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I. INTRODUCTION

The Community Law Centre is committed to protecting and promoting human rights and the democratic norms enshrined in the South African Constitution and international human rights instruments.

Since its inception the Centre has been associated with the change that has carried South Africa from its apartheid past to a young democracy. The Community Law Centre opened in 1990 under the guidance and inspiration of its director, Dullah Omar, and played a key supporting role in its early years in the realisation of the new constitutional order. The goal then, as now, was the establishment of a legal order based on a culture of human rights and democracy. Established primarily as a research institute, the work of the Centre was influential in the multi-party negotiations which led to the Interim Constitution.

Following the first democratic elections in 1994, the Centre's focus turned to realising some of the human rights and democracy promises of the new constitutional order. Combining a strong academic tradition with a practical, hands-on approach to change, the Centre serves both as a research base and as a resource of practical skills and expertise.

The Centre seeks to assist in building the institutions and culture essential to democracy and has chosen to focus on the needs and status of particularly vulnerable groups such as children, women, and people who are poor and disadvantaged. To this end, it has developed a series of special focus areas which, taken together, aim to contribute to the crucial task of developing a human rights-based democracy. These include projects on children's rights, gender,

intergovernmental relations, local government and socio-economic rights. Each is pursued through research, advocacy, education and resource development.

In pursuit of its goals, the Centre has interacted dynamically with government and Parliament and other institutions of democracy - assisting in the drafting of laws, providing technical expertise to a wide variety of committees and initiatives and researching areas of immediate and practical concern. It has also collaborated with non-governmental organisations in projects of central concern to civil society.

2. ASSISTING STATE INSTITUTIONS

2.1 PARLIAMENT

A Centre researcher played a key role in drafting the **Child Care Amendment Act 13 of 1999** and briefed the Parliamentary Portfolio Committee on Welfare and Population Development on both this Bill and the **Probation Services Amendment Bill 14 of 1999**. The researcher also briefed the Parliamentary Portfolio Committees for Welfare, Correctional Services and Safety and Security on the progress of **juvenile justice legislation**, and was part of a team that gave a briefing on the progress of the South African Law Commission (hereafter the Law Commission) investigation into the review of the **Child Care Act**. In December, the economic implications of grants for children was the subject of a paper presented at the request of the chairperson of the portfolio committee to a conference on *Support to fragile families*, co-hosted by the Parliamentary Portfolio Committee on Welfare and Population Development and the National Center for Strategic Non-profit Planning and Community Leadership (NPCL).

In December, the Centre prepared a joint submission (with the Women's Legal Centre) to the Ad-hoc Joint Committee on the Promotion of Equality and Prevention of Unfair Discrimination. The submission sought to ensure that the **Promotion of Equality and Prevention of Unfair Discrimination Bill** is workable, legally coherent, in compliance with the Constitution, provides accessible remedies (especially for disadvantaged groups) and promotes equality and transformation. Many aspects of the submission were incorporated into the subsequent legislation. The Centre presented a further submission on the potential impact of the Bill on reproductive health and employment.

The Centre made a presentation at public hearings conducted by the Parliamentary Portfolio Committee on the Improvement of the Quality of Life and the Status of Women on **mandatory minimum sentences in rape matters**. The committee received with interest the Centre's proposals for legislative guidelines for sentencing judges.

A Centre researcher was a member of the team that won a tender to report on the extent to which **Parliament and the provincial legislatures** are functioning in accordance with their constitutional mandate, and to identify the major problems they experience.

Two researchers conducted a two-day training workshop for researchers and committee clerks of the National Council of Provinces, the provincial legislatures and the South African Local Government Association (SALGA) on analysing legislation and writing research reports.

2.2 NATIONAL GOVERNMENT

The Centre participated in the **intergovernmental relations audit** conducted by the School of Government, University of the Western Cape (UWC) for the Department of Provincial and Local Government. Centre staff interviewed ministers, premiers and senior officials, wrote large sections of the report and conducted case studies of provincial interventions in two municipalities.

At the request of the Department of Provincial and Local Government, the Centre prepared research papers on the **national supervision of provinces** and the **settlement of intergovernmental disputes**. These were presented to the Technical Constitutional Working

Group, an interdepartmental committee tasked with the implementation of the Constitution. The Centre was also commissioned to produce a **manual on the provincial supervision of local government**.

Centre staff helped develop **training materials** for a course on children's rights for Justice Training College. The course focuses on both diversion for children accused of offences, and evidentiary issues around children testifying in child abuse cases.

With effect from September 1999, a senior researcher was appointed a **member of the National Council on Correctional Services**, established under the new Correctional Services Act of 1998. The Council's functions, far more extensive than they were under the 1959 Act, include a broad range of powers relating to the administration of prisons and the sentencing process.

In July the Centre prepared a submission (jointly with the Women's Legal Centre) in response to the Department of Health's **draft regulations on AIDS notification**. The submission examined some of the constitutional implications of the proposed regulations, in particular its potentially damaging consequences for the right of access to health care services and the disproportionate impact the regulations would have on women.

The Department of Justice published draft regulations on the practical operation of the **Domestic Violence Act 116 of 1998**. The Centre (in association with Rape Crisis Cape Town and the Institute of Criminology at the University of Cape Town) submitted detailed comments on these, a number of which were incorporated in the final version of the regulations.

The Centre assisted the office of the National Director of Public Prosecutions in compiling **national prosecution policy directives**, including specific directives on sexual assault and domestic violence, and made a presentation on various aspects of the **directives** at training seminars for public prosecutors in Cape Town and the Free State.

