human rights delivery and opportunities to engage legislatures to a combined total of 10 592 people. The average number of people reached per alert is 353. In addition to these general alerts we regularly communicated with our campaign networks to provide updates and information on processes as they proceed through parliament. We host www.peopletoparliament.org.za which serves as a repository of information on IHRL and our campaigns and supported the establishment of the People's Parliament website www.peopleparliament.nu.org.za. We also administer two dedicated Facebook pages on the Traditional Courts Bill and on strengthening Parliament. The media was used to engage politicians and citizens in public discourse. We released 3 press releases and produced one opinion editorial. We were quoted in at least 4 print articles and undertook at least 5 radio interviews.

FINANCIAL STATEMENT

COMMUNITY LAW CENTRE		
Income and Expenditure Statements		
	2013	**2012**
INCOME		
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)		
TOTAL INCOME	**12 427 941.99**	**12 368 032.36**
EXPENDITURE		
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
TOTAL EXPENDITURE	**12 687 434.38**	**12 568 947.26**
CLOSING BALANCE FOR YEAR	**-259 492.39**	**-200 914.90**
Surplus carried forward from previous year	**5 842 131.47**	**6 013 604.54**
Prior Year Adjustment	**-36 701.61**	**29 441.83**
NET CLOSING BALANCE 2013	**5 545 937.47**	**5 842 131.47**

DONORS

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 United States Institute of Peace supports the work of MLGI by sponsoring the Kenya-South Africa dialogue on devolution.

The National Research Foundation funds the SARChI Chair, located in MLGI and supports, amongst other things, Masters' and Doctoral bursaries.

CRP

The Children's Rights Project is 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).

Parliamentary Programme

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.

STAFF ACTIVITIES

Books

Durojaye, E & Mirugi-Mukundi, G *Compendium of Documents and Cases on the Right to Health in Africa* (Bellville: Community Law Centre).

Steytler, N & De Visser, J *Local Government Law of South Africa Issue 7* (Durban: LexisNexis).

Chapters in books

De Visser, J "Property rates as an instrument for development- An analysis of South African policy, law and practice" in Sansom, G & McKinlay, P *New Century Local Government – Commonwealth Perspective* (London: Commonwealth Secretariat), pp 108-122.

De Visser, J, Steytler, N & Fessha, Y "The role of ethnicity in the demarcation of internal boundaries in South Africa and Ethiopia" in Mangiameli, S (ed) *Federalism, Regionalism and Territory* (Rome: Institute for the Study of Regionalism, Federalism and Self-Government)

Durojaye, E (with Ngwena, C & Cook, R) "The Right to Health in Post-Apartheid Era South Africa" in Zuniga, J Marks, S & Gostin, L (eds) *Advancing the Human Right to Health* (Oxford: Oxford University Press) pp 129-142

Mandlate, A & Sloth-Nielsen, J "An Appraisal of the preliminary gains for children's rights under the Angolan Children Act" *International Survey on Family Law* (Jordan Publishing) pp 39-59

Mandlate A, Murungi N, & Amah B, Disability rights in the sub-regional economic communities" *African Disability Yearbook 2013* (Pretoria; Pretoria University Law Press) pp 375-385

Mbazira, C "Land Grabbing in Uganda by a Multinational Corporation" in Gibney, M and Vandenhole, W (eds) *Litigating Transnational Human Rights Obligations: Alternative Judgments* (London: Routledge) pp 186 – 201.

Mbazira, C "From Multiparty Rule and No Party State to Multi-partism in Uganda" in Mbondenyi, MK & Ojienda, T (eds) *Constitutionalism and Democratic Governance in Africa: Contemporary Perspectives from Sub-Saharan Africa* (Pretoria: Pretoria University Law Press) pp 291-313

Muntingh, L "Super-maximum prisons in South Africa" in Ross, J (eds) *Globalization of supermax Prison* (Chapel Hill:Rutgers University Press) pp 80-94

Steytler, N "The politics of provinces and the provincialisation of politics" in Maluwa, T (ed*) Law, Politics and Rights: Essays in Memory of Kader Asmal* (Martinus Nijhoff) pp 191-214.

Steytler, N "Governance and finance of two South African metropolitan areas" in Slack, E and Chattopadyay, R (eds) *Governance and Finance of Metropolitan Areas in Federal Systems* (Toronto: OUP Canada)

Steytler, N "South Africa - the reluctant hybrid federation" in Loughlin et al (eds) *Routledge Handbook on Regionalism and Federalism* (London: Routledge) pp 442 454.

Fessha, Y "Constitutional Court Appointment: The South African Process" in Verrelli, N (ed) *The Democratic Dilemma: Federal Dimensions of Reform of the Supreme Court of Canada* (Kingston: McGill-Queen's University Press) pp 227-237.

Assim, U "Social security law in South Africa: Where are the children?" in Jorens, Y (ed) *Social Security Law in SADC* (Juta) pp 101-115.

Mujuzi, JD "Torture" in Carty, T (ed) *Oxford Bibliographies in International Law* (New York: Oxford University Press).

