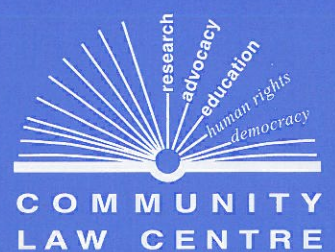


COMMUNITY LAW CENTRE, UNIVERSITY OF THE WESTERN CAPE

ANNUAL REPORT 2004



Adv Dullah Omar
(26 May 1934 – 13 March 2004)
First Director, Community Law Centre
(1990-1994)

He was the inspiration behind the Centre and worked tirelessly to establish it as a centre of research and advocacy on human rights and democracy.

"Dullah Omar believed that law must serve justice, that law must serve the community, that law must give effect to human rights and democracy. He put that belief to work. When he was in practice most of his clients were victims of apartheid laws. He represented numerous political prisoners and acted as counsel for trade unions, civic and religious organizations. By living out his quest for justice, he became a guiding light to many. First as an attorney and later as an advocate, he played a significant educational role for many a young lawyer who came into contact with him.

He also took his quest for justice beyond legal practice. At the height of repression in the states of emergency, he played a key role, often at great personal sacrifice, in the flagship civic organization fighting against apartheid, the United Democratic Front. With the unbanning of the liberation movements in 1990 he became the chairperson of the African National Congress in the Western Cape.

With this new phase of the liberation struggle unfolding, a vision for the new legal order based on justice, human rights and democracy was required. Dullah rose to this challenge and



"The Community Law Centre and the Faculty of Law wish to honour the late Adv. Dullah Omar, by instituting an annual lecture on human rights and democracy in his name. As a fighter for human rights and democracy, he has left behind a rich legacy on which we as a Centre and a Faculty can draw inspiration and guidance."

came in 1990 to the University of the Western Cape as the director of the Community Law Centre. He was the inspiration behind the Centre and worked tirelessly to establish it as a centre of research and advocacy on human rights and democracy. Under his directorship the Centre became a major contributor to policy formulation for the new constitutional order, focusing on the structure of the state, the electoral system, gender issues, children's rights, policing, and the transformation of the judiciary. With his colleagues at the Centre – including Bulelani Ngcuka, Brigitte Mabandla, Zola Skweyiya and Albie Sachs – he participated in the constitutional negotiations, charting the course towards the shaping of the new South Africa.

Dealing with the big issues of the day did not cut him off from the University community, in particular the law students. He took time to talk to them, instilling the excitement, the challenge and the promise of practicing law in service of the community.

With the first democratic elections in 1994 Dullah was elected to Parliament. Befitting his role in the struggle for justice, he was appointed by President Mandela as Minister of Justice. On his shoulders thus fell the task of transforming a legal system that had propped up the perverse system of apartheid, into a system that embraced democracy, human rights and justice. This he did with great zest and success. Under Dullah's ministry, the administration of justice was transformed. Eleven apartheid-based administrations were fused into an entirely new Department of Justice. The Constitutional Court was established, and the foundation was laid for the meaningful transformation of the judiciary. A single national prosecuting authority was formed. The Truth and Reconciliation Commission was created. Overall, the framework was developed for the transformation of the many facets and institutions of the administration of justice.

The Community Law Centre and the Faculty of Law wish to honour the late Adv. Dullah Omar, by instituting an annual lecture on human rights and democracy in his name. As a fighter for human rights and democracy, he has left behind a rich legacy from which we as a Centre and a Faculty can draw inspiration and guidance."

- excerpt from the programme of the First Dullah Omar Memorial Lecture, held on 22 November 2004 at the Library Auditorium, University of the Western Cape

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- Jacqui Gallinetti (Children's Rights Project)
- Heléne Combrinck (Gender Project)
- Geraldine Mettler (Local Government Project, until May)
- Prof. Nico Steytler (Local Government Project, from June)
- Sibonile Khoza (Socio-Economic Rights Project)

PERSONNEL

Director: Prof. Nico Steytler

Children's Rights Project: Jacqueline Gallinetti (co-ordinator), Prof. Julia Sloth-Nielsen (research fellow), Daksha Kassan, Raygaanah Barday, Godfrey Odongo (doctoral intern), Janine Demas (administrator)

Local Government Project: Geraldine Mettler (co-ordinator until May 2004), Reuben Baatjies (June to November 2004), Abdul-Hakiem Issa (June to November 2004), Elizabeth Drent (Canadian intern until March 2004), Cristin Peel (Canadian intern from September 2004), Victoria Johnson (contract researcher from July to November 2004), Valma Hendricks (administrator)

Gender Project: Heléne Combrinck (co-ordinator), Zulpha Geyer (administrator until February 2004)

Socio-Economic Rights Project: Sibonile Khoza (co-ordinator), Prof. Pierre de Vos (associate member), Annette Christmas, Kevin Iles (until July 2004), Christopher Mbazira (doctoral intern), Cyrus Dugger (American intern July – August 2004), Gaynor Arie (administrator)

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The Community Law Centre at the University of the Western Cape, established in 1990, works to realise the democratic values and human rights enshrined in South Africa's Constitution.

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CHAPTER ONE: INTRODUCTION

Mission

The Community Law Centre at the University of the Western Cape, established in 1990, works to realise the democratic values and human rights enshrined in South Africa's Constitution. It is founded on the belief that our constitutional order must promote good governance, socio-economic development and the protection of the rights of vulnerable and disadvantaged groups. Based on high quality research, the Centre engages in policy development, advocacy and educational initiatives, focusing on areas critical to the realisation of human rights and democracy in South Africa.

Focus areas

The Centre's areas of focus are organised in four main projects:

- The *Children's Rights Project* works towards the recognition and protection of children's rights in all spheres of society, with a particular focus on child justice.
- The *Gender Project* works towards the achievement of substantive gender equality and the realisation of women's human rights.
- The *Local Government Project* assists local government to give effect to its constitutional mandate of promoting accountable and democratic governance and socio-economic development.
- The *Socio-Economic Rights Project* focuses on the realisation of the socio-economic rights of vulnerable groups and communities living in poverty.

Nature of our work

The Centre's core activities are:

- high quality and cutting-edge research, developing jurisprudence and policy;
- assisting in the development of policies and legislation for organs of state, such as state departments, provincial and local government, the South African Human Rights Commission (SAHRC) and the South African Law Reform Commission (hereafter the Law Commission);
- informing public debate on law reform;
- education and training of state officials, civil society and students;
- building capacity in organs of state and civil society through the dissemination of accessible materials and the maintenance of a website;
- assisting in constitutional litigation on key issues; and
- collaborating with international organisations and bodies to further common aims and objectives, and with

human rights organisations in Africa to advance the realisation of human rights and democracy on the continent.

Resources

The Centre houses a vibrant Documentation Centre with a specialised collection of material on gender equality and women's rights, as well as on children's rights, socio-economic rights, intergovernmental relations and general human rights issues. The Centre also holds a substantial collection of books dealing with international law and international human rights law, the result of the sustained support received from the Raoul Wallenberg Institute at the University of Lund in Sweden. The Centre has an accessible and user-friendly website:

www.communitylawcentre.org.za.

Organisation of the Centre

The Centre's policy is to increase collaboration between its four projects in order to strengthen its capacity as an organisation and to enable it to explore crosscutting themes. Increasingly projects have worked collaboratively. The Socio-Economic Rights and Local Government Projects joined forces in investigating the privatisation of municipal services, in the context of the socio-economic rights' obligations of local government.

The Centre also initiated the appointment of Research Fellows in 2004. The purpose of such an appointment is to enhance the research pool at the Community Law Centre. To date there has been one appointment, namely, Prof. Julia Sloth-Nielsen to the Children's Rights Project.

Joint Initiatives by the Centres at the University of the Western Cape (UWC)

Privately funded research centres at the University experience similar problems regarding sustainability and their relationship with the University's administration. During the year the directors of the largest centres, including the Community Law Centre, sought to structure the centres' relationships within the University on a more satisfactory basis. A discussion document was compiled outlining the value that the centres bring to the University in both academic, outreach and financial terms. Proposals for the better structuring of relationships within the University will be taken forward with the administration in 2005.