On behalf of the Public Service Commission and the Department of Justice, the Centre managed the finances of the **Anti-corruption conference** held in Parliament, while at the international *Anti-corruption conference* in Durban, a Centre researcher acted as the South African coordinator for the session on ethical local government.

2.3 PROVINCIAL GOVERNMENT

The Centre was involved in two **juvenile justice pilot projects** which sought to replicate, in the Free State and the Cape Town metro-pole, the philosophy of the innovative "Stepping Stones" One Stop Youth Justice Centre in Port Elizabeth. The Centre is deeply involved in the Cape Town project, participating in all planning meetings and helping formulate business plans and budgets. This project aims to provide a comprehensive service to child offenders in the Peninsula and outlying areas. Both the Cape Town and Free State pilot projects involved steering committees representing all relevant government departments and provincial heads of departments. The projects are part of the grassroots implementation of the proposals contained in the Law Commission's discussion paper on juvenile justice.

2.4 LOCAL GOVERNMENT

In the local government arena, the Centre sought to make a significant impact on transformation by formulating and distributing **policy papers** on legal issues facing local government, conducting **training workshops**, and publishing the ***Local Government Law Bulletin***.

In addition to a manual on the application of **section 139 of the Constitution**, policy papers addressed the **provincial supervision of local government**, including monitoring, intervention, procurement and the Municipal Systems Bill, the right to equality and its impact on municipal laws and policies. These papers were distributed mainly via SALGA, where a Centre researcher

was a member of the Legal and Constitutional Working Group.

A series of training workshops covered various **legal issues pertaining to the new system of local government** and were aimed at councillors, municipal officials, trainers from non-governmental organisations (NGOs), provincial government officials, and interested members of the public. They were run in cooperation with NGOs and national government departments.

The quarterly *Local Government Law Bulletin* was distributed to all municipalities, SALGA and its provincial affiliates, NGOs, provincial and national government departments, national libraries, national and foreign institutions and subscribers. The *Bulletin* has proved an effective training tool, and its feature articles have elicited queries from municipal officials.

In the programme on **Children in especially difficult circumstances** a Centre researcher prepared a presentation on by-laws for the Street Children's Forum. As part of the Cape Metropolitan Council's integrated policy and strategy on street people, the Cape Metropolitan Area (CMA) Street People's Forum has been particularly active in attempting to improve the level of services available to street people and ensuring protection of their rights. A Centre researcher served on the task team that formulated the Council's policy and action plan.

The Centre also advised the CMA Street People's Forum and the State Information Technology Agency (SITA) on the **protection of children's rights** in the setting up of a database on street children in the Cape Town magisterial district.

Centre staff produced a paper on the role of local government in the provision of **child care services and facilities**. It concluded that provision of child care services, as well as management of child care facilities, are the constitutionally-imposed duties of local government and must be linked to the integrated development plans of local and provincial governments.

2.5 MUNICIPAL DEMARCATION BOARD

The Centre was commissioned by the Municipal Demarcation Board to develop a methodology for conducting a **legal audit of municipalities**. Two case studies were undertaken. Centre staff were also appointed as legal consultants to the Board for the final stage of the demarcation process and the establishment of the new municipalities.

2.6 COMMISSION ON GENDER EQUALITY

The Centre presented a critique of the Law Commission's proposals for reform of the **substantive law relating to sexual offences** at three workshops hosted by the Commission on Gender Equality in Cape Town, Johannesburg and Durban respectively. The workshops were aimed at providing information on the Law Commission's discussion paper and encouraging NGOs to develop their responses to it.

3. WORKING WITH THE SOUTH AFRICAN LAW COMMISSION

With the appointment of Centre researchers to the project committees of the Law Commission, the Centre has been centrally involved in various law reform processes.

3.1 JUVENILE JUSTICE

A senior researcher continued to serve on the Law Commission's Project Committee on **Juvenile Justice**. Committee members, including the Centre researcher, held intersectoral workshops in George and Cape Town and more than ten sector-specific workshops and briefings on the draft juvenile justice Bill. The Centre researcher helped develop plain language materials and transparencies for use in the workshops and briefings. The researcher, with two other committee members, prepared position papers arguing in favour of three distinct approaches to establishing the minimum age for criminal responsibility, which formed the basis of a three-day seminar on this issue.

Two exciting parallel initiatives were also part of the project committee's work in 1999. A research study, which a Centre researcher helped design, was undertaken on **children's views** of the discussion paper. In the interests of advocacy and widening access to the concept of child participation, the Centre reworked the report and published it as a book entitled *What the Children Said*.

A second study involved commissioned research on the **costing implications of the Bill**. A team of economists from the Applied Fiscal Research Centre (Afrec) worked extensively with the senior researcher on this project. The exercise is likely to provide a benchmark for government, as this is reportedly the first time that legislation has been costed prior to its being tabled in Parliament.

The project committee has considerably refined the Bill contained in the discussion paper with due regard to the various responses received, and the final report is in the last stages of preparation for consideration by the Law Commission. The researcher was integrally involved in the drafting process and wrote several chapters of the report.

3.2 CHILD CARE ACT

The Law Commission's Project Committee on the **Review of the Child Care Act** held a number of expert consultations on issues such as children living on the street and legal regulations, children with HIV/AIDS and the law, and courts for child protection. Drafting of the discussion paper has commenced.

The Centre was commissioned by the project committee to produce a report on **children's participation in the process of law reform**. This involved a series of focus group discussions with 60 groups of children in difficult circumstances (for example, children in foster care, disabled children and children who are victims of sexual abuse). The process was planned with the assistance of an expert adviser from Save the Children, UK.