Mujuzi, JD "The Consequences of the Abolition of the mandatory death penalty in Uganda" in Hodgkinson, P (ed) *The International Library of Essays on Capital Punishment Volume II: Abolition and Alternatives to Capital Punishment* (Ashgate) pp 303 – 317

Articles

Ballard, C & Subramanian, R "Remand Detention Pretrial Services: A Few Lessons from the Past" (2013) (44) *South Africa Crime Quarterly* pp 15-24

De Visser, J (with Mapuva, J) "Special Interest Councillors in Zimbabwe - Reviewing Law and Practice in terms of the 2013 Constitution" 2013 (17)2 *Law, Democracy & Development* pp 157-176.

Durojaye, E & Mirugi-Mukundi, G "States' Obligations in Relation to Access to Medicines: Revisiting Kenyan High Court Decision in P.A.O and Others v Attorney General and Another" (2013) (17)2 *Law, Democracy & Development* pp24-47

Durojaye, E "The Approaches of the African Commission To the Right to Health under the African Charter" (2013) (17)3 *Law, Democracy & Development* pp 393-418.

Durojaye E, & Oluduro O "The Implications of Oil Pollution for the enjoyment of Sexual and Reproductive Health in Niger-Delta area of Nigeria" (2013) (17) 1 International Journal of Human Rights pp 772-795.

Durojaye, E "'Woman but not human': Widowhood practices and human rights violations in Nigeria" (2013) (27)2 *International Journal of Law, Policy and the Family* pp 176-196.

Fessha, Y "Ethnic federalism and internal minorities: The legal protection of minorities within minorities" (2013) (21)3 *African Journal of International and Comparative Law* pp 32-49

Fessha, Y & Yusuf, C "Female genital mutilation as a human rights issue: Examining the effectiveness of the law against female genital mutilation in Tanzania" (2013) (13) 2 *African Human Rights Law Journal* pp 324-355

Mbazira C, "Service delivery protests, struggle for rights and the failure of local democracy in South Africa and Uganda: Parallels and Divergences" (2013) (29) 2 *South African Journal on Human Rights* pp 251-275

Mujuzi, JD "Legal pluralism and the right to family life, and the transfer of offenders who are nationals of African countries, within Africa and to Africa" (2013) (45)3 *The Journal of Legal Pluralism and Unofficial Law* pp 267-295

Mujuzi, JD "Prisoner Transfer to South Africa: Some of the Likely Challenges." (2013) (16)3 *Potchefstroom Electronic Law Journal* pp 153-186

Mujuzi JD, "Implementing Article 45 of the UN Convention against Corruption (on the transfer of sentenced persons) in Africa: prospects and challenges." (2013) (4) *Law and Politics in Africa, Asia and Latin America (Verfassung und Recht in Übersee)* pp 367-401

Mujuzi, JD "Domestic courts and the Promotion and Protection of the Right to Freedom from Torture in Southern African Development Community Countries." (2013) 27 *Speculum Juris* pp22 - 44

Mujuzi, JD "Ugandan Customary Marriage (Registration) Act: A Comment." (2013) (30) 1 *Journal of Third World Studies* pp 171-191

Mujuzi JD, 'The Supreme Court of Canada and the Offender's Right to be Transferred to Serve his Sentence in Canada: Interpreting the International Transfer of Offenders Act in the Light of Canada's National and International Human Rights Obligations' (2013) 6(2) *Baltic Journal of Law & Politics* pp 102-123

Mujuzi, JD "Analysing the Agreements (Treaties) on the Transfer of Sentenced Persons (Offenders/Prisoners) between the United Kingdom and Asian, African and Latin

American Countries" (2012) 20 *European Journal of Crime, Criminal Law and Criminal Justice* pp 377–414 (late publication)

Muntingh, L & Ballard, C "'Are the rights of children paramount in prison legislation?" 2013(3) *SACJ* pp337,

Sloth-Nielsen, J (with Kruuse, H) "A Maturing Manifesto: children's rights in the South African Courts 2008-2012" (2013) (21)4 *International Journal on Children's Rights* pp 646–678

Orago, N W "The 2010 Kenyan Constitution and the hierarchical place of international law in the Kenyan domestic legal system: A comparative perspective" (2013) (13)2 *African Human Rights Law Journal* pp 415-440

Conference papers

Ayele, Z & Ntiziywana, P "Marginalised groups and devolution in South Africa" *Kenya-South Africa Dialogue on Devolution* (Nairobi: Katiba Institute & Community Law Centre) 15-16 August.

Bosire, C "The powers and functions of county governments in Kenya" *Kenya-South Africa Dialogue on Devolution* (Nairobi: Katiba Institute & Community Law Centre) 15-16 August.

Chigwata, T & De Visser, J "Devolution in the 2013 Draft Constitution of Zimbabwe" *Commonwealth Local Government Forum's Research Colloquium* (Kampala: Commonwealth Local Government Forum) 13-14 May.