Research Standing

The quality of the Centre's research is also acknowledged in the recognition that our researchers have received. In 2003 Prof. Sandy Liebenberg, whilst still a staff member, was

accorded a B-rating by the National Research Foundation (NRF) and Prof. Julia Sloth-Nielsen, the Centre's research fellow, a C-rating. A B-rating is accorded for researchers who enjoy considerable international recognition by their peers for the high quality and impact of their recent research outputs, while a C-rating is for established researchers with a sustained recent record of productivity in their field. In 2004, Prof. Nico Steytler was accorded a B-rating by the NRF.

The Centre is continually seeking to improve the research skills of staff members. Jacqui Gallinetti and Heléne Combrinck are currently enrolled for doctoral studies and Daksha Kassan has been awarded her Masters degree with distinction. There are also two research interns, Christopher Mbazira and Godfrey Odongo, registered for their doctorates.

Staff Changes

With the departure of Prof. Sandy Liebenberg to the University of Stellenbosch, Sibonile Khoza was appointed as coordinator. He was also promoted to senior researcher of the Socio-Economic Rights Project. Annette Christmas and Kevin Iles were appointed as researchers and Christopher Mbazira as a doctoral intern. The Local Government Project hosted two interns from Canada as part of an exchange programme with the Forum of Federations. Reuben Baatjies and Abdul-Hakim Issa were appointed as research assistants. During the year, Geraldine Mettler left the Local Government Project to take up a senior management position in the Drakenstein Municipality. Zulpha Geyer left the Gender Project in February to take up another position while Kevin Iles commenced post-graduate studies in the United States.

First Dullah Omar Memorial Lecture

In March the first director of the Centre (1990-1994), Dullah Omar, sadly passed away after a long illness. In honour of his memory, the Centre and the UWC Faculty of Law decided to institute an annual Dullah Omar Memorial Lecture to pay tribute to Adv. Omar's legacy of human rights and democracy. The first lecture was held on 22 November. Mr Bulelani Ngcuka, former deputy director of the Centre and until recently, National Director of Public Prosecutions, delivered a lecture on "The National Prosecuting Authority and the promotion of human rights and democracy". In attendance were, amongst others, academics, legal practitioners, judges, magistrates, members of parliament and civil society and the Omar family.

Donors

The Centre continued to enjoy donor support and wishes to thank all its donors for supporting the work of its proj-

ects. Particular acknowledgement goes to the Ford Foundation for generously providing both core funding for administration and project-based funding. Available donor funding is however becoming less and the Centre is increasingly relying on competing in the open market for research consultancies in order to sustain itself. Support was also received from the University in the form of office space, utilities, IT assistance and human and financial management services.

Conclusion

The Centre faced a year where the various pieces of legislation highly relevant to its activities were in the legislative process – the Child Justice Bill, the Children's Bill, the Sexual Offences Bill, the Intergovernmental Relations Framework Bill and the Property Rates Bill. Moreover, access to adequate housing and food security, access to municipal services and the protection of vulnerable groups remained burning issues of the day. To these matters the Centre responded through critical analysis and constructive engagement with the state.

The year 2004 has thus been a very productive year, producing high quality research, developing important policy papers for government, informing public debate on issues of contention, extending its training and education activities to the public and government, and disseminating information to a broad range of decision-makers. We are also particularly proud of the work that we do on a regional level within Southern Africa.



In attendance at the First Dullah Omar Memorial Lecture were from left to right, Prof. Nico Steytler (Director of CLC), Prof. Najma Moosa (Dean of Law), Mr Bulelani Ngcuka (keynote speaker, former National Director of Public Prosecutions), Mrs Omar (wife of the late Dullah Omar), Prof. Renfrew Christie (Dean of Research, Chairperson of CLC Board) and Prof. Brian O'Connell (Rector of UWC).

CHAPTER TWO: RESEARCH

In-depth and cutting-edge research is the basis of the Centre's activities as it informs and guides our outreach programmes. As a university-based institution it is also our goal to publish our research results in peer-reviewed publications. In this section the broad focus areas of research are set out, as well as specific research projects.

Children's Rights Project

The Project continues to co-ordinate a civil society campaign, the Child Justice Alliance, to promote informed debate around the Child Justice Bill. The Alliance has initiated a number of research programmes aimed at monitoring the implementation of the Child Justice Bill. Although the Bill still has to undergo further parliamentary scrutiny, the research programme design has concentrated on providing baseline data against which to assess the implementation of the legislation once enacted.

Project co-ordinator Jacqui Gallinetti compiled a chapter, entitled "The Legal Aspects of Fatherhood", for a forthcoming book to be published by the Human Sciences Research Council of South Africa (HSRC). Researcher Daksha Kassar completed research for her Masters degree on the legal representation of children in divorce proceedings. Jacqui Gallinetti and Raygaanah Barday completed a discussion paper on repeat young sex-offenders, which was then published into a lay publication. Prof. Julia Sloth-Nielsen, the Project's Research Fellow, completed a chapter on "Children's Rights" for a new edition of *The South African Bill of Rights*, edited by Dennis Davis.

The Project also undertook a study on the legal status of all forms of corporal punishment in Swaziland, South Africa and Zambia and the findings of the study will be published as a chapter in a book to be published by Save the Children Sweden.

Civil Society Prison Reform Initiative (CSPRI)

CSPRI was established as a joint project between the Children's Rights Project and Nicro in 2002. It focuses on building civil society capacity in the sphere of corrections, and to this end has commissioned several important research projects.

Topics have included:

- an evaluation of the Office of the Inspecting Judge of Prisons;

- on the functioning of the independent prison visitors scheme;
- an analysis of civil society oversight mechanisms pertaining to corrections;
- the implications of the Optional Protocol to the Convention against Torture (OPCAT);
- a study of the use of alternative sentencing;
- an overview of significant policy development since 1994; and
- a study of the use of litigation to further prisoners' rights.

The staff has quickly achieved significant stature in the field of correctional policy, and were invited to brief the judges of the Supreme Court of Appeal on prison overcrowding (the first NGO to be granted such an audience). Numerous presentations have been made at national and provincial workshops to stimulate interest in this sector, and a regular email newsletter dealing with a themed topic has been circulated to stakeholders.

The research papers are to be published more formally in a special edition of *Law Democracy and Development* during 2005. From 1 July 2005, CSPRI will move wholly to the Community Law Centre. Funding has been secured for the year to follow in the areas of policy development, as well as the promotion of good governance in prisons. The project will slot in with existing CLC initiatives in the field of criminal justice, notably the Children's Rights Project's work in the area of juvenile justice and the courses in the LLM programme related to Criminal Justice.

Gender Project

The Project conducted research on the role of expert psycho-social evidence in gender-based violence cases, with specific emphasis on evidence relating to "Rape Trauma Syndrome" and the presentation of such evidence as part of the criminal trial.

Heléne Combrinck conducted exploratory research on the development of women's right to freedom from private violence (as a specific aspect of the right to personal security) in international and regional human rights law.

The Project also completed a paper on the question of how the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa should influence the enactment of legislation against sexual violence in five sub-Saharan countries, viz Cameroon, Ethiopia, Ghana, South Africa and Uganda.

Local Government Project

The Project, working in conjunction with the Socio-Economic Rights Project, completed a major study on contracts for privatisation of municipal services. The study found that municipalities were in a poor bargaining position and often failed to realise the intended benefits of outsourcing municipal services.

The Project commenced a research project on decentralization of government in Southern Africa. A review of decentralization in Tanzania, Malawi, Mozambique, Swaziland and Lesotho has been completed.