3.3 SEXUAL OFFENCES ACT

In February 1999 the Centre, Rape Crisis Cape Town and the Institute of Criminology (UCT) were requested by the Deputy Minister of Justice to compile a discussion document on proposed reform of the **law on sexual offences**. A report entitled *The Legal Aspects of Rape in South Africa* was handed to the Deputy Minister in April. The report was also presented to the Law Commission, which then elected a member of the research group to the project committee tasked with examining the issue. The Law Commission subsequently published its first provisional report on the substantive law relating to sexual offences, and stated explicitly that it relied extensively on the initial report produced by the Centre and its associates.

The discussion paper also quoted extensively from a paper prepared by two Centre researchers on legislative issues concerning the **commercial sexual exploitation of children**, which detailed the interface between the recently drafted **Child Care Amendment Act 13 of 1999** (in the drafting of which a senior Centre researcher played a key role), and the **Sexual Offences Act of 1957**. Prepared for a national conference on commercial sexual exploitation of children, the paper was handed to the Law Commission's Project Committee on Sexual Offences.

After publication of the discussion paper, the Centre played a vital role in discussions of the provisions in the paper on the proposed **Sexual Offences Bill** and in developing a joint submission, with 15 other NGOs, to the Law Commission. A Centre researcher also prepared a lengthy submission on the proposed offence named "**child molestation**". This was, on request, handed to journalists in December 1999, who used the examples provided for a nationwide discussion of the parameters of the proposed offence.

3.4 CRIMINAL PROCEDURE

A Centre researcher was appointed to the Law Commission's Project Committee on the Simplification of Criminal Procedure and produced a lengthy discussion document on the **inquisitorial approach to criminal procedure**. The project committee endorsed the report, which advocated a more inquisitorial role for the presiding officer and a more transparent trial process.

The researcher also supervised a research project on the constitutionality of the provisions of the Criminal Procedure Act, identifying the sections of the Act that must be amended to bring it in line with the Bill of Rights.

3.5 ADMINISTRATIVE JUSTICE

The Centre made a submission to the Law Commission on how the **draft administrative justice Bill** could be strengthened to improve administrative procedures for accessing socio-economic rights and to provide for more accessible remedies for disadvantaged groups whose administrative justice rights have been violated.

4. WORKING WITH NGOS

Underlying the Centre's advocacy work is a commitment to building cooperation, networks and issue-driven coalitions with a variety of non-governmental and community-based organisations.

In collaboration with NICRO's Cape Town office, the Institute of Criminology, RAPCAN and a child psychiatrist working in private practice, the Centre contributed to the development of a groundbreaking programme aimed at addressing the needs of **children charged with sexual offences**. Called South African Youth Sex Offenders Treatment Programme (SAYStOP), the programme was piloted in Cape Town in 1999 and will be replicated in other centres in the Western Cape in 2000, and thereafter in the rest of the country.

The Centre is a member of the **Equality Alliance**, a network of NGOs, church groups and trade unions, which aims to ensure that the new equality law is effective and inclusive in advancing substantive equality in South Africa. In April 1999 the Centre co-organised an Equality Alliance workshop on the legislation in Cape Town.

The Centre continued its collaboration with NICRO on the **collection of statistics** and the preparation of an **Annual Juvenile Justice Review**. The material is also reproduced on a regular basis in *Article 40*.

With members of the Western Cape Network on Violence Against Women, the Centre convened a workshop in December 1999 in anticipation of the commencement of the **Domestic Violence Act**. Aimed at providing information to service-providing NGOs and identifying potential problems relating to implementation of the Act, it was attended by 62 participants from NGOs and government departments. In addition, **training sessions** on this Act were held with the NICRO Women's Support Centre, the Women on Farms Project and as part of a training course for paralegals held by Lawyers for Human Rights.

The Centre assisted the Western Cape Network on Violence Against Women in compiling a submission to the Amnesty Committee of the Truth and Reconciliation Commission (TRC) regarding the **amnesty application** of a former member of the security police, jailed in 1995 for the murder of his wife. The Centre, in association with the Justice for Women Alliance, worked closely with the TRC evidence presenter to ensure that the history of domestic violence committed by the applicant against his wife was introduced into evidence before the amnesty panel.

The phenomenon of **intimate femicide** and the presentation of evidence to counter typical defenses mounted in these cases was addressed at a training workshop at the office of the

Witwatersrand Director of Public Prosecutions. Centre staff participated in the workshop which was held in association with the Justice for Women Alliance.

Two senior Centre researchers continued **presenting training sessions for judicial officers and prosecutors** for Law, Race and Gender, a UCT-based NGO that works closely with Justice Training College. They also attended workshops with law lecturers, aimed at examining social context issues in the law curriculum.

The Centre is part of an interdisciplinary team conducting field research **on perceptions of children in the legal process**. The participants, from the Universities of Cape Town and Durban-Westville, include anthropologists, psychologists, socio-legal experts, a professor of social work, and lawyers. The Centre's area of study is the juvenile court. Two conferences have been held and it is expected that the research will result in the publication of a book.

5. EDUCATION

Education in the fields of human rights and democracy is a core function of the Centre. This aspect of its work takes the form of teaching (both in academic and other institutions), holding conferences, seminars and workshops, and disseminating information through publications, newsletters and journals.