De Visser, J & Fessha, Y "Size and Character of Devolved Units" (Nairobi: Katiba Institute & Community Law Centre) 12-13 August.

De Visser, J & May, A "The functions and powers of devolved units" *Kenya-South Africa Dialogue on Devolutio*n (Nairobi: Katiba Institute & Community Law Centre) 15-16 August.

Durojaye, E & Murugi, N "Article 14 of the Women's Protocol and Sexual Rights" *10th year Anniversary of the adoption of the Protocol to the African Charter on the Rights of Women* (Pretoria: Centre for Human Rights) 9-10 December

Durojaye, E 'The Role of University Law Clinics in Realising Access to Justice for the Poor in Africa" *Commonwealth Legal Education Conference* (Durban, South Africa) 13 April 2013

Durojaye, E "The African Commission on Human and Peoples' Rights' Resolution on Forced Sterilization: A Tool for Advocacy at the National Level" *International Conference on AIDS & STIs in Africa* (Cape Town: ICASA) 7-11 December.

Durojaye, E "The importance of the African Commission's General Comment on Article 14(i) (d) and (e) of the African Women's Protocol as a tool for advancing women's rights" *Seminar at African Commission on Human and Peoples Rights* (Cotonou: African Commission on Human and Peoples Rights 22-24 March

Durojaye, E "The Importance of the Guiding Principles of extreme poverty and Human Rights in addressing poverty in Africa" *54th Ordinary Session of the African Commission* (Banjul, The Gambia: African Commission) 22 October to 5 November.

Durojaye, E "The Role of the African Commission on Human and Peoples' Rights in in relation to New Science for Treatment on HIV/AIDS in Africa" *International Conference on AIDS & STIs in Africa* (Cape Town: ICASA) 7-11 December.

Durojaye, E "The Viability of the Maastricht Guidelines on Extraterritoriality of Socioeconomic Rights in Advancing Socioeconomic Rights in Developing Countries" *International Conference on Business and Human Rights* (Hanoi, Vietnam: Vietnam Academy of Human Rights and Norwegian Centre for Human Rights 27-28 June.

Kangu, J "Management of intergovernmental relations and disputes in the Kenyan devolved system" *Law Society of Kenya Annual Conference* (Mombasa: Law Society of Kenya) 15th-17th August.

Mandlate, A "Strengthening children's rights in Africa: What lessons can we learn from the new Angolan Children's Act" *16th Family Law Miller du Toit Conference* (Cape Town: Miller du Toit Cloete Inc and Law Faculty of the University of the Western Cape) 15-16 April.

Mandlate, A "Towards sub-regional integration: A critical appraisal of selected aspects relating to migration and business laws in SADC countries (examples from South Africa and Mozambique)" *3rd Annual SADC law seminar* (Cape Town: Law Faculty of the University of Cape Town in Partnership with Law Faculty of the University of the Western Cape) 11-12 October.

Mbano, N & Durojaye, E " The right to water in SA: Legal entitlement and enforcement" North- West Province IWRM (Mafikeng: IWRM) 25 -26

Mbano, N "The limits of the state power through Constitutional supremacy: A case of academic freedom struggle in Malawi" *Constitution- Building In Africa Conference* (Cape Town: Community Law Centre) 6 September.

Mbano, N "The Need for Special Needs Housing Policy Framework in South Africa" *SANPAD Policy Brief workshop* (Durban: SANPAD) 16 -17 May.

Mirugi-Mukundi, G "Towards more equity for Women in the constitutional process: Do women economic, social and cultural rights require a specific approach? The case of South Africa" *Regional Consultation on the protection of the economic social, and cultural rights in post-revolutions Constitutions* (Cairo, Egypt) 25-26 November.

Mirugi-Mukundi, G "Jumping the Queue, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa Report" *ODAC Housing and Local Govt. planning information seminar* (Cape Town: ODAC) 7 October.

Mirugi-Mukundi, G "The Constitutional reform process and the socio-economic changes in South Africa: what can we learn from South Africa?" *Regional Consultation on the protection of the economic social, and cultural rights in post-revolutions Constitutions* (Cairo, Egypt) 25-26 November.

Muntingh L "Conditions of Police Custody and Pretrial Detention" *SADC Lawyers Association conference* (Johannesburg: African Commission on Human and People) 20-21 May.

Muntingh, L "Inequality and law enforcement in South Africa" *ACHPR Session a*t (Banjul, The Gambia: ACHPR) 21 October.

Muntingh, L "Monitoring the prevention and combating of torture - the role of NHRI" (Johannesburg: NANHRI) 23-24 April.

Muntingh, L "The duty to combat impunity: Experiences from the Article 5 Initiative" *NGO Forum during the 54th Ordinary Session of the African Commission on Human and Peoples' Rights* (Banjul, The Gambia: African Commission on Human and Peoples' Rights) 22 October to 5 November.

Muntingh, L Understanding impunity in South African law enforcement *biennial CRIMSA conference* (Pretoria: CRIMSA) 17 September.