The Local Government Project organised the annual conference of the International Association of Centres for Federal Studies at Mont Fleur, Stellenbosch from 29 September to 3 October. The Project developed a common template for country reports on the theme, "The role and place of local government in federal systems". Delegates from 13 centres around the world attended, coming from 11 countries (and five continents). The nine country reports are now due for publication in a book.

The Project continued its research on the development of metropolitan local government with conference papers and publications. Prof. Nico Steytler has also been asked by the Forum of Federations to be the theme coordinator and editor of a large international comparative study on "Local Government and Metropolitan Regions in Federal Countries".

The publication of a book by Jaap de Visser, an erstwhile member of the Project, entitled *Developmental Local Government: a South African Case Study*, is the culmination of a long research project that commenced at the Centre. He started his doctorate at UWC on the topic and completed it at the University of Utrecht in the Netherlands. The Centre supported the production of the book.

Socio-Economic Rights Project

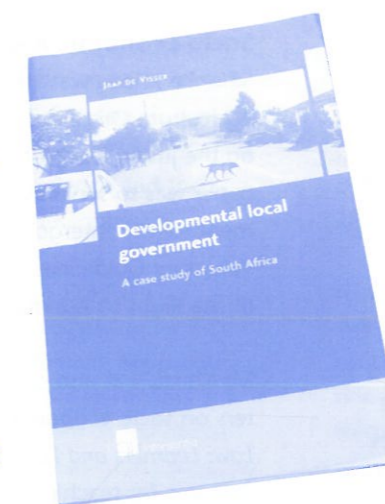
The Project concluded an empirical case study on the implications of privatisation of water services in Stutterheim and Queenstown (Eastern Cape) for socio-economic rights obligations. Informed by the findings of the study, a research paper constituting a legal analysis of the implications of privatisation in

these localities was produced. A joint seminar with the Local Government Project was held in which both the case study report and the research paper were presented.

Key research areas included housing, social security and assistance, food and nutrition, as well as developing jurisprudence on socio-economic rights. The Project produced the following research papers in these key areas:

- A path to realising economic, social and cultural rights in Africa? A critique of the New Partnership for Africa's Development (NEPAD);
- Limiting socio-economic rights: Beyond the limitations clause;
- Realising the right to food in South Africa – not by policy alone: The role of framework legislation;
- Enforcing economic, social and cultural rights as justiciable individual rights: The role of judicial remedies; and
- Developing progressive litigation strategies in relation to social assistance.

In-depth and cutting-edge research is the basis of the Centre's activities as it informs and guides our outreach programmes.



CHAPTER THREE: APPLIED RESEARCH

Based on its reputation for high quality research, the Centre is frequently requested and commissioned to undertake applied research for various government departments and non-governmental bodies. Through this work the Centre and its staff not only make a major contribution to policy formulation, but the Centre is also placed at the coalface of the key challenges confronting government and civil society. In 2004 the Centre and staff members were engaged in the development of policies and draft legislation for national departments, provinces, municipalities and international organisations.

Children's Rights Project

The Project completed and submitted its report relating to the legislative review of child law in Mozambique undertaken for UNICEF. The methodology used included an extensive literature and legislative review as well as consultations with role-players in Mozambique using semi-structured interview schedules. The report dealt with all the aspects of child law that are required to be enacted in order for Mozambique to comply with its international obligations. These included civil and political rights as well as socio-economic rights. The report also tried to balance a child rights approach to take into account the cultural regime of Mozambique. The report will be used as the basis from which the legal drafters will commence working on a new child law for that country.

The Project undertook a similar process for Swaziland at the request of Save the Children. The project conducted comprehensive interviews with various stakeholders in the children's sector and analysed present laws and their shortcomings. A final report was drafted and presented to all the key stakeholders in government and civil society. The report, like that of Mozambique, covered all aspects of children's civil and political rights as well as their socio-economic rights. Similarly, there was an attempt to balance the cultural dualism of the Swazi legal system with Swaziland's international obligations to realise the rights contained in the United Nations Convention on the Rights of the Child.

Local Government Project

Prof. Nico Steytler advised the national Department of Provincial and Local Government on the drafting of the Intergovernmental Relations Framework Bill, which gives local government a prominent role in South Africa's system of cooperative government. He also drafted a policy paper

on the establishment of intergovernmental forums for districts, the recommendations of which were included in the Intergovernmental Relations Framework Bill.

In June the Project was awarded a research tender by the Premier's Office of the KwaZulu-Natal Provincial Government to develop a provincial policy framework on intergovernmental relations, comprising of three different policy documents:

- A discussion document on the constitutional and legal framework for governance in KwaZulu-Natal;
- A Strategy for the Province with regard to transfrontier cooperation with Mozambique, Swaziland and Lesotho; and
- A manual for intergovernmental dispute resolution in KwaZulu-Natal.

The Project was also awarded the tender by the KwaZulu-Natal Department of Traditional and Local Government Affairs to do a comprehensive study on the statutory framework for the province's relationship with municipalities.

An opinion was drafted for the National Council of Provinces (NCOP) on its oversight role over provinces prior to an intervention in terms of Section 139 of the Constitution taking place. The Project also provided an opinion to the NCOP on the need for provisional provincial mandates for the ratification of international agreements.

The Project drafted an opinion for Western Cape Local Government Organisation (Weclogo) on Telkom's privileges in terms of the Telecommunications Act and how these privileges infringe on local government competencies. An opinion on harbours was also prepared for the City of Cape Town and Weclogo on local governments' competencies in this regard.

Socio-Economic Rights Project

Sibonile Khoza was commissioned by the Food and Agriculture Organisation to develop an information paper on the justiciability of the right to food. The purpose of this paper was to serve as an advocacy and educative document for the Intergovernmental Working Group on Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food.

Mr Khoza was also commissioned to contribute two chapters on socio-economic rights in the review book of *Street Law: Learners and Educators Manual*. This book is used as a resource for teaching street law at schools, universities and communities.

CHAPTER FOUR: INFORMING PUBLIC DEBATE ON LAW REFORM

On the basis of its research, the Centre informs public debate on key issues of law reform. During 2004 it was regularly requested by parliamentary committees and the South African Law Reform Commission to comment on draft legislation.

Children's Rights Project

Although the Child Justice Bill was put on hold by Parliament, the Children's Rights Project continued co-ordinating the Child Justice Alliance.

Mid-2004 saw the parliamentary hearings on the Children's Bill. The Project made written submissions to the National Assembly's Social Development Portfolio Committee on certain aspects of the Bill, namely children's courts, parental rights and responsibilities, international law of adoption and inter-country abduction as well as corporal punishment. These were then followed up by oral submissions to the Portfolio Committee in August.

Furthermore, the Law Reform Commission released an issue paper on Trafficking in Persons and asked for comments by March 2004. On account of the fact that both the Children's Bill and Sexual Offences Bill attempt to deal with trafficking, but in a very piecemeal manner, the Project made a submission regarding the trafficking of children and called for comprehensive, substantive and procedural legal provisions in order to manage the phenomenon.

Gender Project

The Project compiled a briefing document focusing on firearms and domestic violence in support of the Gun Control Alliance's comments on the Firearms Control Regulations. This briefing document was made available to members of the National Assembly's Portfolio Committee on Safety and Security during their discussions of the Regulations. The Project also followed up on this document with a letter to the Chairperson of the Committee outlining specific concerns relating to domestic violence and the control of firearms in terms of the proposed Regulations.

During February, the National Assembly's Portfolio Committee on Justice and Constitutional Development continued its deliberations on the Sexual Offences Bill (commenced in 2003). The Project provided the Portfolio Committee with further written submissions as the discussions proceeded, and also made these submissions available to the drafters from the Department of Justice and Constitutional Development tasked with rewriting certain

provisions of the Bill. Unfortunately the Portfolio Committee had to suspend its activities before the Bill could be finalised when Parliament went in recess in anticipation of the national elections.

The additional submissions, *inter alia*, covered the definitions of the offences of rape and sexual assault, factors to be considered by the National Prosecuting Authority when considering prosecution on charges of the proposed offence of intentional exposure to HIV, admissibility of evidence on the complainant's previous sexual history and evidence of the period of delay between the commission of a sexual act and making a complaint.