5.1 TEACHING

At UWC, the Centre was responsible for presenting the **LLM programme on constitutional litigation** and offered courses on criminal justice and the Constitution, children's rights and intergovernmental relations. In the latter course the emphasis was on the dispersal of state power between the various branches of government and the spheres of government. In addition, staff supervised a number of LLM students' research essays and mini-dissertations. Staff members also taught a course with Professor Nicholas Haysom on **constitutional law** for the Howard Law School's Summer School Programme, held at UWC in June–July.

The Centre again hosted a research intern from the Michigan University law school, and a highlight of this placement was that the intern co-presented the submission on the **Promotion of Equality and Prevention of Unfair Discrimination Bill** to the relevant parliamentary committee. She also completed a position paper on the unlawful photographing of sex workers by the South African Police Service.

5.2. PUBLICATIONS AND EDUCATIONAL MATERIAL

The Centre was particularly active in the publication of specialist publications aimed at introducing a broader readership to key decision-makers in government and civil society.

Three more issues of the *ESR Review* were published in 1999. *ESR Review*, which focuses on economic and social rights, continues to monitor the work of various public institutions such as the courts, Parliament, government, the Human Rights Commission and the Commission for Gender Equality. *ESR Review* is distributed to a broad range of organisations, institutions and individuals, including organs of state, courts and national and international NGOs.

The *Local Government Law Bulletin*, a quarterly publication dealing with the growing terrain of local government transformation and the legal issues surrounding it, is distributed to all local authorities, provincial and national departments and NGOs working in this area.

The Centre initiated *Article 40*, a new juvenile justice newsletter aimed at building capacity for implementing the impending new child justice system and charting good practice. Named after the applicable article in the *Convention on the Rights of the Child*, it has received excellent material from contributors and circulation has grown with every edition.

The *Women and Human Rights Documentation Centre Newsletter*, which focused on **gender issues** and the activities of the Gender Project, changed its name to reflect this central concern. Sample

copies of *GenderNews* were sent to those on the Centre's regular mailing list as well as to international and southern African resource and information organisations. Requests to be added to the mailing list have been overwhelming, and the Documentation Centre has already benefited from an increased exchange of newsletters and other information resources.

A senior researcher at the Centre was approached by an NGO to assist with a regular legal column on court decisions involving children's rights for the bimonthly journal, *Children First*. The column was launched in the October 1999 edition.

Research on the anti-discriminatory provisions of the Employment Equity Act and the proposed equality legislation was published in a booklet, *Equality and Employment: A Better Deal for Women*. The booklet aims to serve as an information aid when the equality legislation comes up for parliamentary debate.

The Centre is producing a **resource manual on socio-economic rights** in South Africa, aimed at providing accessible material on these rights for use by both activists and implementors. It seeks to deepen users' understanding of these rights and how to access them. The manual is scheduled for completion by the end of 2000.

6. RESOURCE DEVELOPMENT

The **Documentation Centre** (formerly known as the Women and Human Rights Documentation Centre) continued to serve a large and varied constituency, and responded to a multitude of requests, both from South African and international users. Requests for information and resources came from as far afield as Kenya and France. Search topics ranged from the implications of marriage between South African citizens and immigrants to the issue of chemical castration of rapists.

The Documentation Centre also houses a collection of resources which does not focus specifically on the area of gender quality but on broader human rights issues. During 1999, this collection received a significant boost through a donation of books from the Raoul Wallenberg Institute in Sweden.

7. INTERNATIONAL COLLABORATION AND ASSISTANCE

The year under review saw a further expansion of the Centre's international profile, with staff acting as advisers to international bodies, conducting training in the sub-region and participating in new teaching initiatives.

The Centre was invited by the United Nations Development Programme as an international adviser to a conference on formulating strategy around the **reform of prisons in Mozambique**, hosted by the Mozambican Ministry of Justice. The work of the conference is being taken forward in a survey of prison conditions, which will lay the basis for the introduction of several measures aimed at reducing overcrowding and improving human rights.

In March, the Centre attended a conference in Harare on *Building effective partnerships and strengthening SADC networks for gender equality*. It was extremely valuable in establishing contacts with organisations engaged in similar work in the Southern African region, and has enabled the Centre to include a broader regional perspective in its gender-related work.

A researcher conducted a two-day training workshop in Windhoek for the members and staff of the National Council of Regions, Namibia's second house of Parliament, on the functioning of the committee system and the methodology of analysing legislation.

A researcher co-presented a three-day workshop in Maseru on a possible electoral system for Lesotho, for the Media Institute of Southern Africa. An analysis of current proposals for an electoral system for Lesotho was also submitted to the Interim Political Authority, which must devise a new electoral system for that country.

In association with the Universities of Pretoria and Ghana and Makerere University in

Uganda, the Centre is involved in a project to develop a **masters course on human rights and democratisation**, which will draw students from across Africa.

A Centre researcher is part of an international project of the Institute of Intergovernmental Relations of Queen's University, Canada, on **the impact of globalisation on federal systems**, and serves as a reviewer for *Publius*, the international journal on federalism.

The Centre is a member of the International Association of Centres for the Study of Federalism and participated in its annual meeting in Tubigen, Germany.

8. FUNDERS

The **Ford Foundation** has provided core funding for the Centre since its inception as well as support for various projects.