Ntiziywana, P "Capacity building by regulation" *Commonwealth Local Government Forum's Research Colloquium* (Kampala: Commonwealth Local Government Forum) 13-14 May.

Ntiziywana, P "Devolution and People with Disabilities" *Kenya-South Africa Dialogue on Devolution* (Nairobi: Katiba Institute & Community Law Centre) 15-16 August.

Ntiziywana, P "National Development Plan – Vision 2030: A case study of South Africa federal decision making" *IACFS Conference 2013* (Bolzano: IACFS) 11 – 13 September.

Powell, D & Ntiziywana, P "Implementing the system of devolution in South Africa" *Kenya-South Africa Dialogue on Devolution* (Nairobi: Katiba Institute & Community Law Centre) 15-16 August.

Redpath, J "Exploring mechanisms for implementing custody time limits in Malawi" *Meeting of experts on "Indicators for Measuring the Use of Pretrial Detention* (Bogota, Columbia: Reunión Regional de América Latina sobrejusticia previa al juicio and the Open Society Justice Initiative) 25-26 April.

Redpath, J "Measuring Pre-trial Detention in Africa" *Meeting of experts on "Indicators for Measuring the Use of Pretrial Detention* (Bogota, Columbia: Reunión Regional de América Latina sobrejusticia previa al juicio and the Open Society Justice Initiative) 25-26 April.

Redpath, J "Remand Detention Trends in South Africa" *Round table on remand detention* (Cape Town: Community Law Centre) 23 May.

Singiza, D and De Visser J, "Multi-party politics and inclusiveness in Uganda's District Councils" *Commonwealth Local Government Forum's Research Colloquium* (Kampala: Commonwealth Local Government Forum) 13-14 May.

Sloth-Nielsen "Birth Registration as Human Right" *International Conference on child and maternal health care in Africa* (Johannesburg: African Union) August.

Steytler, N & De Visser, J "Fragile Federalism" *IACFS Annual Conference*, (Bozen/Bolzano: IACFS) September.

Steytler, N "XXXX" *Kenya-South Africa Dialogue on Devolution* (Nairobi: Katiba Institute & Community Law Centre) 15-16 August.

Other substantial research reports/outputs

Dereymaeker, G *Plan of action for the prevention and eradication of torture in Burundi*

Dereymaeker, G *Plan of action for the prevention and eradication of torture in South Africa*

Foley, E *Comment on draft National Justice for Children Policy and Situational Analysis for Rwanda*

Muntingh, L & Dereymaeker, G *Understanding impunity in South Africa*

Muntingh, L *Inequality in law enforcement – is there reason to be worried?*

Murungi, N *Compiled a Report on Scoping Mission to UNICEF-Burundi Country Office*

Orago, N "*Book review: Sandra Liebenberg (2010) Socio-economic rights adjudication under a transformative constitution" for Stellenbosch Law Review*

Redpath, J *Conducted scoping study for survey on pre-trial justice in Mozambique*

Redpath, J *Plain Language version of UN Guidelines on Legal Aid* prepared for the Global Campaign

Redpath, J *Updated version of Khayeltisha Commission Affidavit on crime rates*

Sloth-Nielsen, J & Combrinck, H *Manuals for police training on women and children* submitted to government of Namibia and Police training College

Sloth-Nielsen, J (supervision) *Draft ACRWC General Comment on Birth Registration*

Sloth-Nielsen, J (supervision) *Draft Inception report and Induction Manual*

Sloth-Nielsen, J *"Surrogacy South Africa Style" (2013) (6) IBA Family Law News 1*

Submissions

Bosire C, Submission to the Kenyan Senate (jointly with Pamoja Trust, a Kenyan NGO) on the unconstitutionality of the proposed County Development Boards.

Dereymaeker, G Submission on the DCS budget and strategic plan to the Portfolio Committee on Correctional Services

Dereymaeker, G Submission on the draft state report to the Committee against Torture

Foley E & Assim M, From April – May, the preparation of a concept note on 'promoting the work of the African Committee of Experts on the Rights and Welfare of the Child and strengthening Plan International's engagement with AU human rights mechanisms'

Mirugi-Mukundi, G Submission to the parliamentary portfolio committee on human settlements on special needs housing

Muntingh L, Submission by the Community Law Centre to the Special Rapporteur on Prisons and Conditions of Detention of the ACHPR, 53rd Session of the ACHPR, April 2013, Banjul, The Gambia.

Muntingh L, Submission on DCS Annual Report, 9 Oct 2013

Muntingh L, Submission on DCS budget votes to Portfolio Committee on Correctional Services, 16 April 2013.

Muntingh, L & Ballard, C Submission at the request of the Portfolio Committee on Correctional Services on strengthening the JICS as an oversight mechanism

Muntingh, L Submission by the African Policing Civilian Oversight Forum (APCOF) for the Article 5 Initiative ON The Duty To Combat Impunity, Delivered during the 53rd Ordinary Session of the African Commission on Human And Peoples' Rights, Banjul, The Gambia.