The Gender Project, in partnership with the Saartjie Baartman Legal Advice and Training Project, prepared a written submission in response to the South African Law Reform Commission's Discussion Paper on Stalking.

Local Government Project

The National Assembly's Portfolio Committee on Local Government requested the Local Government Project to make a further submission on certain constitutional issues in the Property Rates Bill. Along with the Legal Resources Centre in Cape Town, the Project submitted that the Bill was in conflict with the Constitution on the grounds that the categories on which certain properties were exempted from taxation were discriminatory or arbitrary.

The Project assisted the Western Cape Local Government Organisation (Weclogo), via its Intergovernmental Relations Working Group, in interpreting and formulating comments on relevant national and provincial policies. The Project prepared a submission to Parliament on the Convergences Bill on behalf of Weclogo.

Socio-Economic Rights Project

The Project continued to participate in the meetings and activities of the Basic Income Grant Coalition and the Alliance for Children's Entitlement to Social Security (ACCESS). Annette Christmas contributed to the press release on the Budget Speech in collaboration with ACCESS. This press release, amongst other things, called for the extension of the child support grant to all children under the age of 18 years.

Due to the 2004 general elections, little progress was made with respect to law reform and policy development processes. For example, the status of two pieces of legislation – the proposed amendments to the Prevention of Illegal Evictions and the National Food Security Bills – remains uncertain. The Project conducted background research on both pieces of legislation in preparation for public submissions.

CHAPTER FIVE: EDUCATION, TRAINING AND INFORMATION DISSEMINATION

One of the Centre's core activities is its outreach initiatives. The objective is to disseminate the Centre's expertise and research results to the broader community through education programmes, training workshops, publications and the website.

1. Education programmes

Researchers presented the following courses in the LLM Programme in Constitutional Litigation:

- children's rights;
- criminal justice and the Constitution;
- socio-economic rights;
- intergovernmental relations;
- gender equality and women's rights; and
- constitutional practice

The Centre continued its partnership with the Universities of Pretoria, Makerere, Ghana, Cameroon, the American University in Cairo and the Eduardo Mondlane University in Maputo to present the LLM in Human Rights and Democratisation in Africa for students from across the continent. During the first semester the Centre presented modules to the students in Pretoria on democratisation in Africa, an introduction to the South African Bill of Rights and gender issues in the Bill of Rights. In the second semester it hosted six students who attended the LLM courses offered by the University of the Western Cape and completed their dissertations with the Centre. The Documentation Centre, with its extensive collection on national and international materials, was students' primary base for information gathering during the LLM programme.

Researchers also presented numerous lectures at UWC and neighbouring universities and institutions.

2. Lay publications

The Centre produced three periodical publications, aimed at informing their target audiences about recent developments in the Centre's areas of expertise.

Article 40

Four editions of *Article 40* were published by the Children's Rights Project, with 3500 copies per edition distributed to mainly, legal practitioners, government organisations, social workers, secure care centres, probation officers, juvenile courts, academics, legal depositories, non-governmental organisations dealing with children issues and other stakeholders. The information contained in the journal continues to be used in academic articles as well as by the High Court in certain matters, for example in the recent case in Durban relating to a young girl convicted of murdering her grandmother. In this case, an article in *Article 40* was handed up in court as evidence in mitigation of sentence. During 2004, *Article 40* highlighted, *inter alia*, the following:

- A case note on *S v Zuba* (children awaiting designation to reform schools in prison);
- A critical appraisal of the preliminary inquiry procedure;
- Juveniles in prison (submitted by the Inspecting Judge of Prisons);
- Child justice law reform developments in Africa;
- Provisions in the new Correctional Services Act relating to children;
- Restorative Justice Centre work in Mpumalanga; and
- A review of children's institutions commissioned by the Provincial Administration of the Western Cape.

Local Government Bulletin

Five editions of the *Bulletin* were produced and 11 000 copies of each issue were distributed to all councillors, senior local government managers, national and provincial government, traditional leaders, non-governmental organisations (NGOs) and other stakeholders. Judging from numerous letters complimenting the editors and contributors on the content of the *Bulletin*, it is apparent that it continues to serve a pivotal role in strengthening local governance by informing its target audience of developments in local government. As a result of reading the *Bulletin*, councillors and officials regularly approach the Centre with enquiries and requests for legal advice.

ESR Review

The Socio-Economic Rights Project produced five issues of the *ESR Review*. 3000 copies of each edition were distributed to NGOs, unions, Cabinet Ministers, Members of Parliament, MECs, academics, legal practitioners and courts. The first one was a special issue focusing on the right to food and nutrition. The second, third and fourth issues covered a wide range of topics pertaining to socio-economic rights. The fifth issue was a special review of ten years of democracy and socio-economic rights implementation. The Project also produced four electronic newsletters.

3. Other publications

Children's Rights Project

A highlight of the year for the Children's Rights Project was the finalisation and publication of *Child justice in Africa: a guide to good practice* edited by Julia Sloth-Nielsen and Jacqui Gallinetti. Work on this book had been ongoing since 2003 and the Project was responsible for the editing and management of this publication. In addition, Jacqui Gallinetti, Daksha Kassin and Prof. Julia Sloth-Nielsen con-

tributed chapters to the work, whilst Godfrey Odongo was involved in fieldwork. The book was launched in November and a wide range of guests attended the gathering, including high-ranking government officials, parliamentarians and Unicef representatives from three African countries.

The Project also published two *SAYStOP* manuals. The first was a training manual entitled *Prevention Programme for Young Sex Offending* and the second contained two research reports relating to the issue of young sex offenders, namely:

- Children and Sexual Offences
- Management Systems for Repeat Young Sex Offenders

Gender Project

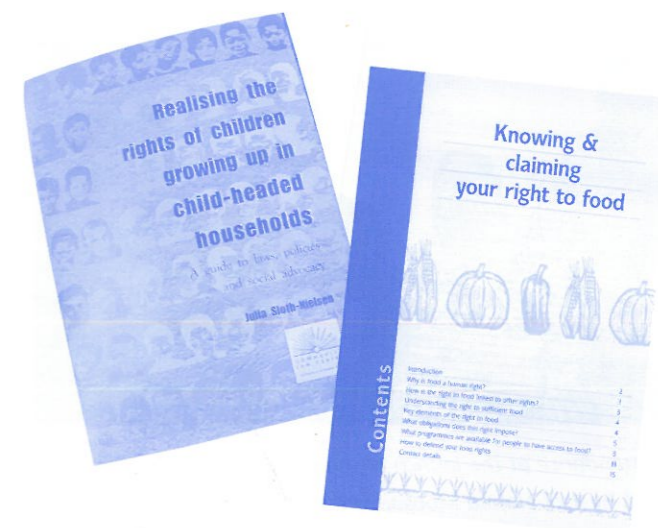
The Project launched its publication on women's rights in Islam, *Unveiling the Mind: A herstory of the historical evolution of the legal position of women in Islam* by Professor Najma Moosa (Dean of the UWC Faculty of Law). The guest speaker at the launch was Judge Mohamed Navsa, judge in the Supreme Court of Appeal and alumnus of the Law Faculty.

Socio-Economic Rights Project

The Project produced two lay publications entitled, (1) *Realising the rights of children growing up in child-headed households: A guide for policy change*, and (2) *Knowing and defending your right to food*. Copies of these publications have been distributed widely to the relevant stakeholders, including civil society organisations, government departments and libraries.



In attendance at the launch of the publication of *Child Justice in Africa: a guide to good practice*, were from left to right, Daksha Kassin, Godfrey Odongo, Zibuyile Mbambo, Ann Skelton, Julia Sloth-Nielsen and Jacqui Gallinetti.



