



UNIVERSITY of the
WESTERN CAPE



COMMUNITY
LAW CENTRE

2011

ANNUAL REPORT



Our footprint in Africa

A place of quality,
a place to grow, from hope
to action through knowledge

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Ms Samantha Waterhouse (Parliamentary Programme)

Dr Lilian Chenwi (Socio-Economic Rights Project, until May 2011)

Staff

Director: Prof Nico Steytler

Children's Rights Project: Prof Jacqui Gallinetti (acting co-ordinator, until August), Lorenzo Wakefield (researcher), Nkatha Murungi (doctoral intern), Maria Assim (doctoral intern), Janine Demas (administrator)

Civil Society Prison Reform Initiative: Lukas Muntingh (co-ordinator), Clare Ballard (researcher), Gwenaelle Dereymaeker (researcher since August 2011), Aquinaldo Mandlate (doctoral intern), Berber Hettinga (doctoral intern)

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Parliamentary Programme: Samatha Waterhouse (co-ordinator), Tumelo Kgosimemele (researcher)

Financial Management: Virginia Brookes (financial manager), Jody Wyngaard (bookkeeper)

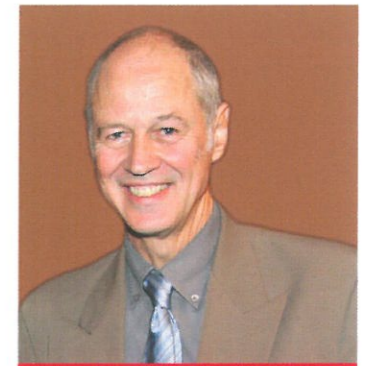
Librarian: Jill Claassen

Office Management: Trudi Fortuin (office manager), Keathélia Sapto (receptionist)

Research Fellows: Prof Kader Asmal (deceased 22 June 2011), Prof Julia Sloth-Nielsen, Prof Jacqui Gallinetti, Dr Christopher Mbazira, Dr Yonatan Fesha, Dr Jamil Mujuzi

Director's OVERVIEW

In 2011 there was, again, evidence of the positive impact the Community Law Centre's work has had on policy development and law reform. It often takes a number of years before the impact becomes visible. For example, the Municipal Systems Amendment Act, 2011, aimed at improving municipal governance and fighting corruption surrounding staff appointments, was signed into law in June. Key tenets of the Bill, seeking to separate officials from political interference, can be traced back to earlier work of the Local Democracy, Peace and Human Security (LDPHS) Project.



Prof Nico Steytler

The Centre further extended its role in national policy formulation during 2011.

- The LDPHS Project produced a draft Green Paper on Cooperative Governance for the Department of Cooperative Governance.
- The work of the Socio-Economic Rights Project (SERP) and the Parliamentary Programme have edged Parliament closer to the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The international footprint of the Centre is ever increasing.

- Prof Julia Sloth-Nielsen, a Fellow of the Centre, was appointed a member of the Committee of Experts of the African Charter on the Rights and Welfare of the Child (ACERWC). She also drafted the Guidelines on Action for Children in the Justice System in Africa, adopted at the International Conference on Deprivation of Children's Liberty as a Last Resort, in Kampala, Uganda in November.
- The CSPRI is part of an international research project, called the Article 5 Initiative, aimed at the prevention of torture in six African countries emerging from conflict. CSPRI also commenced in mid-2011 with the project Promoting Pre-trial Justice in Africa (PPJA). This is an Africa-wide project aimed at collecting and disseminating information relating to policy, law and practice reform to limit the use of pre-trial detention and improve conditions of detention.
- The Centre concluded a grant agreement with the South African Department of International Relations and Cooperation (DIRCO) in which the Centre will provide research support for Magdalena Sepúlveda Carmona, the UN Special Rapporteur on Extreme Poverty and Human Rights.