Muntingh, L, Submission to Western Cape legislature on Community Safety Bill, January.

Orago, N Submission on ICESCR and OP-ICESCR Ratification to Department of Justice - Republic of South Africa.

Redpath J, Draft submission on Malawi Prisons Bill for NGO Consortium

Waterhouse S, Draft correspondence to the Speakers office on behalf of the PPPP conference group regarding follow up on the memorandum.

Waterhouse S, Joint submission prepared primarily by Sonke Gender Justice on behalf of the DV Network on the Policing Green Paper to the civilian secretariat on police.

Waterhouse S, Joint submission prepared primarily by Sonke Gender Justice on behalf of the DV Network on the Policing Green Paper to the civilian secretariat on police.

Waterhouse S, Submission to Chairperson of Committee on WCPD regarding WEGE substance and dates for submissions.

Waterhouse S, Submission to the Speaker's office on the proposed Public Participation Petitions Framework for the legislative sector. Jointly submitted with the Public Service Accountability Monitor (PSAM)

Conferences hosted

MLGI & SARChI (with Katiba Institute) *Kenya-South Africa dialogue on devolution* (Nairobi) on 15 and 16 August 2013.

Community Law Centre *Constitution-Building in Africa* (Cape Town) 6 September.

WORKSHOPS HOSTED

CSPRI Workshop with partners, *socio-economic impact study, on way forward,* (Cape Town)12 Feb.

CSPRI (with Department of Correctional Services) *White paper on Remand Detention* (Cape Town) 23 May.

CSPRI *3rd A5I workshop*, (Mozambique) Nov

CSPRI *Implementation of the UNCAT in (South Africa)* Feb

CSPRI *Project inception meeting for three-country study on socio-economic impact of pre-trial detention,* (Cape Town) Feb

CSPRI Third consultation on A5I monitoring tool (Burundi) Nov

CSPRI Third consultation on A5I monitoring tool (South Africa) Oct

CSPRI *White Paper on Remand Detention* (Cape Town) 22 August

MLGI *Constitutional Adjudication in Ethiopia* (Bellville) 4 September

PP *Gendered Analysis of the State of the Nation Address* (Cape Town) February

SERP (with SERI) *Jumping the Queue', Waiting Lists and other Myths. Perceptions and Practice around Housing Demand and Allocation in South Africa* Book Launch (Cape Town) 29 August

SERP (with SIRAJ, SUN) *Meaningful engagement* (Bellville) 30 May

SERP *Penalisation of poverty in Africa Side-event* (Banjul) November

PEER REVIEW

Ayele Z, reviewed article for *Public Administration and Development*

Ballard C, reviewed article for *South African Crime Quarterly*

Bosire C, reviewed article for *African Nazarene University Law Journal*

Bosire C, reviewed chapter for *Constitution Building in Africa*

De Visser J, reviewed article for *Law, Democracy & Development*:

De Visser J, reviewed article for *Potchefstroom Electronic Law Journal*

De Visser J, reviewed article for *SA Public Law Journal*
Durojaye E, reviewed article for *Law Democracy and Development Journal*

Durojaye E, reviewed two articles for *Law and Democracy and African Human Rights Law Journal*

Foley E, reviewed article for *African Crime Quarterly*

May A, reviewed chapter for 2013 *State of Local Governance Report*

Muntingh L, reviewed article for *Acta Criminologica Journal*

Muntingh L, reviewed chapter on *Public Safety in Federal Systems*

Murungi N, reviewed article for *Law, Democracy and Development Journal*

Powell D, review article *for International Journal of Transitional Justice*

Powell D, reviewed article for *International Journal of Transitional Justice*

Powell D, reviewed article for *Publius*

Sloth-Nielsen J, reviewed article for *Acta Juridica*

Sloth-Nielsen J, reviewed article for *Australian Journal on International Law*

Sloth-Nielsen J, reviewed article for *Obiter*

Sloth-Nielsen J, reviewed book proposal for *Routledge on a Children's Rights Handbook*

Sloth-Nielsen J, wrote a review for the SARCHI chair for *NRF*

Steytler N, reviewed 2 chapters for *Public Safety in Federal Systems*

Steytler N, reviewed article for *PER*

Steytler N, reviewed article for *Publius*

PRESENTATIONS AND TRAINING

Ballard, C "Pretrial detention in South Africa" *Side Events Commonwealth Lawyers Forum* (Cape Town: Commonwealth Lawyers Forum) 26 March.

Bosire, C "Topical issues of Public Interest Litigation on devolution" *Advocates Training Programme (Kenya: Katiba Institute / Law Society of Kenya)*

De Visser, J "Internal Oversight in Municipalities" *South African Local Government Association Anti-Corruption Summit* (Cape Town: South African Local Government Association) 27 November

De Visser, J "Legal complexity and Local Government in South Africa" *Law Justice and Development Week* (Worldbank: Washington) 19 November 2013

De Visser, J "Service Delivery Protest Barometer" *Seminar on social protests, scarcity and vulnerability of water services delivery* (Pretoria: International Water Research Commission/PLAAS) 13 September 2013.