4. Workshops and training programmes

Children's Rights Project

The Project continued its work with the SAYStOP consortium during 2004. Moving from its focus on the diversion of young sex offenders, a manual on primary prevention of young sex offending was developed and training on the manual was conducted in all provinces. The Project itself presented training workshops in the Western Cape, Gauteng and Mpumalanga. SAYStOP also held two national workshops related to prevention and repeat young sex offenders.

The Project also co-hosted a juvenile justice seminar on Youth Day with the UWC Law Faculty and the South African Association of Regional Court Magistrates. The proceedings of the day were then published in a special edition of *Article 40*.

Further training workshops presented by the Project included training for magistrates at Justice College on the Child Law Manual in Durban, Nylstroom and Limpopo.

In addition, the Children's Rights Project was invited to run a three-day training workshop for key stakeholders in Lesotho on monitoring and evaluation of child legislation in order to start preparations for the enactment of their new child law.

Gender Project

As part of its partnership with the Saartjie Baartman Legal Advice and Training Project, the Gender Project presented a training workshop on the Domestic Violence Act. Interest in this workshop was overwhelming, to such an extent that a second 'duplicate' workshop had to be scheduled. The two workshops were attended by a total of 68 persons, includ-



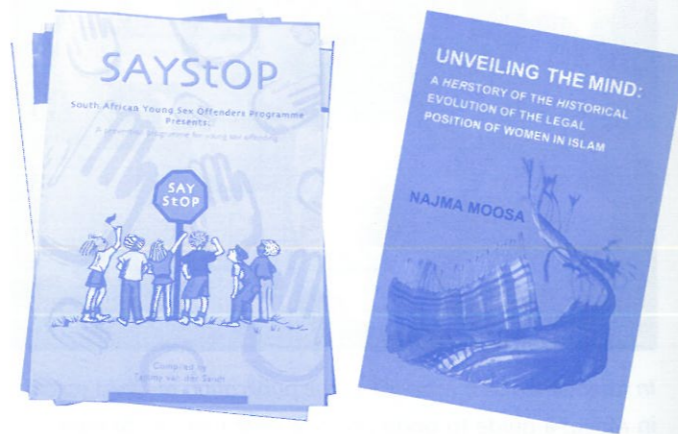
In attendance at the launch of the publication of *Unveiling the Mind* by Prof Najma Moosa, were from left to right, Dr Sulaiman Moosa, Prof Najma Moosa, Judge Mohamed Navsa and Ms Heléne Combrinck.

ing representatives from the South African Police Services, counselling organisations, Trauma Room volunteers, health care workers and human rights organisations. Copies of the *Zikhethele* booklet were distributed in the languages of participants' choice as part of the workshop material. The Gender Project (with the Saartjie Baartman Legal Advice and Training Project) also presented an information workshop on child maintenance, with a specialist maintenance prosecutor based at the office of the Director of Public Prosecutions as the guest speaker. In addition to providing general information regarding maintenance prosecutions, the speaker also addressed specific questions from workshop participants and undertook to give feedback to individual participants regarding their difficulties with maintenance.

During the workshop discussion, it became clear that there were a number of problems experienced with the maintenance court system that could not be answered by a representative from the prosecuting authority, but should instead rather be directed to the Department of Justice and Constitutional Development. The two projects therefore arranged a follow-up workshop, with a representative from the Western Cape regional office of the Department of Justice and Constitutional Development providing participants with important information on complaints mechanisms regarding the child maintenance system.

At this meeting, it was decided to constitute an informal Western Cape maintenance interest group that would in future meet on a regular basis to discuss developments and difficulties around this issue. The Gender Project undertook to act as convener for this group.

The Gender Project also held a training session on child maintenance for district court prosecutors at Goodwood Magistrate's Court.



Given the strong link between domestic violence and firearms, and the stricter approach taken to domestic violence in the Firearms Control Act, the Gender Project, working with the Saartjie Baartman Legal Advocacy and Training Project, held a workshop to provide information on the new Act. Speakers at the workshop included a representative from Gun Free South Africa (a non-governmental organisation that was closely involved in the drafting of the Act), as well as the Designated Firearms Officers from the two police stations closest to the Saartjie Baartman Centre.

Local Government Project

A workshop was held in February focussing on securing women's participation in local government. This workshop mainly focused on the Indian experience and comparing their system of a mandatory quota for women in local government with the South African system. India is the only country that secures women's participation by the introduction of a mandatory quota system in local government. Dr George Mathew, Director from the Institute on Social Science, New Delhi, India, and a prominent writer on gender issues in India, was the guest speaker at the seminar. Councillors, NGO's, Community-Based Organisations (CBO's) and politicians attended this seminar.

In March the Local Government Project assisted the Gender Advocacy Programme (GAP), with a workshop on developmental local government. The workshop was aimed at members of the community, CBO's and councillors. The Project also provided training workshops for a number of municipalities on the terms of reference of office holders and the delegates of powers.

Socio-Economic Rights Project

The Project co-hosted three seminars. The first seminar, co-hosted with the Budget Unit of the Institute for Democracy in South Africa (Idasa), was on incorporating children's socio-economic rights in the programming and budgeting (held on 2 June in Cape Town). This seminar drew policy-makers and human rights experts together to explore a link between budgeting as an important component of realising all rights, and the evolving jurisprudence and activism around children's socio-economic rights.

The second seminar, co-hosted with the Local Government Project and held in October, dealt with the outsourcing/privateisation of water services in the context of democratic principles and human rights norms. It was attended by academics, members of civil society, the private sector and government departments.

The third seminar, co-hosted with the International Project on the Right to Food in Development of the University of Oslo and Akershus University College (Norway), took place in November in Cape Town. This seminar brought together experts in the areas of nutrition, health and human rights to explore the potential for introducing an academic course linking food, nutritional health and human rights in South African institutions.

5. Website

The Centre's website not only informs users about what the different projects are doing, but also disseminates their publications. Through this medium, the Centre plays a critical role in educating its cyber users on issues relating to democracy and human rights in the country.

The Children's Rights Project also maintains a separate website, www.childjustice.org.za, on child justice. This website serves as a repository for information on child justice in South Africa and contains links to international instruments and documents, South African research reports on the issue and electronic versions of *Article 40*. It also contains all the relevant written submissions to Parliament on the Child Justice Bill.

6. Audio-visual

In 2004 the Children's Rights Project diversified by being the Executive Producer of two educational videos for child justice. The first was on children in prison, illustrating how prison warders should treat young children with dignity. This was intended to assist with changing attitudes and practices relating to children in prisons and copies were distributed to all prisons with children's sections, prison training colleges and other stakeholders within government. The second video was on diversion and how important diversion will be once the new child justice legislation is enacted. It was an attempt to map out what is required of diversion service providers as well as to stress the integral role that diversion will play in the future.

CHAPTER SIX: OTHER ACTIVITIES

1. Litigation

Following the earlier work of the Centre in the Grootboom case, the Centre intervened in the *Modderklip* case as an *amicus curiae*. Heads of arguments were prepared and the hearing was held in the Supreme Court of Appeal (SCA) in May. The SCA judgment was delivered in July. The State appealed to the Constitutional Court against the order of the SCA judgment. The Centre, spearheaded by the Socio-Economic Rights Project, continued its amicus intervention. The Centre was granted leave to lodge written arguments and make oral presentations during the Constitutional Court hearings held in November. No judgment has been forthcoming by the end of 2004.

2. Working with State Institutions

Prof. Nico Steytler was appointed by the President as a member of the Municipal Demarcation Board for the Board's second term of office (2004 to 2009). He also serves on the Executive Committee of the Board and is chairperson of its Functions and Powers Committee. During October and November he presided over a number of public hearings in the Free State, Northern Cape and the Western Cape on the ward delimitation process.

3. Providing advice to State Institutions

The Local Government Project provided a number of municipalities with legal opinions. The Project was approached by the Khara Hais Municipality in the Northern Cape, to assist with research in relation to the Council's responsibility with injuries on duty and the drafting of a firearm policy for the municipality. The Sisonke District Municipality, a rural municipality in KwaZulu-Natal, requested the project to assist them with the interpretation of the Municipal Structures Act as related to the executive mayoral system and the executive committee system within a municipality. A paper on the System of Delegation was drafted for the Greater Tubatse Municipality.