Prof Julia Sloth-Nielsen,
Dean of the Law Faculty
and Fellow of the Centre

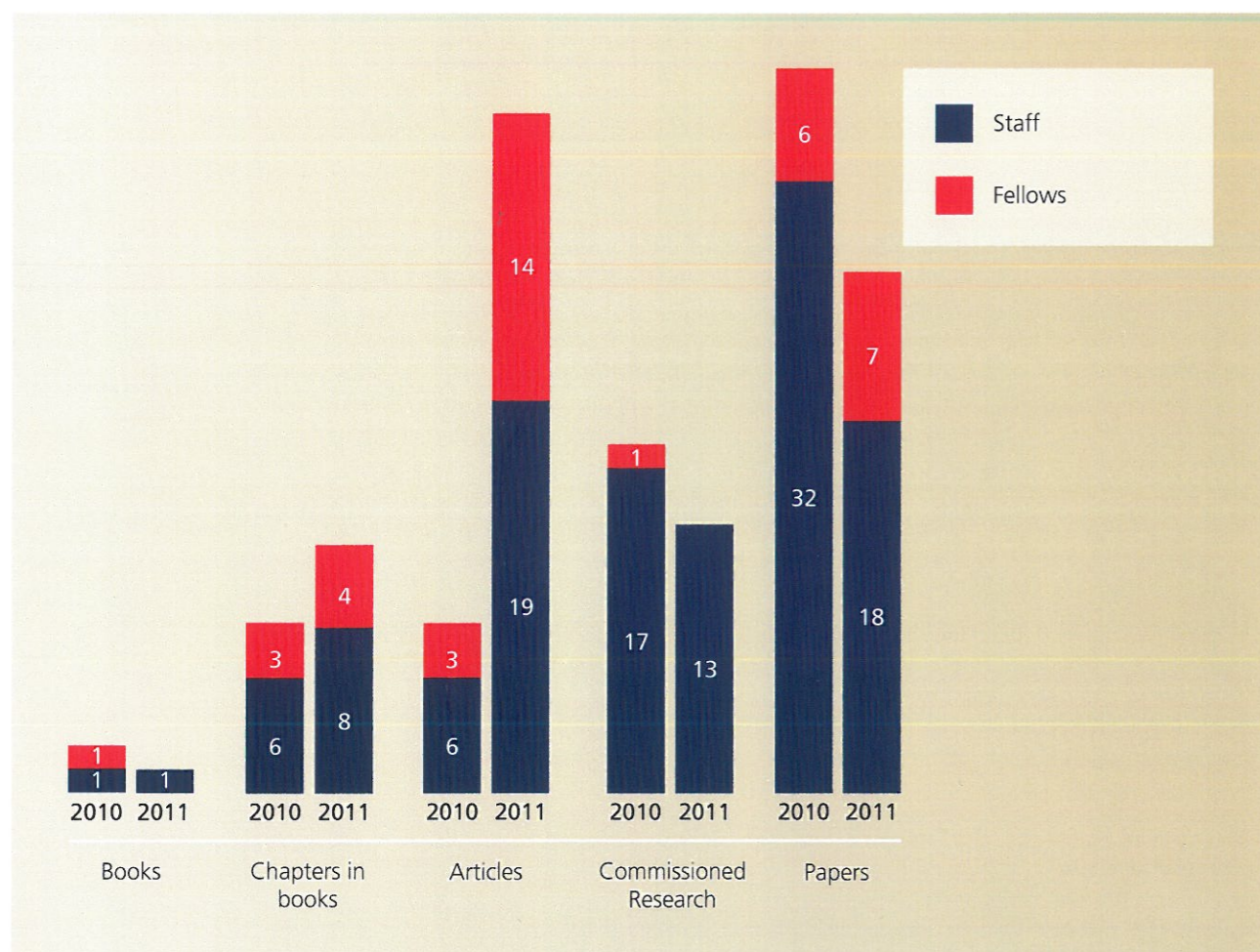


Magdalena Sepúlveda
Carmona, the United
Nations Special Rapporteur
on Extreme Poverty and
Human Rights

- The Children's Rights Project was contracted by UNICEF (Kenya Country Office) and the government of Kenya to conduct a situational analysis on children in the justice system in Kenya.
- Based on its project cooperation agreement with UNICEF (Eastern and Southern African Regional Office), the Children's Rights Project provided technical assistance to various countries on their law reform process in relation to children's rights, including Zimbabwe, Swaziland, Ethiopia and Botswana.
- The LDPHS Project was commissioned by the World Bank to arrange and present a week long peer-to-peer learning event in South Africa for the Kenyan Commission on Revenue Allocation.
- The Centre delivered three statements to the African Commission on Human and Peoples' Rights (ACHPR) in Banjul (one at the 49th Session and two at the 50th Session) focusing on the role of civil society in enhancing participatory democracy and promoting effective realisation of human rights in Africa; and on measures needed for effective prevention and prohibition of torture and other ill-treatment in Africa.

Research

The Centre showed consistent, upward advancement in its publication record as the following graph illustrates.



Education

The Centre presented the masters programme in Local Government and Decentralisation, as well as supervising a number of masters and doctoral students. The Centre is also a partner, with ten other African Universities, in presenting the LLM in Human Rights and Democratisation in Africa for students from across the continent, organised by the Centre for Human Rights at the University of Pretoria. In the second semester, it hosted five students who attended the LLM courses offered by UWC and completed their dissertations with the Centre.

An additional four scholarships for doctoral studies were sponsored by the Ford Foundation. The first doctoral colloquium, organised by the Law Faculty and Centre, at which all doctoral students presented a chapter of their research, gave further impetus to the Centre's doctoral programme.