De Visser, J "The African City's fate in central - local relations" *Law Justice and Development Week* (Worldbank: Washington) 19 November 2013.

Dereymaeker, G "Status of RSA country report to CAT and on status of OPCAT ratification" *SANTOC workshop*

Durojaye, E "Socio-Economic Rights in South Africa. Lessons for Kenya" *Commission for the Implementation of the Constitution in Kenya* (Naivasha: Commission for the Implementation of the Constitution in Kenya) 11-14 February

May, A "Promise and Pitfalls of the South African Experience in concretising the values of the Bill of Rights in practice" *Commission for the Implementation of the Constitution in Kenya* (Naivasha: Commission for the Implementation of the Constitution in Kenya) 11-14 February

Muntingh, L "Impunity in South Africa" *ACHPR Session*, (Banjul: *ACHPR Session*) 20 October 2013.

Ntliziywana, P "Governance structure, roles and responsibilities, powers, functions, accountability, mature funding mechanism" *Capacity building workshop with Black Sash* (Cape Town: Black Sash) 11 March

Redpath, J Consultative workshop Lilongwe 28-29 November

Redpath, J Consultative workshop Blantyre 25-26 November

Redpath, J Audit training Luanda 11-15 November

Redpath, J High level stakeholder presentation 22 November

Sloth-Nielsen, J Presented two sessions at Induction workshop for new members of the African Committee of Experts on the Rights and Welfare of the Child

Sloth-Nielsen, J Webinar on diversion for participants from UNICEF Eastern and Southern Africa offices and from UNICEF West Africa offices

Steytler, N "Key note address" *Strategic Planning Session of senior management of Department of Cooperative government on the reform of local government* February

Waterhouse, S "Children's right to freedom from violence and the children's Act amendments on corporal punishment" *CI seminar series* (Cape Town: UCT) 21 October

Waterhouse, S "Key political questions regarding gender politics and civil society in South Africa" *New Women's Movement strategy meeting.*

Waterhouse, S "Rural women in South Africa, the TCB, democracy and access to resources" *Black Sash National meeting* (Cape Town) 5 December

NEWSLETTERS PRODUCED

CSPRI 3 editions of *30 Days*

CSPRI 3 editions of *PPJA Newsletter*

CSPRI 1 Newsletter on Redress (2) edited

CSPRI 2 editions of newsletter

SERP two editions of *ESR Review*

CRP one edition of *Article 40*

OPINION PIECES

Ayele, Z "Politics grows up, while power grows down" op-ed in *Addis Fortune* (Ethiopia)

Bosire C "article in the advising against the proposed disbandment of the Transition Authority" *Daily Nation* (Kenya)

De Visser, J "Is Premier Zille Taking Chances With the Western Cape Community Safety Act?" *Politicsweb* and *NGOPulse*

Chigwata T, & De Visser J, "Local Government in the ZImbabwean Constitution" *www.mlgi.org.za*

Mandlate, A "Advancing children's rights in Africa through law reform" *AfricLaw*

Ntliziywana, P & De Visser, J "Unexpected results of professionalising local government" *Politicsweb.*

Ntliziywana P, & Powell, D "Is Lindiwe Sisulu biting off more than she can chew?" *Politicsweb*

Steytler , N & De Visser, J "SA's Reputation Undeserved" *Mail & Guardian*

Waterhouse, S "How Parliament shafts the people" *Mail and Guardian*

MEDIA - PRINT/ON-LINE

Ballard, C Interview with *The Sowetan* regarding parole procedures and victim involvement, 21 May 2013

Ballard, C Interview with *The Times* re CCTV cameras in prison

De Visser, J Interviewed by *Sunday Times* and quoted extensively in article (27/1/2013) on the Emzandeni protests about the proposed merger of Ngwathe and Metsimaholo, Jan

De Visser, J Interviewed by US Newspaper, *Christian Science Monitor* on service delivery protests in South Africa

May, A Responded to a media request by the SABC on basic service delivery.

Redpath, J Interviewed by *Daily News* in Durban about Service Delivery Protest Barometer

Redpath, J Press Statement in overcrowding in response to Minister's comments

Waterhouse, S Press release on upcoming Awethu mass meeting.

Waterhouse, S Latest interview on adolescent sex TBC judgement, Jan

Waterhouse, S interview *Independent Newspapers* on MEC statement on children's rights. 14 march 2012.