Other funders have supported the following projects and activities:

| Project/activity | Supported by |
|---|---|
| Socio-economic rights project | European Union Foundation for Human Rights in South Africa |
| Children's rights project | Swedish Save the Children Fund (Rädda Barnen) |
| Children's rights project (Juvenile Justice) | Swedish International Development Co-operation Agency (SIDA) |
| Gender project | Swedish International Development Co-operation Agency (SIDA) |
| Documentation Centre | Carnegie Corporation of New York |
| Local government project | Austrian Development Cooperation |
| Some activities of the Democracy project | National Democratic Institute for International Affairs (NDI) |
| <i>Law, Democracy and Development</i> | Friedrich Ebert Stiftung |
| Seminars hosted by the Local government project | French Embassy in South Africa |

9. FINANCIAL STATEMENTS

INCOME ZAR

| | |
|---|---------------------|
| European Union Foundation for Human Rights | 683,544.00 |
| Radda Barnen | 400,000.00 |
| North South Institute (Austrian Development Co-operation) | 632,000.00 |
| Ford Foundation | 613,000.00 |
| Sida | 860,800.83 |
| LLM Courses | 45,700.00 |
| UWC (School of Government) | 40,750.00 |
| Conference, Workshop & Cultural Initiative (CWCI) | 13,771.07 |
| Consultancies | 145,721.16 |
| TOTAL INCOME | 3,435,287.06 |

EXPENDITURE

| | |
|----------------------|--------------|
| Salaries | 1,984,489.60 |
| Study Subsidy: Staff | 11,154.92 |
| Student Assistance | 62,100.15 |
| Stationery | 86,248.98 |
| Photocopying | 27,171.79 |
| Printing | 157,755.80 |

| | | |
|---|-------------------|------------|
| Postage | 50,889.54 | |
| Telephone | 58,251.83 | |
| Travelling | 185,845.28 | |
| Manuals Magazines & Journals | | 23,062.05 |
| Subscriptions | 30,642.83 | |
| Audit Fees | 24,099.93 | |
| Equipment | 49,675.13 | |
| Consultation Fees | 179,031.66 | |
| Sundry Expense | 15,129.11 | |
| Functions | 16,422.76 | |
| Adverts:General | 19,757.67 | |
| Publications | 19,896.68 | |
| Maintenance of Equipment | 9,544.14 | |
| Post-Graduate Bursaries | 43,774.94 | |
| TOTAL EXPENDITURE | 3,054,944.79 | |
| OPENING BALANCE: Surplus carried forward on 1 January 1999 | | 204,376.08 |
| Prior Year Adjustments (Deficit) | -17,456.20 | |
| NET CLOSING BALANCE (Surplus) | 567,262.15 | |

10. PUBLICATIONS

Formal publications

COMBRINCK, HELÉNE (with Lee-Anne de la Hunt). 1999. 'In the interests of justice': bail and the criminal justice system in *Between unity and diversity*, edited by Gitanjali Maharaj. Cape Town: IDASA.

SLOTH-NIELSEN, JULIA (with Lukas Muntingh). 1998. Annual juvenile justice review 1999. *South African Journal of Criminal Justice* 65.

SLOTH-NIELSEN, JULIA (with Belinda van Heerden). 1999. The political economy of child law reform: pie in the sky? in *Children's rights in a transitional society* edited by C.J. Davel. Protea Book House.

SLOTH-NIELSEN, JULIA. 1999. The juvenile justice law reform process in South Africa: can a children's rights approach carry the day? *Quinnipiac Law Review* 18(3):469.

STEYTLER, NICO. 1999. South Africa in *Federalism and civil society* edited by Jutta Kramer and Hans-Peter Schneider. Baden-Baden: Nomos Verlagsgesellschaft. 295–317.

STEYTLER, NICO. 1999. *The settlement of intergovernmental disputes*. Governance in Southern Africa: An Occasional Paper Series, No. 10. Bellville: School of Government, University of Western Cape.

Reports and other writings

COMBRINCK, HELÉNE (with Rape Crisis Cape Town and Institute of Criminology, University of Cape Town). 1999. Legal aspects of rape in South Africa. Discussion document commissioned by Deputy Minister of Justice. April.

COMBRINCK, HELÉNE (with Zora Khan). 1999. Comments on the South African Law Commission's discussion paper 85 on the substantive law relating to sexual offences. December.

DE VILLIERS, CORIAAN (associate researcher). 1999. Equality and employment: a better deal for women. Research paper on the Employment Equity Act 55 of 1998 and the proposed equality legislation. May.

DE VISSER, JAAP (co-author). 1999. Intergovernmental relations audit: towards a culture of co-operative government. Report for the Department of Provincial and Local Government. Bellville: School of Government, University of the Western Cape.

LIEBENBERG, SANDRA. 1999. Human development and human rights: South African country study. *United Nations Human Development Programme. Human development report 2000.*

LIEBENBERG, SANDRA. 1999. Comments on South African Law Commission discussion paper 81, project 115. Draft administrative justice Bill. March.

LIEBENBERG, SANDRA (with KARRISHA PILLAY and Michelle O'Sullivan). 1999. Joint submission by the Socio-economic Rights Project and the Women's Legal Centre on the Promotion of Equality and Prevention of Unfair Discrimination Bill to the Parliamentary Ad Hoc Joint Committee on Promotion of Equality and Prevention of Unfair Discrimination Bill. November.

LIEBENBERG, SANDRA. 1999. Definitions in the Promotion of Equality and Prevention of Unfair Discrimination Bill. Paper prepared for a workshop on equality legislation. April.

LOUBSER, TONY (with JULIA SLOTH-NIELSEN). 1999. An analysis of legal provisions pertaining to commercial sexual exploitation.

METTLER, JOHANN (co-author). 1999. *Manual on the provincial supervision of local government.* Pretoria: Department of Provincial and Local Government.