Geraldine Mettler prepared an opinion for the Umsobomvu Municipality, a municipality in the Northern Cape, on the suspension of councillors and the applicable legal framework. She was again requested to prepare an opinion on the accumulation of rates and the alienation of property in lieu of rates for the Newcastle Municipality in KwaZulu-Natal.

4. International assistance and collaboration

Children's Rights Project

Arising from the work that was done in Mozambique, Swaziland and on the *Child Justice in Africa: A Guide to Good Practice* manual, the Children's Rights Project recognised the value of regional collaboration on issues of child justice. The reasons for this include the fact that many African states have completed or are busy drafting or finalising new child justice laws and that implementation will now be a key issue. In addition, Africa has a commonality of problems that shared experience can address, such as children living on the street, resource mobilisation and an increase of HIV/AIDS orphans that are vulnerable to coming into conflict with the law. Accordingly, the Project, with financial assistance of Save the Children Sweden and the Danish Institute for Human Rights, organised a meeting of key government and civil society individuals from inter alia South Africa, Lesotho, Swaziland, Kenya, Zambia, Malawi, Uganda and Nepal to discuss juvenile justice issues and the formation of a Southern and East Africa Juvenile Justice Network. The meeting was a huge success with all the participants approving the formation of such a Network and the Children's Rights Project has been tasked with being the secretariat in order to administer the work and source the initial funding for the Network.

In order to facilitate the regional co-operation, Jacqui Gallinetti and Prof. Julia Sloth-Nielsen from the Project also held extensive meetings with representatives from the Danish Institute of Human Rights on potential areas of co-operation. Following from the first discussion, Godfrey Odongo was accepted to attend a six-month internship with the Danish Institute in order to assist him in his studies towards his doctoral studies.

The Project was also requested to host a People-To-People delegation from the USA comprising of criminal justice academics and practitioners. The themes discussed focussed on restorative justice, children and conflict resolution, diversion and functioning of the criminal justice system. The delegation was also interested to hear about the litigation work that the Centre has been involved in by way of *amicus curiae* interventions.

Local Government Project

As a Member of the Senior Advisory Committee on the African Political Party Finance Initiative sponsored by the National Democratic Institute for International Affairs in

Washington, DC, Prof. Nico Steytler presented a paper on the Public Funding of Political Parties at the Initiative's Conference in Accra, Ghana.

Socio-Economic Rights Project

Sibonile Khoza participated in the Open Ended Session of the United Nations Working Group on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights held on 27 February to 7 March in Geneva, (Switzerland). He made both oral interventions during the session and presentations on the enforcement of the socio-economic rights in South Africa at a side event organised by the NGO Forum.

Mr Khoza also participated and made a presentation at an international seminar on the right to adequate food and access to justice held in May in Fribourg (Switzerland). This seminar was organised as part of the processes for the adoption of the voluntary guidelines to support the progressive realisation of the right to food at national levels.

The Project is also steadily expanding its focus on the African continent. It aims at contributing to promotion and protection of the effective implementation of socio-economic rights on the continent. Christopher Mbazira participated in the 35th African Commission's session and meetings organised by a local civil society organisation held in May to June in the Gambia. He is also involved in the group proposing the establishment of the African Court. To facilitate and strengthen its involvement in regional activities, the Centre will also apply to the African Commission for observer status in 2005.

The objective is to disseminate the Centre's expertise and research results to the broader community through education programmes, training workshops, publications and the website.



Participants at the Juvenile Justice Network meeting.

CHAPTER SEVEN: FINANCES

DONORS

Core funding and project activities

Children's Rights Project

Child Justice Alliance
Article 40
Children's Bill Advocacy
Best Practice Manual
SAYStOP Prevention
Child Justice educational videos
Civil Society Prison Reform Initiative (CSPRI)

Gender Project

Gender - based violence and HIV/AIDS

Local Government Project

Privatisation Project
(ICCO)

Socio-Economic Rights Project

Right to Food Project

LLM in Human Rights and
Democratisation in Africa

Dullah Omar Memorial Lecture

Ford Foundation

Open Society Foundation
Swiss Development Corporation
Save the Children Sweden
CREA/USAID
CREA/USAID
Swiss Development Corporation
Open Society Foundation

Swedish International Development Cooperation Agency
(Sida)

Austrian Development Cooperation/ North South Institute
Democracy Development Project/ Konrad Adenauer Stiftung

Interchurch Organization for Development Cooperation

Atlantic Philanthropies
Norwegian Agency for Development Co-operation, and
Norwegian Centre for Human Rights

Centre for Human Rights
(University of Pretoria)

Webber Wentzel Bowens

FINANCIAL STATEMENTS

The Centre's funds are administered by the University's Finance Department. As part of the University's accounts, they are audited during the University's general external audit.

INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2004

	R
INCOME	
Atlantic Philanthropies	829,500.00
Save the Children Sweden	488,932.50
North South Institute (Austrian Development Co-operation)	248,000.00
Ford Foundation	636,421.30
Swiss Development Corporation	300,000.00
Centre for Human Rights (UP)	275,675.40
Open Society Foundation	1,041,976.66
Stitching (ICCO)	605,900.00
USAID	413,669.03
Consultancies	1,156,416.35
TOTAL INCOME	5,996,491.24
EXPENDITURE	
Salaries	2,705,915.30
Stationery	83,233.85
Advertising	9,195.00
Photocopying & Postage	129,020.41
Telephone	74,332.58
Travelling	621,895.59
Conferences & Seminars	193,882.34
Subscriptions & Books	69,203.56
Audit Fees	34,490.00
Equipment	11,709.85
Consultation Fees	702,520.22
Partner Activities	180,116.81
Sundry Expense	19,626.44
Publications	941,904.45
Website	28,507.88
Staff Development	1,710.00
Post-Graduate Bursaries	294,774.59
Litigation	31,438.79
Computer Equipment	32,386.26
Functions	42,986.47
TOTAL EXPENDITURE	6,208,850.39
CLOSING BALANCE YEAR	-212,359.15
Surplus carried forward from 2003	2,267,726.71
NET CLOSING BALANCE 2004	2,055,367.56

CHAPTER EIGHT: PUBLICATIONS & ACTIVITIES

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Sloth-Nielsen, Julia. Case review: extending social assistance to permanent resident (Khosha and Other v Minister of Social Development). *ESR Review* 5(3) 9-11.

Steytler, Nico. A new role for provincial treasuries. *Local Government Bulletin* 6(1): 4-5.

Steytler, Nico. Settling intergovernmental disputes. *Local Government Bulletin* 6(1): 11-12.

Steytler, Nico, with Baatjies, Reuben. Phasing in the Municipal Finance Management Act. *Local Government Bulletin* 6(3): 1-4.

Steytler, Nico. Setting service delivery targets. *Local Government Bulletin* 6(3): 4-5.

Steytler, Nico. Salga's new constitution. *Local Government Bulletin* 6(5): 12-13.

4. Conference papers delivered

Barday, Raygaanah. Inter-country adoptions. Paper presented at the *Miller du Toit/ UWC Faculty of Law Family Law Conference*, Sea Point, April.

Combrinck, Heléne. Recent developments in South African case law on police accountability. Paper presented at *International Perspectives on Crime, Justice and Public Order Conference*, Bucharest, Romania, June.

Gallinetti, Jacqui. Children's courts: an analysis of the present situation in South Africa. Paper presented at the *Miller du Toit/ UWC Faculty of Law Family Law Conference*, Sea Point, April.

Gallinetti, Jacqui. Southern African perspectives on legal aspects of child trafficking. Paper presented at the *7th International Penal Sciences Conference*, Havana, Cuba, November.

Iles, Kevin. Law as a tool on poverty relief. Paper presented at the *Grassroots Anti-Poverty Conference*, organised by the City of Cape Town, Cape Town, June.