Engagement with Parliament and other state institutions

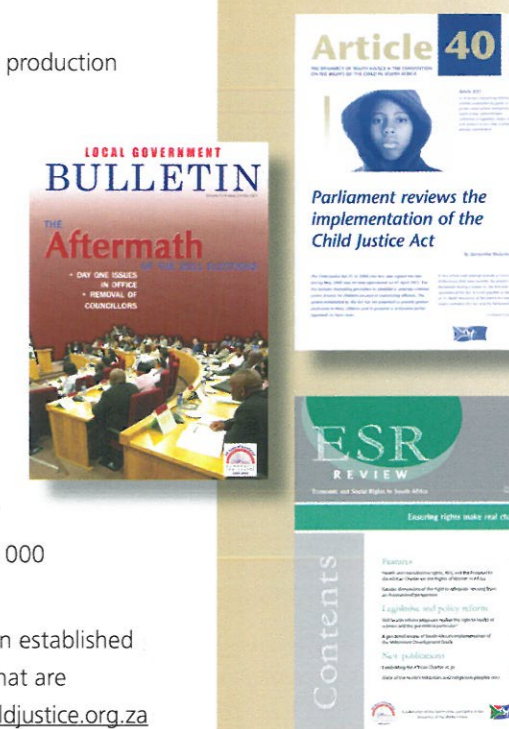
The Parliamentary Programme was very successful in bringing communities to Parliament to engage with a number of parliamentary committees. This was done on the basis of number of major campaigns, run in collaboration with the CSPRI, the Socio-Economic Rights Project and the Children's Rights Project, including: the Ratification of the ICESCR; the Right to Education for Children with Disabilities; implementing the Child Justice Act; special needs housing; the domestication of the UN Convention against Torture (CAT); and strengthening the state's response to gender-based violence.

Information sharing

To reach a broad, non-academic audience, the Centre continued with the production and dissemination of lay publications:

- *Article 40* with a focus of child justice; two editions of 3 500 copies per edition were disseminated to practitioners, magistrates, judges and all organisations concerned with child justice.
- Three editions of the *CSPRI Newsletter* and eleven issues of *CSPRI 30 Days/Izinsukul/Dae* were distributed to more than 1 200 subscribers. CSPRI also developed two new newsletters: one edition of *Promoting Pre-trial Justice in Africa (PPJA) Newsletter* and ten issues of *Africa Pre-trial Justice Monitor (APJM)*.
- Four editions of the *Local Government Bulletin* were distributed with a print run of 11 000 per edition.
- Four issues of the *ESR Review* were distributed electronically to over 2 000 organisations, institutions and individuals.

In addition to the Centre's website, a number of other websites have been established and maintained: Children's Rights Project has two interrelated websites that are updated and maintained regularly: on child justice, the website is www.childjustice.org.za and on law reform for children's rights in the Eastern and Southern African region, it is www.aclr.info





A new and improved CSPRI website was launched (www.cspri.org.za) as well as another website for the project on *Promoting Pre-trial Justice in Africa* (www.ppja.org). The LDPHS Project launched its own website (www.ldphs.org.za) and the Parliamentary Programme also maintained a website (www.peopletoparliament.org.za).

Personnel

The Centre mourned the death on 22 June 2011 of Professor Kader Asmal, a Fellow of the Centre. For a tribute to Professor Asmal, see the Centre's 2010 Annual Report that was published after his death.

On the personnel side, there were a number of developments. First, on a positive note, the University, through the effort of the Dean of the Law Faculty, recognized the need to provide some support to the Centre by making the position of Prof Jaap de Visser a permanent position paid by the University. On the negative side was the resignation of Dr Lilian Chenwi, who accepted the permanent position of associate professor at the Wits Law School. Although losing an important colleague, the Centre is proud to have been instrumental in the development of a young researcher to the position of an associate professor at a prestigious law school. The Centre is also most grateful to Prof Jacqui Gallinetti who, in the absence of a coordinator, managed the Children's Rights Project. The Centre was fortunate to fill the positions of coordinators in the SERP and CRP with Dr Ebenezer Durojaye and Edmund Foley, respectively. Due to long delays in obtaining work permits, they have been able to assume office only in January 2012.

The Centre also took leave of Ms Trudi Fortuin, an employee of the Centre for the last 15 years and the office manager for the past decade. She has been, in many respects, the heart and the soul of the Centre, making all students, visitors and partners feeling welcome, running the office effectively, and making the annual Dullah Omar Memorial Lecture Series such a success. It was thus also fitting that Trudi's crowning glory was the 8th Lecture, delivered by former President Thabo Mbeki in a packed Main Hall in February 2012. The Centre wishes her enjoyment of her retirement.



Prof Jaap de Visser



Ms Trudi Fortuin, office manager for the past decade



8th Dullah Omar Memorial Lecture, with former President Thabo Mbeki.

Finances

Despite the difficult economic environment, the Centre managed to raise R11.5 million in 2011, almost exactly the same as in 2010. The expenditure in 2011 rose slightly to nearly R12 million, an increase of 15 percent on 2010. R6 million has been rolled over to 2012. As ever, the Centre is very grateful to its donors for supporting the work of its projects. Particular acknowledgement goes to the Ford Foundation for providing funding for both core costs, as well as project activities. The University also gave generous support in the form of the Director's salary, space, utilities, IT assistance, human resources and financial management services.

Conclusion

Despite a year in which the Centre had to function without two full-time coordinators in the CRP and SERP, it nevertheless was able to fulfil its mandate by producing research of high quality. Also it was able to have an impact on government policy locally and further afield to bring people to Parliament and to communicate with the broader public through the Centre's numerous publications and the electronic media.

The Centre's main objectives, our activities in pursuit of those objectives and our successes, are outlined in the next couple of pages. This report contains only the highlights; for the full report visit our website.