Waterhouse, S Press release on the proposed sexual offences courts amendment

MEDIA – RADIO/TV

Ballard C, Interview on *Radio 567* on CCTV cameras in prison, 27 May 2013

Ballard C, Radio interview on with *PowerFM* on foreigners in prison, 26 July

De Visser J, Interviewed by *Cape Talk* on the constitutionality of the Western Cape Community Safety Bill

De Visser J, Interviewed by *PowerFM* on DA litigation against municipalities for water pollution

De Visser J, Interviewed by *Radio 702* on CLC's Conference on "Constitution-Building in Africa"

De Visser J, Interviewed by *Radio789* on CLC's Conference on "Constitution-Building in Africa"

De Visser J, Interviewed by *SAfm* on CLC's Conference on "Constitution-Building in Africa"

De Visser J, TV Interview for *SABC evening news* on the proposed merger of Midvaal and Emfuleni municipalities screened on 7 August 2013

Foley E, Interview to *Kingfisher FM* in the Eastern Cape on the banning of corporal punishment in all settings

Muntingh L, Comment on *ENCA* on release of Cezanne Visser on parole 18 August 2013, 11 am

Muntingh L, Radio call-in programme on *Voice of the Cape* on the question of impunity, 22 July 2013

Muntingh L, Radio interview on *Cape Talk* (John Maythem) on CCTV in prisons

Muntingh L, Radio interview on *Cape Talk* (Stephen Grootes) on CCTV in prisons

Muntingh L, Radio interview on *Cape Talk* (Stephen Grootes) on electronic monitoring. 30 May 2013

Muntingh L, Radio interview on *Cape Talk* on prisoners' rights. Feb

Muntingh L, Radio interview on *Radio 702/Cape Talk 567* on prisoners' rights on 26 July 2013

Muntingh L, Radio Interview on *RSG* regarding prisoners' rights Jan

Redpath J, *SAfm Forum @8* programme on 3 July 2013 re "Is the National Prosecuting Authority fulfilling its mandate?

Steytler N, Interviewed by *SAfm* on CLC's Conference on "Constitution-Building in Africa"

Waterhouse S, 03 10 13. Interview on *PowerFM* on SOCs

Waterhouse S, Radio interview on *Cape Talk* (John Maytham) Adolescent Sex, TBC judgement, 16 January.

Waterhouse S, Interview for *Etv Newsflash* on the proposed legislation on Sexual Offences Courts

Teaching, supervision and examination

De Visser, Jaap

Teaching

Five day module on "Local Government and Decentralisation" for PhD students of the Center for Federal Studies (Addis Ababa University)

Three seminars in *Law of Good Governance* LLM/Mphil (UWC)

Convenor *Local Government Law* LLM/Mphil (UWC)

Guest Lecture *Local Government* (University of Pretoria).

Guest Lecture *Local Government in South Africa's Quasi-Federal State* (Ethiopian Civil Service College, Addis Ababa)

Guest Lecture *Local Government in South Africa's Quasi-Federal State* (Centre for Federal Studies, Addis Ababa University, Addis Ababa)

Supervision

LL D supervisor Douglas Singiza *A Critical Review of Local Government in Uganda*

LL D supervisor Tinashe Chigwata *Local Government in Zimbabwe*

PhD co-supervisor Ayetenew Birhanu (Center for Federal Studies, Addis Ababa University)

LLM research paper Eddie Bell *Councillor Remuneration*

LLM mini-thesis Jerome November *Section 139 Interventions*

LLM research paper Yasin Maoni *Oversight in Johannesburg, Ekurhuleni and City of Cape Town* (completed)

LLM research paper Nora Ho Tu Nam *Autonomy of Rodrigues* (completed)

Examination

PhD Proposal *Municipal Courts* (UP)

LLM Research Paper Rahel Hassen *Right to Language in International Human Rights Law and its Protection under the Federal Constitution of Ethiopia* (UWC)

External Examiner *Regulatory and Legal Systems* (School of Architecture, Planning and Geomatics, UCT)

LLM mini-thesis *A critical evaluation of the role and functioning of an appeal authority created in terms of section 62 of the Local Government: Municipal Systems Act 32 of 2000* (UP)

Steytler, Nico

Teaching
Convenor *Law of Intergovernmental Relations* LL M/Mphil (UWC)

Seminars in *Law of Good Governance* & *Local Government Law* LLM/Mphil (UWC)

Supervision
LL D Conrad Bosire's *Devolution in Kenya* handed in March, March

LL D Derek Powell *Building Peace Viaducts: State Formation in National Peace Transitions*

MPhil research paper Marcia Dlanjwa

LL M research paper Phinah Ramela

LL M research paper Kurt Mosselini, completed

LL M research paper Vuyokazi Mafilika

Examination
LL M (UKZN)

LL D Judge Dlodlo

Powell, Derek

Teaching
Seminars in *Law of Intergovernmental Relations*, *Law of Good Governance* and *Local Government Law* LLM/Mphil (UWC)

Supervision
Mphil mini-thesis D Hene

Ntliziywana, Phindile

Teaching
Four seminars "Good Governance in Public Service" & 'Efficient and Professional administration' in *Law of Good Governance* Module LLM/Mphil (UWC)

May, Annette

Teaching
Two seminars "Basic services and local government" *Local Government Law* LLM/Mphil (UWC)

Lecture on "Service delivery mandate of local government" School for Public Leadership (University of Stellenbosch)

Examination
External moderator "Local Government Law" *LLM Environmental Law* (North West University)