METTLER, JOHANN. 1999. Draft bill on provincial supervision of local government. Research report. South African Local Government Association (SALGA). July.

METTLER, JOHANN. 1999. Pilot project on methodology for obtaining information for transitional arrangements. Cape Town: Municipal Demarcation Board. June/July.

PILLAY, KARRISHA (with Michelle O'Sullivan and Fatima Essop). 1999. Joint submission by the Socio-economic Rights Project and the Women's Legal Centre on the draft regulations relating to Aids notifiability to the Department of Health.

PILLAY, KARRISHA (with SANDRA LIEBENBERG and Michelle O'Sullivan). 1999. Joint submission by the Socio-economic Rights Project and the Women's Legal Centre on the Promotion of Equality and Prevention of Unfair Discrimination Bill to the Parliamentary Ad Hoc Joint Committee on Promotion of Equality and Prevention of Unfair Discrimination Bill. November.

PILLAY, KARRISHA. 1999. The sectoral approach to unfair discrimination in the Promotion of Equality and Prevention of Unfair Discrimination Bill. Paper prepared for workshop on equality legislation, April.

SLOTH-NIELSEN, JULIA (with TONY LOUBSER). 1999. An analysis of legal provisions pertaining to commercial sexual exploitation.

SLOTH-NIELSEN, JULIA. 1999. Submission to the South African Law Commission Project on Sexual Offences on "child molestation". November.

STEYTLER, NICO. 1999. The national supervision of provinces: a legal analysis of section 100 of the Constitution. Research report for the Department of Constitutional Development.

STEYTLER, NICO. 1999. The settlement of intergovernmental disputes. Research report for the Department of Constitutional Development.

STEYTLER, NICO. 1999. Inquisitorial approach to the criminal justice system. Discussion document prepared for Project Committee on the Simplification of Criminal Procedure, South African Law Commission.

STEYTLER, NICO. 1999. Draft bill on national supervision of provinces. Pretoria: Department of Constitutional Development.

STEYTLER, NICO (co-author). 1999. Intergovernmental relations audit: towards a culture of co-operative government. Report for the Department of Provincial and Local Government. Bellville: School of Government, University of the Western Cape.

Popular journal and newsletters

COMBRINCK, HELÉNE. 1999. Editor, two editions of *Gender News* (quarterly publication of the Gender Project).

DE VISSER, JAAP. 1999. Demarcating municipalities - the aim: viability, the problem: time. *Local Government Law Bulletin* 1(1): 1-4.

DE VISSER, JAAP (co-author). 1999. Constitutional Court affirms the status of local government. *Local Government Law Bulletin* 1(1): 6-7.

DE VISSER, JAAP. 1999. Municipal Structures Act - The birth of a new generation of municipalities. *Local Government Law Bulletin* 1(1): 8-10.

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Papers and presentations

- COMBRINCK, HELÉNE. 1999. The constitutional imperative for social context revisioning. Presentation to a workshop held by the Law, Race and Gender Research Unit, University of

Cape Town, Johannesburg, March.

COMBRINCK, HELÉNE (with Justice for Women Alliance). 1999. Intimate femicide: selected issues of evidence and substantive criminal law. Presentation to a training workshop for state advocates, Johannesburg, April.

COMBRINCK, HELÉNE (with others). 1999. Comments on draft domestic violence regulations. Submission to Department of Justice, May.

COMBRINCK, HELÉNE. 1999. Mandatory minimum sentences in rape cases. Presentation at public hearings conducted by the Joint Standing Committee on Improvement of Quality of Life and Status of Women, November.

COMBRINCK, HELÉNE. 1999. Implementation of the Domestic Violence Act 116 of 1998. Presentation to training sessions with NICRO Women's Support Centre, Women on Farms Project and Lawyers for Human Rights.

COMBRINCK, HELÉNE. 1999. Selected national policy directives. Presentations to training seminars with public prosecutors, Kroonstad and Cape Town, November.

DE VISSER, JAAP. 1999. Provincial supervision - a manual for the application of section 139 of the Constitution. Working paper for Community Law Centre seminar, Cape Town, September.

DE VISSER, JAAP. 1999. Presentation to the Community Law Centre workshop on the right to equality and its impact on municipal laws and policies, Cape Town, November.

DE VISSER, JAAP. 1999. Facilitator at a two-day workshop on the new legal regime for local government, Women's Development Foundation and the Independent Electoral Commission, Johannesburg, September.

DE VISSER, JAAP. 1999. Facilitator at a workshop on the Municipal Structures Act and the Municipal Systems Bill, Women's Development Foundation, Cape Town, October.

DE VISSER, JAAP. 1999. Facilitator at a workshop on municipal demarcation and the legal regime for local government, Southern Cape Land Committee, George, October.

FERIS, LORETTA (associate researcher) (with DEIRDRE HAMILTON, research intern). 1999. Comments on the Promotion of Equality and Prevention of Unfair Discrimination Bill. Submission to the public hearings conducted by the Ad Hoc Committee on the Promotion of Equality and Prevention of Unfair Discrimination Bill, November.

LIEBENBERG, SANDRA. 1999. The right to social security. Paper presented at the international workshop on developing a curriculum and training materials on economic, social and cultural rights activism, sponsored by the International Human Rights Internship Program and Asian Forum for Human Rights and Development, Thailand, March.

LIEBENBERG, SANDRA. 1999. The development of policy and legislation. Paper presented at the international workshop on developing a curriculum and training materials on economic, social and cultural rights activism, sponsored by the International Human Rights Internship Program and Asian Forum for Human Rights and Development, Thailand, March.