Professor Nico Steytler

Objectives

1

Working towards an effective and coherent system of multi-level government in South Africa

The Constitution charges three levels of government with combating poverty and inequality and thereby realising the rights entrenched in the Bill of Rights. Managing the division of authority between the spheres of government and ensuring that each sphere performs to the task, has proved an immense challenge.

The Local Democracy, Peace and Human Security Project (LDPHS) has approached this systemic problem from a number of angles and has made a considerable impact over the past year in three important areas.



First, LDPHS has been at the forefront of designing a coherent land use planning framework. With the Constitution dispersing planning responsibilities awkwardly across three spheres of government, the LDPHS's expertise on the division of powers and

intergovernmental relations proved indispensable in framing a creative approach to the national planning framework. Prof Jaap de Visser worked with the South African Cities Network and a consortium of planning consultants on a submission to the 2011 Spatial Land Use Management Bill and on a framework for provincial planning laws. Many of the ideas, voiced in this submission found their way into the subsequent version of the Bill. Furthermore, the approach mooted in the framework for provincial planning is currently being implemented by the national Department of Rural Development and Land Reform.

Second, LDPHS has over fifteen years of experience in making critical contributions to the evolution of the system of intergovernmental relations in South Africa. The expert advice, rendered by Prof Steytler as an expert assigned to the drafting of the 1996 Constitution, the landmark 1999 Intergovernmental Relations Audit and the drafting of the lion's share of the 2007 Intergovernmental Relations Toolkit are but a few examples of the pivotal role played by the Centre in this area over the years. Befitting this role and history, LDPHS was approached by the national government to draft government's Green Paper on Cooperative Governance. This project provided an opportunity for LDPHS to consolidate its knowledge and experience with intergovernmental relations for the benefit of government. The draft Green Paper is currently being considered by the national government for adoption, signalling an immediate impact on national policy.

Third, community protests have become an unfortunate part of the South African political landscape, signalling a deeply troubled service delivery framework and serious ruptures in the relationship between impoverished communities and the state. LDPHS,

in partnership with Harvard Law School students, produced seminal work, analysing the trends in these protests over a full year. This research revealed important trends in intensity, geographical spread, violent nature, size and timing of protests. The report received considerable media attention and is regularly quoted as a key barometer of citizen disgruntlement with service delivery. The 2011 trends analysis updated earlier figures released in 2010 and is thus fast becoming a regular feature of LDPHS's work.

Understanding decentralisation in Africa

With more and more countries on the continent introducing or refining their systems of multi-level government, LDPHS is well-positioned to advance its knowledge about peace and development in Africa through devolution. LDPHS's deep knowledge about the South African experience and its wide network of doctoral and masters' students from across the continent has enabled it to influence debates and developments on devolution throughout the continent, specifically in Sudan, Ethiopia, Zimbabwe and Kenya.

Professors Nico Steytler and Jaap de Visser were requested to advise Kenya's Task Team on Devolution. This Task Team was charged with designing a framework to implement the provisions on devolution in Kenya's new Constitution, which closely resemble the South African Constitution. The Task Team benefited from engaging with the history and experience of devolution in South Africa through the participation of Steytler and de Visser. Specific areas include the management of the transition to a devolved system, division of authority and intergovernmental fiscal relations. This engagement produced immediate spin-offs in that the Centre, in collaboration with the World Bank, went on to successfully host Kenya's Commission on Revenue Allocation on a study tour through South Africa. Furthermore, the Centre attracted the Chairperson of the Task Team to become a senior doctoral student with the Centre. The work in Kenya will be continued through a partnership with Katiba Institute, led by Kenya's leading constitutional scholar, Professor Yash Gai.



Kenya's Task Team on Devolution, with Prof Nico Steytler and Prof Jaap de Visser.

3

Preventing and eradicating torture

African states, including South Africa, have had a long and unfortunate history in the use of torture and other ill-treatment, particularly in places of detention and during armed conflict. The suggestion that torture still takes place in detention facilities within emerging African democracies is often met with indifference, despite evidence that it is being perpetrated. In the post-conflict context, the state's focus is often on broad nation-building efforts and institutional governance. The treatment of people deprived of their liberty is often overlooked in these efforts, notwithstanding that they are particularly at risk of being subjected to torture and other ill-treatment and continue to be part of systemic secondary victimisation in that the balance of governance building activities, in post conflict countries, are often aimed at 'mainstream society'. The majority of African states have ratified the UN Convention against Torture, but little has been achieved at ground level in giving effect to the objectives of the Convention.

In South Africa progress has been equally slow and in 2003 CSPRI became involved in advocating for law reform to give effect to obligations under the Convention. Together with domestic and international partners, advocacy and research efforts were undertaken to see torture criminalised in South African law. Despite the right to freedom from torture guaranteed in the Constitution, enabling legislation that would define the crime of torture and specify penalties reflecting the gravity of the crime of torture had not been enacted. The criminalisation of torture in domestic law stands central to South Africa's obligation to combat impunity in respect of the crime of torture, domestically and internationally. Although outside of the reporting period, the Prevention and Combating of Torture Bill was tabled in Parliament in early 2012. This represents an important milestone in a campaign that started nearly ten years ago. In the next phase of this campaign, CSPRI and other civil society partners will engage with the legislature to see legislation enacted that would see the fullest possible compliance with our obligation under international law.