Ayele, Zemelak

Teaching
Two seminars *Law of Intergovernmental Relations* LL.M (UWC)

Two seminars *Local Government Law*

Assistant convenor *Law of Intergovernmental Relations*, *Local Government Law* & *Law of Good Governance*

Chigwata, Tinashe

Teaching
Two seminars *Law of Intergovernmental Relations* LL.M (UWC)

Two seminars *Local Government Law*

Assistant convenor *Law of Intergovernmental Relations*, *Local Government Law* & *Law of Good Governance*

Durojaye, Ebenezer

Teaching
Convenor LLM Module *Socio-economic rights* (UWC)

Guest lecturer at the Department of Public Health (University of Cape Town)

Guest lecturer at the Faculty of Arts (University of the Free State)

Visiting lecturer on *Gender and the Law* LLM (University of the Free State: 23 May 2013

Supervision
LLD proposal for potential supervision. 11 June 2013

LLM student on Socio-Economic Rights. 4 April 2013

LLM proposal for potential supervision. 5 June 2013

LLD proposal for potential supervision. 29 April 2013

LLM dissertation for potential supervision 8 May 2013

LLM proposal for potential supervision. 25 April 2013

Orago, Nicholas

Teaching
Taught in the Masters programme, the socio-economic rights course

Examination
Marking of scripts *Jurisprudence* LLB (UWC)

Mbano, Ngcimezile

Teaching
Lecture "The right to water" LLM Module *Economic, Social and Cultural Rights* (UWC)

Ballard, Clare

Lecture on "Child justice sentencing principles" LLB (UWC)

Sloth-Nielsen, Julia

Teaching
Three seminars in LLM Module *Children's rights* (UWC: July – September)

Co-convenor *Summer School on children's rights* (Leiden: August)

Lectures on "Introduction to children's rights anno 2013" and "African regional children's rights system " *Summer School on children's rights* (Leiden: August)

Lecture on "Children and refugee law" *Immigration and Refugee law* LLB (UWC)

Supervision
Successfully graduated Doctoral Candidate, Nkatha Murungi at September Graduation Ceremony

LLD: S Philpott (Submission November 2013)

LLD: M Assim (Submission November 2013)

LLD: M Ndaki (etc) (submission November 2014

LLD: T Talip (submission November 2013)

3 LLM theses

Examination
External examiner for LLD from UKZN

Two final year research papers from UCT

Foley, Edmund

Teaching
Lecture on "Children's Rights in Africa" *Masters of Advanced Studies in Children's Rights* Institut Kurt Bösch, University of Fribourg, Switzerland (February)

Taught in the *Advanced short course on children's rights* (University of Pretoria)

Supervision
Masters Mini-thesis banning of corporal punishment in the home in Rwanda

Assim, Maria

Teaching
Lecture on "Best interests of the child standard in relocation disputes" LLM Module *International Family Law* (UWC)

Taught in the *Advanced short course on children's rights* (University of Pretoria)

Lecture on "Right to alternative care for children deprived of a family environment" LLM Module *Children's Rights and the Law* (UWC)

Murungi, Nkatha

Teaching
Taught in the *Advanced short course on children's rights* (University of Pretoria)

Lecture series on "Socio-economic Rights" LLB (UWC)

Lecture on "Rights of children with disabilities" LLM Module *Children's Rights and the Law* (UWC)

Mandlate, Aquinaldo

Teaching
Lectured two courses (refugee law and inter-American human rights system) at Eduardo Mondlane University in Mozambique

Taught in the *Advanced short course on children's rights* (University of Pretoria)

Membership of bodies and other activities

Assim, Maria Usang
Co-editor, *Article 40*
Member of the Driver Group, Child Justice Alliance of South Africa

with Disabilities
Member Ghanian Bar Association
Member of Constitutional Court clerks Alumni Association

Kruuse, Helen
Sub-Editor, *South African Law Journal*

Mandlate, Aquinaldo
Member of Mozambican Bar Association
Colaborator Centro dos Direitos Humanos at Eduardo Mondlane University (Mozambique)

May, Annette
Member, Section 5 Committee on Local Government and Basic Services, South African Human Rights Commission
Lecturer Extraordinary: School for Public Leadership, University of Stellenbosch

Mirugi-Mukundi, Gladys
Co-editor *ESR Review*
Member Kenyan Bar Association
Member of Constitutional court clerks Alumni Association

Murungi, Nkatha
Member Kenyan Bar Association
Member of the Campaign on the Right to Education of Children with Disabilities

Muntingh, Lukas
Member, Section 5 Committee on Torture of the South African Human Rights Commission
Editorial board member, *Article 40*
Editorial board member, *SA Crime Quarterly*
Member, Advisory Board, Restorative Justice Centre
Member, Steering Committee of the African HIV in Prisons Partnership Network (AHPPN).
Chairperson, Young in Prison – South Africa

Ntliziywana, Phindile
Member of LGSETA

Sloth-Nielsen, Julia
Member, International Society of Family Law