LIEBENBERG, SANDRA. 1999. Definitions in the Promotion of Equality and Prevention of Unfair Discrimination Draft Bill. Paper presented at a workshop on equality legislation by the Equality Alliance, Cape Town, April.

LIEBENBERG, SANDRA. 1999. Comments on Heads of Argument in *Grootboom and others v Oostenberg Municipality and others*, High Court (Cape of Good Hope Provincial Division), Case No. 6826/99, December.

LIEBENBERG, SANDRA (with KARRISHA PILLAY). 1999. Co-presented a course on international human rights instruments at a workshop for parliamentary clerks sponsored by Justice Training College and the office of the United Nations High Commissioner for Human Rights, October.

MADOTYENI, ZOLA. 1999. Participant, Expert seminar on legal representation of children,

co-hosted by the South African Law Commission and the Legal Aid Board.

MADOTYENI, ZOLA. 1999. Participant, Expert seminar on juvenile justice and the issue of establishing a minimum age of criminal responsibility and different approaches related thereto, organised by the South African Law Commission Project Committee.

MADOTYENI, ZOLA. 1999. Participant, National conference on research and advocacy, convened by the office of the Deputy President.

MADOTYENI, ZOLA. 1999. Participant, National seminar on macro-economics and its impact on the rights of the child, Pretoria.

MADOTYENI, ZOLA. 1999. Participant, Regional conference on police transformation and accountability, held by the Independent Complaints Directorate.

METTLER, JOHANN. 1999. Presentation to the conference on monitoring local government, South African Local Government Association, Pretoria, March.

METTLER, JOHANN. 1999. Presentation to the conference on provincial interventions in terms of section 139, South African Local Government Association, Pretoria, March.

METTLER, JOHANN. 1999. Presentation to the Community Law Centre workshop on a manual on the application of section 139, Cape Town, September.

METTLER, JOHANN. 1999. Presentation to the Community Law Centre seminar on procurement and the Municipal Systems Bill, Cape Town, October.

METTLER, JOHANN. 1999. Presentation to the Community Law Centre workshop on the right to equality and its impact on municipal laws and policies, Cape Town, November.

METTLER, JOHANN. 1999. Co-chairperson and South African coordinator of the workshop on ethical local government, International Anti-corruption Conference, Durban, October.

METTLER, JOHANN. 1999. Facilitator at a two-day workshop on techniques of legislative research, National Council of Provinces, Cape Town, January.

METTLER, JOHANN. 1999. The Municipal Demarcation Act and the Municipal Structures Act. Address to the Eastern Cape Local Government Association, March.

METTLER, JOHANN. 1999. Municipal demarcation, municipal structures and municipal systems. Address to Afesis-Corplan, East London, June.

METTLER, JOHANN. 1999. Municipal demarcation. Address at a workshop convened by the Department of Land Affairs and the Legal Resources Centre, Swellendam, August.

METTLER, JOHANN. 1999. New legislative context of local government. Address to the National Association of Democratic Lawyers conference, Cape Town, August.

METTLER, JOHANN. 1999. Developmental aspects of the new local government regime. Address at a workshop convened by the Rural Development Services Network, Durban, September.

METTLER, JOHANN. 1999. Facilitator at a two-day workshop on the new legal regime for local government, Women's Development Foundation and the Independent Electoral Commission, Johannesburg, September.

METTLER, JOHANN. 1999. Municipal Demarcation. Address at a workshop convened by the Department of Land Affairs, Kirkwood, Eastern Cape, September.

METTLER, JOHANN. 1999. Demarcation and new municipal structures, Address at a workshop convened by the Surplus Peoples' Project, Langebaan, September.

METTLER, JOHANN. 1999. Local government and gender. Address at a workshop convened by the Gender Advocacy Programme, Khayelitsha, September.

METTLER, JOHANN. 1999. Strategic organisational planning for the new local government system. Address at a workshop convened by the Surplus People's Project, Observatory, October.

METTLER, JOHANN. 1999. Facilitator at a workshop on the Municipal Structures Act and the Municipal Systems Bill, Women's Development Foundation, Cape Town, October.

METTLER, JOHANN. 1999. Facilitator at a workshop on municipal demarcation and the legal regime for local government, Southern Cape Land Committee, George, October.

METTLER, JOHANN. 1999. Facilitator at a workshop on local government in the Cape metropole, Gender Advocacy Programme, Mitchell's Plain, October.

PILLAY, KARRISHA. 1999. Language barriers in health: some constitutional implications. Paper presented at a workshop hosted by the South African Human Rights Commission, Cape Town, January.

PILLAY, KARRISHA. 1999. The sectoral approach to unfair discrimination in the Promotion of Equality and Prevention of Unfair Discrimination Draft Bill. Paper presented at a workshop on the equality legislation, Equality Alliance, Cape Town, April.

PILLAY, KARRISHA. 1999. Health rights in the Constitution and the obligations they impose on health care workers. Presented at a guest lecture at the Department of Nursing, University of Cape Town, May.

PILLAY, KARRISHA. 1999. Constitutional and legislative framework for health rights. Presentation to the Phila Programme of the National Progressive Primary Health Care Network, Cape Town, July.

PILLAY, KARRISHA (with Meredith Turshen). 1999. Presented a course on health and human rights at the University of the Western Cape Public Health Programme's Winter School, Bellville, July.