CSPRI is also part of an international three-year collaboration funded by the European Union, the Article 5 Initiative (A5I). The project derives its name from the two articles in the African Charter and the Universal Declaration of Human Rights establishing the right of all persons to be free from torture. A5I is working towards the prevention and eradication of torture in six post-conflict African states, being Burundi, Kenya, Mozambique, Rwanda, Uganda and South Africa. The other partners are the University of Cape Town, University of Bristol and the African Policing Civilian Oversight Forum. A5I has also entered into a memorandum of understanding with the African Commission on Human and Peoples' Rights to facilitate the aims of the project. The project's aim is to develop a 'package' of practical, context-specific tools and guidelines, which will be used by relevant mechanisms of the African human rights system and national actors in order to strengthen the implementation of standards aimed at preventing and eradicating torture and other ill-treatment in Africa. In the first year, 2011, baseline studies of all six countries were completed and in over the next two years intensive consultations with in-country partners will be undertaken to ensure that the Domestication and Implementation Packages are indeed able to operationalise the international norms and requirements regarding the prevention and eradication of torture.



Justice Vincent Saldanha, Judge of the Western Cape High Court, gave the keynote address at the A5I launch.



Lilian Artz (UCT) and Lukas Muntingh (CLC, UWC), Article 5 Initiative collaborators. The other collaborators are from the University of Bristol Human Rights Implementation Centre, and the African Policing Civil Oversight Forum (photo courtesy Monday Paper, UCT).

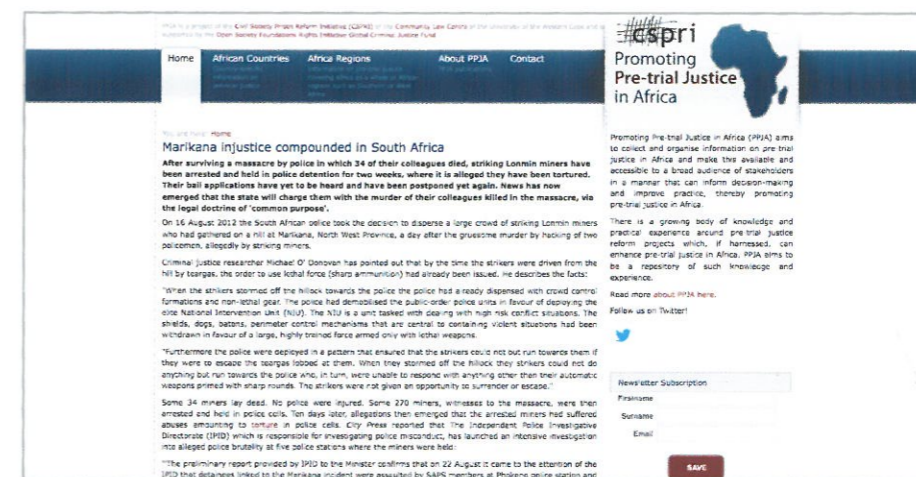
Promoting pre-trial justice in Africa

Poor prison conditions in Africa remain a pervasive and persistent challenge. An important dimension of this problem is pre-trial detention and it is the case in many states that pre-trial detention is inappropriately utilised and that suspects can remain in custody for years pending the finalisation of their cases. Various initiatives have been undertaken in Africa in recent years to address pre-trial justice and it is important to consolidate the knowledge developed and experience gained to ensure that future initiatives can draw on lessons learnt. There is also a need to enable greater sharing of information and to facilitate cohesion building amongst stakeholders working in diverse contexts in Africa engaging in equally diverse interventions aimed at promoting pre-trial justice. CSPRI embarked on such a project, named Promoting Pre-trial Justice in Africa (PPJA), with support from the OSF Rights Initiatives Global Criminal Justice Fund.

In its first year PPJA established a website, published a number of newsletters and collaborated with a number of partners in Africa. A particular focus that emerged was the continued enforcement in several countries of so-called outdated offences, dating back to colonial times. Many people in pre-trial detention in Africa are held for nothing more than being poor or homeless or a "nuisance". Frequently the offences on which they are held do not comply with national Constitutions or international law. Many detainees will experience terrible conditions, fall ill, or suffer abuse in detention while their families will be without their support. Furthermore, many will eventually be released without ever being prosecuted before a court of law. In 2003 the *Ouagadougou Declaration on Prison Reform* recommended the decriminalisation of some offences such as being a rogue and vagabond, loitering, prostitution, failure to pay debts and disobedience to parents as a strategy to reduce prison populations. From CSPRI's two research studies in Malawi and Zambia completed during 2011, it became evident that as many as one in five police detainees were arrested for such offences. The same research also found that very few of these cases actually proceed to trial indicating that they are not a serious to public safety, highly discretionary and open to abuse of power. Promoting Pre-trial Justice in Africa will continue to focus on this category of offences as part of its work to reduce pre-trial detention and draw the attention of structures in the African human rights system to this situation with the aim to have such offences repealed.



CSPRI's two research studies in Malawi and Zambia completed during 2011.