Kassan Daksha. Corporal punishment in the home: the proposals in the Children's Bill. Paper presented at the *Miller du Toit/ UWC Faculty of Law Family Law Conference*, Sea Point, April.

Kassan Daksha. Child justice developments in Africa: a comparative review. Paper presented at the *7th International Penal Sciences Conference*, Havana, Cuba, November.

Khoza, Sibonile. Realising the right to food in South Africa – not by policy alone: a need for framework legislation. Paper presented at *The right to food seminar*, organised by the Norwegian Centre for Human Rights and FIAN International, Oslo, Norway, June.

Khoza, Sibonile. Have the spaces of democracy been used effectively? A critical look at South Africa's experience in litigation and the evolving jurisprudence on socio-economic rights. Paper presented at *The politics of socio-economic rights in South Africa: Ten years after apartheid Conference*, organised by the Norwegian Centre for Human Rights Oslo, Norway, June.

Khoza, Sibonile. Food for thought: extrapolating from South Africa's jurisprudence on the rights to health care, adequate housing and social assistance. Paper presented at the seminar on *The right to adequate food and access to justice*, Fribourg, Switzerland, May.

Khoza, Sibonile. Advancing nutritional health: the right to food and nutrition under the Constitution and international law. Paper presented at the seminar on *Exploring the potential for introducing an academic course linking food, nutritional health and human rights in South Africa*, hosted by Community Law Centre (UWC) and International Project on the Right to Food in Development (University of Oslo and Akershus University College), Cape Town, November.

Mbazira, Christopher. The role of judicial remedies in enforcing,

economic, social and cultural as justiciable individual rights. Paper presented at the *Rulci/Latcrit Colloquium on International Comparative Law Centering Constitutional Law and Critical Theory Conference*, UWC, August.

Mbazira, Christopher. The legal implications for the privatisation of water services in Amhlati and Lukhanji'. Paper presented at a seminar on *Out-sourcing/privatisation of basic services at the local government level in South Africa: democracy, human rights norms and good governance principles*, co-hosted by the Local Government Project and the Socio-Economic Rights Project, UWC, November.

Mettler, Geraldine. Securing Women's Participation in Local Government. Paper presented at *Securing women's participation in local government Conference*, UWC, February.

Odongo, Godfrey. Child justice law reform developments in Africa and international standards on the rights of the child. Paper presented at the *Juvenile Justice Symposium*. Co-hosted by the Faculty of Law, UWC and the Association of Regional Magistrates of South Africa (ARMSA), UWC, June.

Steytler, Nico. Metropolitan government in South Africa: a case study of the City of Cape Town. Paper presented at the *Forum of Federations conference, Cities in Federal Systems*. Brazilia, Brazil, March.

Steytler, Nico. Financing political parties in South Africa. Paper presented at the *National Democratic Institute for International Affairs, Political Party Finance Initiative Conference*, Accra, Ghana, August.

Steytler, Nico. Local government's legislative mandate. Paper presented at *SALGA's National Conference*, Cape Town International Convention Centre, September.

Steytler, Nico. Role and place of local government in South Africa's decentralized system of government. Paper presented at the Annual Conference of International Association of Centres for Federal Studies, on *Role and Place of Local Government in Federal Systems*, Mont Fleur, Stellenbosch, October.

Steytler, Nico. The role and function of legislatures, with special reference to provincial legislatures. Paper presented at the *National Speakers' Forum*, Grande Hotel, Benoni, November.

5. Other presentations, lectures and workshops

Barday, Raygaanah. LECTURED Law of Civil Procedure and Law of Evidence to LL B students, UWC, February-June.

Christmas, Annette. Presentation on Government's obligations on socio-economic rights at the seminar on socio-economic rights and local government organised by HURISA, Durban, February.

Combrinck, Heléne. Presentation on Women's rights at Human Rights Day, Southern Africa Media and Gender Institute, Cape Town, March

Combrinck, Heléne. Presentation at public debate on Gender-based violence and HIV/AIDS, NADEL Human Rights Project and AIDS Legal Network, Cape Town, March.

Combrinck, Heléne. Presentation at a workshop held by Domestic Violence Monitoring Project of the Western Cape Network on Violence Against Women on The connection between economic abuse as a form of domestic violence and failure to pay maintenance, Bellville, May.

Combrinck, Heléne. Presentation at provincial conference on Results of research on bail in sexual offence cases, Western Cape Network on Violence Against Women, Hermanus, June.

Combrinck, Heléne. Presentation at mini-conference on the Sexual

Offences Bill on Lessons drawn from research on bail in sexual offence cases, Centre for Applied Legal Studies, Wits, Johannesburg, August.

Combrinck, Heléne. Presentation at public debate on Legal issues relating to adult sex work, Centre for Study of Violence and Reconciliation, Johannesburg, August.

Combrinck, Heléne. Presentation at workshop for regional court magistrates convened by the Law, Race and Gender Research Unit (UCT) on Recent developments in the law of evidence relating to sexual offences, Hermanus, September.

Gallinetti, Jacqui. Presentation on the Committee on the Rights of the Child's Comment on HIV and Aids at an Aids Legal Network Forum workshop, Cape Town, March.

Gallinetti, Jacqui. Presentation on Child justice and young sexual offenders in South Africa at a workshop hosted by the Centre for the Study of Violence and Mental Health, UCT, March.

Gallinetti, Jacqui. Presentation on an Evaluation of the independent prison visitor system at a Civil Society Prison Reform Initiative Seminar, Cape Town, May.

Gallinetti, Jacqui. Presentation on Children's courts and the Children's Bill at a South African Catholic Bishop's Conference workshop on the Children's Bill, Cape Town, June.

Gallinetti, Jacqui. Presentation on Age and criminal capacity and diversion at a workshop on Children in Trouble with the Law hosted by the South African Association of Regional Court Magistrates, Faculty of Law (UWC) and the Community Law Centre, UWC, June.

Gallinetti, Jacqui, with Kassan, Daksha. Training workshops on the SAYStOP Prevention Programme in Gauteng and Mpumalanga, July.

Gallinetti, Jacqui. Presentation on Pre-pubescent Youth and Violence at an Open Society Foundation workshop on Violence, Cape Town, August.

Gallinetti, Jacqui. Convened workshop on the research report on child law in Swaziland for Save the Children Sweden, Swaziland, November.

Gallinetti, Jacqui & Sloth-Nielsen, Julia. Co-convened regional workshop on Juvenile Justice, Community Law Centre, UWC, November.

Gallinetti, Jacqui. Convened workshop on Monitoring and evaluation of child law for Lesotho Law Commission, Lesotho, December.

Kassan, Daksha. LECTURED on the Child Justice Bill to final year law students at the Legal Aid Clinic, UWC, May.

Kassan, Daksha. Presentation on Corporal punishment in the home at a workshop hosted by Community Law Centre and Children's Institute for the Children's Bill Working Group, Newlands, June.

Kassan Daksha. Presentation on the South African Young Sex Offenders Diversion Programme at a workshop on Children in Trouble with the Law hosted by the South African Association of Regional Court Magistrates, UWC Faculty of Law and the Community Law Centre, UWC, June.

Kassan, Daksha, with Gallinetti, Jacqui. Training workshops on the SAYStOP Prevention Programme in Gauteng and Mpumalanga, July.

Kassan, Daksha. Presentation on the SAYStOP Diversion Programme at a seminar hosted by the Department of Health (Metro District Health Services Human Resource Development and Training), US Embassy, August.

Kassan, Daksha. Tele-radio interview with Cape Talk on the South African Young Sex Offenders' Diversion Programme, Community Law Centre, UWC, August.

Kassan, Daksha. Radio interview with Bush Radio on the *Child Justice in Africa: A Guide to Good Practice Manual*, Salt River, November.

Kassan, Daksha, with Gallinetti, Jacqui. Presentation to an American delegation, comprising of practitioners and experts in the area of child justice, on issues related to restorative justice, alternative conflict resolution matters and issues pertaining to child justice, UWC, November.