PILLAY, KARRISHA (with SANDRA LIEBENBERG). 1999. Co-presented a course on international human rights instruments at a workshop for parliamentary clerks sponsored by Justice Training College and the office of the United Nations High Commissioner for Human Rights, October.

PILLAY, KARRISHA, 1999. Gender, socio-economic rights and democracy. Presentation to a training course on leadership training for women in governance, Gender Advocacy Programme, October.

PILLAY, KARRISHA (with Michelle O'Sullivan). 1999. Co-presented a submission to the Parliamentary Portfolio Committee on Health on the draft regulations relating to Aids notifiability, October.

PILLAY, KARRISHA (with Michelle O'Sullivan). 1999. Co-presented a submission to the Parliamentary Ad-hoc Joint Committee on the Promotion of Equality and Prevention of Unfair Discrimination Bill, November.

SLOTH-NIELSEN, JULIA. 1999. Presented workshops on the Law Commission consultation process on juvenile justice concerning reform schools, diversion, correctional services, legal representation, police powers, and justice for provincial directors-general and national director-general of welfare, held an intersectoral workshop in George.

SLOTH-NIELSEN, JULIA. 1999. Lecture to students at the Cape Town College of Education on children's rights in the education system.

SLOTH-NIELSEN, JULIA. 1999. Bust a gut, Bafana Bafana and Boys 'n the Hood. Paper presented at the Conference on the best interests of the child in the legal process, Cape Town, February.

SLOTH-NIELSEN, JULIA. 1999. Merits and disadvantages of retention of the *doli capax/doli incapax* presumption. Presentation to the South African Law Commission expert seminar on age and capacity, May.

SLOTH-NIELSEN, JULIA. 1999. Children's rights and economic development. Paper presented at the 10th conference of the International Forum on Child Welfare, Helsinki, August.

SLOTH-NIELSEN, JULIA. 1999. Diversion. Presentation to the national probation training workshop, November.

SLOTH-NIELSEN, JULIA. 1999. Paper presented at the joint conference of the

Parliamentary Portfolio Committee on Welfare and Population Development and the NPCL on the economics of child law reform, December.

SLOTH-NIELSEN, JULIA. 1999. Presentation on sentencing and social context at the Law, Race and Gender curriculum development workshop, August.

SLOTH-NIELSEN, JULIA. 1999. Presentation on diversion at the Law, Race and Gender training seminars for interpreters, prosecutors and magistrates, November, December.

SLOTH-NIELSEN, JULIA. 1999. Contribution to Afrec costing study of the Child Justice Bill, September.

STEYTLER, NICO. 1999. Facilitator at a two-day workshop on techniques of legislative research, National Council of Provinces, Cape Town, January.

STEYTLER, NICO. 1999. The supervision of provincial and local government. Paper presented at National conference on intergovernmental relations, Department of Constitutional Development, Midrand, March.

STEYTLER, NICO. 1999. Presented a two-day workshop to the National Council of Regions, Namibian Parliament, Windhoek, June.

STEYTLER, NICO. 1999. Party political organisation and federalism. Paper presented at the international conference of the International Association of the Centres for the Study of Federalism, University of Tübingen, Germany, July.

STEYTLER, NICO. 1999. Co-presented a three-day workshop on an electoral system for Lesotho, Media Institute of Southern Africa, Maseru, Lesotho, September.

STEYTLER, NICO. 1999. Constitutional constraints on the state regulation of private enterprise. Presentation at the Seminar on the review of economic decisions, University of Aix-Marseille, Aix-en-Provence, France, November.

STEYTLER, NICO. 1999. Keynote address at the Seminar on the modern magistrate and the legacy of legal ethics, Law, Race and Gender Research Unit, University of Cape Town, St Helena Bay, February.

11. MEMBERSHIP OF PROFESSIONAL BODIES AND COMMITTEES

COMBRINCK, HELÉNE

Member, International Association of Prosecutors

Board of Trustees, Rape Crisis, Cape Town

Managing Board, Sex Worker Education and Advocacy Taskforce

SANDRA LIEBENBERG

Chairperson, Women's Legal Centre Trust and member of its Management Committee

Member, Standing Committee of the Human Rights Commission on Government and Parliamentary Liaison

Editorial Board, *South African Journal for Human Rights*

Board of the Centre on Housing Rights and Evictions, Geneva

Co-editor *Law, Democracy and Development*

JOHANN METTLER

Associate member, SALGA Legal and Constitutional Working Group

Co-editor, *Law, Democracy and Development*

KARRISHA PILLAY

Trustee, Women's Legal Centre Trust and member of its Management Committee

JULIA SLOTH-NIELSEN

Member, National Council on Correctional Services Editorial Board, *International Journal on Children's Rights*

Member, Project Committee on Redrafting the Child Care Act, South African Law Commission

Member, Project Committee on Juvenile Justice, South African Law Commission

Member, International Society of Family Law

Member, International Network on Juvenile Justice

External examiner, University of Cape Town (Socio-legal Studies); Rhodes University (LLM thesis); University of Durban-Westville (LLM theses)

Co-editor *Law, Democracy and Development*

NICO STEYTLER

Vice-chairperson, Board of Institute of Historical Studies, UWC

Member: UWC Senate

Member, UWC Senate Higher Degrees Committee

Member, Council's Appeal Committee, Student Disciplinary Court

Member, Project Committee on the Simplification of Criminal Procedure, South African Law Commission

Trustee, Association of University Legal Aid Institution Trust

External examiner, University of Namibia (LLB courses); University of Cape Town (LLD thesis)

Co-editor *Law, Democracy and Development*