The PPJA website

5

Promotion and protection of socio-economic rights in South Africa

After about 18 years of democratic rule in South Africa challenges continue with regard to the realisation of socio-economic rights of the people. In particular, the right to adequate housing has remained illusory for a significant number of South Africans. The South African Constitution has been applauded for being one of the most progressive in the world. Moreover, laws and policies exist to facilitate access to housing for the people. However, poor implementation, corruption and lack of political will have remained barriers to the realisation of the right to adequate housing in the country. One of the greatest challenges to access to housing in the country is poor management of information and data collection. The Project is currently involved in different projects to address some of the barriers to access to housing, particularly for vulnerable and marginalised groups in South Africa.

First, the Project has recently concluded research on the Housing Demand Database in two provinces in South Africa. This research assesses challenges in relation to the housing waiting list and the transformation to the housing demand database. Also, the Project has concluded a research on special needs housing focussing on policy gaps relating to housing for vulnerable and marginalised groups in South Africa. This project is aimed at reforming policies on housing which will give more attention to the particular needs of those most marginalised and vulnerable in society. It is incontestable that addressing the housing needs of the most disadvantaged in society is an avenue for addressing poverty in society. The Project is in the process of initiating a legal process on behalf of residents of Blikkiesdorp, an informal settlement within Western Cape that have constantly been denied access to social amenities such as schools and hospitals.



Dr Ebenezer Durojaye with Blikkiesdorp residents

Second, SERP has continued to head the Campaign for South Africa's Ratification of the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol. The Campaign has been persistent in engaging with government departments and members of parliament on the need for South Africa to ratify these instruments. The Campaign has issued a press statement to coincide with the public hearing on water and sanitation organised by the South African Human Rights Commission calling on the government of South Africa to ratify without further delay the ICESCR and its Optional protocol. More recently, a follow-up letter has been sent to the Presidency and other government departments asking for an update on the ratification process. Aside from this, SERP has engaged with the Parliamentary portfolio committees on their roles in implementing human rights instruments within South Africa, including the need to ask the executive what the reasons are for the delay in ratifying the ICESCR and its Optional protocol.

Advancing socio-economic rights in Africa and beyond

Africa still has immense poverty issues. It is still home to the world's poorest countries and people. It is estimated that 315 million people - one in two people - in sub-Saharan Africa survive on less than one dollar per day. The poverty situation in Africa is exacerbated by famine, conflict, the lack of access to basic services such as health care, water and sanitation and electricity, unemployment and corruption. Research shows that about 184 million people (that is, 33% of the population of Africa) suffer from malnutrition. Less than 50% of the population of Africa has access to hospitals and doctors and less than one person in five has access to electricity. The negative impacts of HIV/AIDS and high maternal and child mortality rates have further compounded the woes of many African countries in combating poverty. Although poverty affects a greater number of people in Africa, its impact is felt more by disadvantaged and marginalised groups such as women, children, people with disabilities, elderly, illegal immigrants and people living with HIV. Therefore, there is need for more research on the intersection between poverty and human rights in Africa.

First, SERP is currently providing research support to the UN Special Rapporteur on extreme poverty and human rights. The Project has continued to act as the focal point for the UN Special Rapporteur on extreme poverty and human rights in Africa. In this regard, the project has continued to provide research support to the Special Rapporteur in order to assist her in realising her mandate. In this regard, the Project has made input into the two reports of the Special Rapporteur - a follow-up report on the Special Rapporteur's visit to Zambia and access to justice for vulnerable groups.

Second, Dr Durojaye is also involved in the drafting of the first General Comments on article 14 of the African Women's Protocol for the African Commission on Human and Peoples' Rights.

Third, SERP has continued to act as one of the Steering Committee members of the International Coalition for the Ratification of the Optional Protocol to the ICESCR. This Coalition organised a seminar during the 51st Session of the African Commission, where Dr Durojaye presented a paper on the need for African countries to ratify the ICESCR and its Optional Protocol. As a result of this, the African Commission adopted Resolution 223 calling on African states that yet to do so, to ratify the ICESCR and its Optional Protocol.



Experts Group on the drafting of the General Comment

6

7

Promoting the rights of the child under the South African Constitution

Though South Africa has made significant gains in developing policy to increase the capacity of public schools to include children with disabilities, there have been challenges to its effective implementation. Many children with disabilities are therefore still being denied their right to access education along with their peers, preferably at a school close to where they live. Other challenges include the slow pace of the roll-out of 'full-service' schools to accommodate children with disabilities, and the inadequacy of early childhood development services to provide support for the crucial intervention needs of young children with disabilities.

In spite of the passage and operation of the Child Justice Act, there still remain challenges in the implementation of diversion programmes, the criminal capacity provisions, sentencing and the capacity of key actors in the justice system to ensure the effective implementation of the Act.

In 2011 the Children's Rights Project focused on the promotion of the right to education for children with disabilities and monitoring the implementation of the Child Justice Act.