Khoza, Sibonile. Participated in the seminar on Economic, Social and Cultural Rights in Africa organised by the African Commission on Human and People's Rights in collaboration with the International Centre for Legal Protection of Human Rights (Interights), the Cairo Institute for Human Rights Studies and the Centre for Human Rights at the University of Pretoria, Pretoria, September.

Khoza, Sibonile. Participated in the Right to land and economic, social and cultural rights organised by the Kenyan Human Rights Commission, Nairobi, October.

Khoza, Sibonile. Participated and made oral interventions on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, during the Open Session of the Working Group, Geneva, Switzerland, February to March.

Khoza, Sibonile. Co-ordinated the LLM module on the Socio-Economic Rights, UWC, July-October.

Khoza, Sibonile. Lectured on the Socio-economic rights under international and national laws, and on the Right to food to the LLM Socio-Economic Rights Module, UWC, July-September.

Khoza, Sibonile. Chaired a session on Incorporating child socio-economic rights: programming and budgeting, the Community Law Centre, UWC, June.

Khoza, Sibonile. Participated in the South African right to food case study, roundtable organised by the South African Human Rights Commission in conjunction with the UN Food and Agriculture Organisation, Johannesburg, January.

Khoza, Sibonile. Presentation on Government's obligations on socio-economic rights at the seminar on Socio-economic rights and local government organised by HURISA, Port Elizabeth, March.

Mbazira, Christopher. Attended the 35th Session of the African Commission on Human and Peoples' Rights, The Gambia, 21 May – 4 June.

Mbazira, Christopher. Participated in the NGO Forum meeting preceding the 35th Session of the African Commission, The Gambia, May.

Mbazira, Christopher. Attended the report back meeting on the African Commission on Human and Peoples Rights organised by HURISA, Banjul, The Gambia, June.

Mbazira, Christopher. Attended preparatory meeting for the 36th Session of the African Commission on Human and Peoples Rights,

which was organised by HURISA, Johannesburg, November.
Mbazira, Christopher. Presentation on the situation of economic, social and cultural rights in Africa on behalf of the South African Civil Society Organisations through the Human Rights Institute of South Africa (HURISA), Banjul, The Gambia, May.

Mbazira, Christopher. Lectured on economic, social and cultural rights in Africa to the LL M Socio-Economic Rights Module, UWC, August.

Mbazira, Christopher. Attended the Intensive Course on the justifiability of economic, social and cultural rights, organised by the Institute for Human Rights, Abo Akademi, Finland, 29 November – 4 December.

Mettler, Geraldine. Presentation on Terms of reference of office bearers at Saldanha Bay Municipality, Western Cape, February.

Mettler, Geraldine. Presentation on Delegation of powers at Greater Tubatse Municipality in Burgersfort, Mpumalanga, March.

Mettler, Geraldine. Training on developmental local government and the legislative framework of local government for Consultus, University of Stellenbosch, March.

Odongo, Godfrey. Completed a research fellowship at the Danish Institute of Human Rights, Copenhagen, Denmark, August -January 2005.

Odongo, Godfrey. Presentation on the Implementation of international standards of juvenile justice through law reform in specific African countries to the Danish Institute of Human Rights, Copenhagen, Denmark, December.

Odongo, Godfrey. Lectured on Domesticating the Convention on the Rights of the Child: Kenya as a case study to LL M students, UWC, March.

Sloth-Nielsen, Julia. Keynote speaker on Children and HIV/Aids at the 100th Anniversary Congress of the ACVV, Cradock, August.

Sloth-Nielsen, Julia. Speaker at the South African Association of Regional Court Magistrates Juvenile Justice Seminar, hosted by the Faculty of Law (UWC) and Community Law Centre, UWC, June.

Sloth-Nielsen, Julia. Presentation at the Seminar on regional juvenile justice, Children's Rights Project, Community Law Centre, UWC, November.

Sloth-Nielsen, Julia. Presentations on Prison governance at two regional prison lobbying and advocacy workshops, in Port Elizabeth and Bloemfontein, September and October.

Sloth-Nielsen, Julia. Presentation at a Seminar on the Optional Protocol to the Convention against Torture, Durban, May.

Sloth-Nielsen, Julia. Lectured on Juvenile justice for 4th year Youth Justice students, Institute of Criminology, UCT.

Sloth-Nielsen, Julia. Training on aspects of child law for Justice Training College, Mpumalanga and Durban (March and May).

Steytler, Nico. Lectured in LL M module on democracy, University of Pretoria, March.

6. Membership of bodies and other activities

Christmas, Annette
Co-editor, *ESR Review* 5(2)

Combrinck, Heléne
Member, International Association of Prosecutors
Chairperson of Management Board, Sex Worker Education and Advocacy Taskforce (SWEAT)
External examiner, University of Cape Town (Women and the Law)

Gallinetti, Jacqui
External examiner, Civil Procedure (UCT)
External examiner, Legal Aid (UCT)
Editor, *Article 40*
Editorial Board member, *Child and Youth Care*, a NACCW journal

Iles, Kevin
Co-editor, *ESR Review* 5(3)

Khoza, Sibonile
Editor, *ESR Review*
Board Member, Rapcan
Board Member, Street Law Inc.
External examiner, 3rd year level Food Security Course, Faculty of Science and Agriculture, University of KwaZulu Natal
External examiner, two LL M thesis (UWC)

Mbazira, Christopher
Co-editor, *ESR Review* 5(1)

Mettler, Geraldine
Co-editor, *Local Government Bulletin*

Sloth-Nielsen, Julia
Expert witness in *S v P* (on juvenile sentencing, December, Pietermaritzburg)
Expert consultant, the Open Society Initiative (New York) Criminal Justice Programme
Contracted by Save the Children UK, to give an input on the children's rights and law reform process in Lesotho
Member of the Board, Restorative Justice Centre, Pretoria
Member, International Network on Juvenile Justice (Geneva)
Member, the International Society of Family Law
Member of the editorial board, *International Journal on Children's Rights*
Member of the editorial board, *Law Democracy and Development*
External examiner, University of Cape Town (M Soc Sci, LL B), University of Kwazulu Natal (two LL M), University of Pretoria (two LL M)
Supervisor, two LL M thesis (UWC)

Steytler, Nico
Member of Municipal Demarcation Board (MDB), member of the Executive Committee of MDB and chairperson of the Powers and Functions Committee of MDB
Member, Senior Advisory Committee on the Political Party Finance in Africa, National Democratic Institute for International Affairs, Washington DC
South African Advisor of Project Monitoring and Review Group of the Australian-South African Local Government Project, for AusAid
Vice-President, International Association of Centres for Federal Studies
Member of Board of Directors, International Association of Centres for Federal Studies
Member of task team investigating the impact of the Hefer Commission on Intelligence, South African National Intelligence Academy
Supervisor, four completed LL M theses
Supervisor, three LL D theses (UWC)
Co-supervisor, Ph D thesis (University of Cape Town)
Co-supervisor, LL D thesis (University of Utrecht)
Referee, National Research Foundation
Referee, *South African Law Journal*
External examiner, LL D thesis (University of the North-West)
External examiner, University of Namibia, Faculty of Law (LL B),

University of Pretoria (LL M)
Co-editor, *Law, Democracy and Development*
Co-editor, *Local Government Bulletin*
Contributing editor of South African Journal of Criminal Justice
Member of Scientific Committee, Schriftenreihe Recht und Verfassung in Südafrika, Nomos Verlagsgesellschaft
Trustee of Association of University Legal Aid Institutions Trust
Chairperson, Council Appeal Committee of Student Disciplinary Court, UWC
Vice-chairperson, Institute for Historical Research, UWC
Member of Senate Higher Degrees Committee, UWC
Chairperson, Faculty of Law Higher Degrees Committee, UWC
Chairperson, Advisory Board of the Legal Aid Clinic, UWC