The Project continued to run the secretariat of the Right to Education of Children with Disabilities Campaign (R2ECWD Campaign), which aims to ensure the fulfilment of the right to education for children with disabilities by South Africa as required by the Constitution and the UN Convention on the Rights of Persons with Disabilities (CRPD), through inclusive education. In this secretarial role, the Project organised and facilitated a national workshop on implanting the inclusive education policy in South Africa. The workshop brought together members of the

National and Western Cape Parliaments, other national stakeholders and civil society organisations working on disability.

Following a call by the national Department of Social Development for submissions on the amendment process of the Children's Act, the Project under the auspices of the R2ECWD Campaign made a submission on the right to education for children with disabilities. The Project also made another submission on early childhood development for children with disabilities.

Staff of the Project also published on the domestication of international standards for children with intellectual disabilities, the right to access to justice for children with disabilities, the duty of the State to provide basic education to children with severe and profound intellectual disabilities.

The Project continued to develop its advocacy and research work on the implementation of the Child Justice Act. As a member and secretariat of the Child Justice Alliance, the Project continued to strengthen its relationship with the Department of Justice and Constitutional Affairs by serving on the Inter-sectoral Committee on the Child Justice Act and on the provincial forum for the implementation of the Child Justice Act in the Western Cape. The Project also facilitated research, under the auspices of the Alliance, on the minimum age of criminal capacity in South Africa.

The Project also hosted a sensitisation workshop for principals and directors of child and youth care centres to which children are sentenced in terms of the Child Justice Act.



Right to Education Campaign

Promoting children's rights in Africa

The African Committee of Experts on the Rights and Welfare of the Child – as the African Union's principal child rights body – continues to draw attention to the plight of children on the continent. Harmful traditional, social and cultural practices continue to bedevil children on the continent coupled with the numerous challenges faced by children with disabilities. Continental and sub-regional mechanisms such as the Committee continue to face resource and capacity constraints challenging the effective execution of its mandate. To remedy some of these challenges, national, regional and child rights institutions have strengthened their engagement and collaboration with these continental and sub-regional bodies.

In line with the Centre's strategic objective of growing as a regional research institution in Africa, the Children's Rights Project enhanced its engagement with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and broadened its law reform work in the East and Southern Africa.

The Project participated in the 17th Ordinary Session of the African Committee of Experts on the Rights and Welfare (ACERWC) in Addis Ababa, and was granted Observer Status with the ACERWC. Working with a consortium of four other child-focused organisations under the African Children's Charter Project, the Project facilitated the drafting of the Concept Note for the Day of the African Child for the ACERWC on the rights of children with disabilities, the theme for the commemoration of the Day.

In terms of its project cooperation agreement with UNICEF (Eastern and Southern African Regional Office), the Project produced a report entitled, "Good practice examples in law reform for children from selected Eastern and Southern African countries". This report investigated various provisions of legislation and the process of drafting and adopting legislation for children.

Further under the cooperation agreement, the Project provided technical assistance to various countries on their law reform process in relation to children's rights. These countries include: Zimbabwe, Swaziland, Ethiopia and Botswana. This form of technical assistance included both desktop reviews and country visits.

The Project was contracted by UNICEF (Kenya Country Office) and the government of Kenya to conduct a situational analysis on children in the justice system in Kenya. It is foreseen that this research would inform the debate for law reform initiatives in Kenya on children's rights. A budget and costing report on children's rights in Kenya will also be produced. This research is based on empirical evidence and will be finalised in 2012.

8



Ms Nkatha Murungi and Mr Edmund Foley at the ACERWC.

9

Bringing people to Parliament

Parliament and the provincial legislatures lie at the heart of our democratic system. At the same time the Constitutional Court has confirmed that equally important is participatory democracy; civil society must have a say in the institutions of government. An active civil society, inclusive of all sectors of society, does not always engage with the legislatures, which may result in them not performing their oversight function effectively particularly in regard to South Africa's constitutional and international human rights

law obligations. The Centre's Parliamentary Programme emphasises strengthening public and civil society participation in parliamentary processes by creating and facilitating more opportunities for engagement. While we also focus on the legislative mandate of Parliament, the Programme targets activities that will enhance the oversight capacity of the legislatures to promote delivery on human rights obligations.

The core activities include:

- Building and strengthening broad civil society networks and targeted campaign alliances to broaden the base of civil society actors who engage with parliaments
- Strengthening the capacity of CSOs to engage with parliament; and
- Strengthening the capacity of legislatures to implement human rights and exercise oversight more effectively.

The Programme has played a significant role in or led seven larger campaigns:

- Ratification of the ICESCR – linked to realising Millennium Development Goals;
- the Right to Education for Children with Disabilities;
- the Report on the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACERWC) (led by Save the Children Sweden);
- Implementing the Child Justice Act;
- Special Needs Housing Campaign;
- Promoting Access to Justice for Women and Children addressing gender-based violence in South Africa (led by Tswaranang Legal Advocacy Centre);
- Domestication of the UN Convention against Torture (CAT).

The Programme also participated in or led nine smaller campaigns.

Our role is that of coordinating, providing leadership and participating in campaigns. A total of 57 meetings were held with civil society partners to drive, inform and monitor campaign activities. Strong networks have been built with at least 24 major partners in alliances. With our partners, 12 oral submissions were made to various portfolio committees. We further facilitated the presence of a number of civil society organisations in committee meetings. The Programme hosted five seminars that targeted parliamentary and civil



Samantha Waterhouse, Co-ordinator of the Parliamentary Programme presenting to the Portfolio Committee on Police

society stakeholders in order to improve the quality of information available to Parliament. The advocacy undertaken in the Programme was supported by research undertaken by Centre researchers and 18 research reports were finalised.

Although it is too early to assess the full impact of our campaigns, the following positive developments should be noted:

- The campaign to ratify the ICESCR has resulted in government publicly indicating that it is their goal to ratify 'outstanding' treaties.
- The Right to Education for Children with Disabilities Campaign has built a strong and active civil society alliance that continues to gain momentum. The issue is receiving greater attention in the Department of Education and Parliament as a result of campaign activities.
- Government has set deadlines for finalisation of their reports to the UN Convention on the Rights of the Child and ACERWC.
- Civil society monitoring of the Child Justice Act has taken place.
- Departments have been called on by Parliament to take stronger and more effective measures to implement legislation to address violence against women and children.
- The 'Torture Bill', implementing the UN CAT, is set to be introduced in 2012.



Parliamentary public hearing on the domestication of UNCAT.

Funders

The Centre was again fortunate to receive a number of grants, listed below, which enabled it to execute all the activities described in this report. The Centre would like express its sincere gratitude to the funders for their support, not only financially, but also in advice and encouragement. A special word of appreciation goes to the Ford Foundation that generously provided the Centre with core funding, support for some activities and four doctoral bursaries.

Core activities	Ford Foundation
Doctoral bursaries	Ford Foundation Open Society Initiative for Southern Africa
Children's Rights	Open Society Foundation (SA) UNICEF (Eastern and Southern African Regional Office) UNICEF (Kenya Country Office) PLAN International (Regional Eastern and Southern African Office)
CSPRI	European Union Open Society Initiative of Southern Africa (OSISA) Open Society Foundation (SA) Open Society Foundations Rights Initiative Global Criminal Justice Fund
Local Democracy, Peace and Human Security	Mott Foundation Ford Foundation Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Socio-Economic Rights Project	Ford Foundation Foundation for Human Rights
Parliamentary Programme	European Union
Dullah Omar Memorial Lecture	Webber Wentzel

Financial STATEMENT

INCOME AND EXPENDITURE STATEMENTS

	2011	2010
INCOME		
Funders	9 825 937,03	10 065 970,57
Consultancies	1 441 274,41	1 307 815,71
Other	195 068,39	92 803,95
TOTAL INCOME	11 462 279,83	11 466 590,23
EXPENDITURE		
Advertising	7 273,78	44 156,76
Audit Fees	43 193,10	66 348,00
Bank Charges	1 206,72	1 618,30
Computer Equipment	55 926,42	87 359,82
Conferences, Seminars & Workshops	222 076,75	282 097,26
Consultation Fees	783 035,86	418 697,09
Equipment	41 996,59	82 564,74
Functions & Catering	68 014,23	139 378,36
Partner Activities	227 580,96	0,00
Photocopying & Postage	149 339,50	199 612,01
Post-Graduate Bursaries	1 190 354,19	885 314,76
Publications	451 770,65	734 563,64
Research	330 331,35	649 865,59
Returned to Funder	30 397,51	123 357,13
Salaries	6 732 882,29	5 092 421,36
Staff Development	4 340,00	88 000,00
Stationery	92 898,80	98 345,73
Subscriptions & Books	64 649,62	254 184,53
Telephone	71 233,19	73 719,48
Travelling	931 376,39	638 129,96
Rentals & Maintenance	223 681,52	32 236,86
Website	253 178,35	141 026,95
TOTAL EXPENDITURE	11 976 737,77	10 132 998,33
CLOSING BALANCE FOR YEAR	-514 457,94	1 333 591,90
Surplus carried forward from previous year	6 551 882,20	5 104 962,63
Prior Year Adjustment	-23 819,72	113 327,67
NET CLOSING BALANCE 2011	6 013 604,54	6 551 882,20

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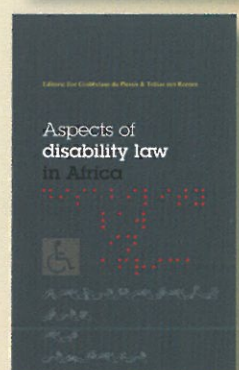
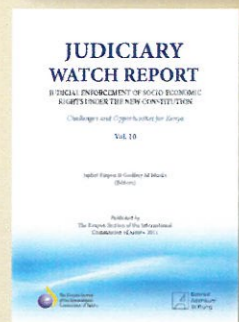
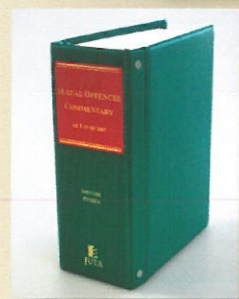
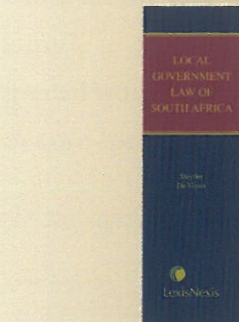
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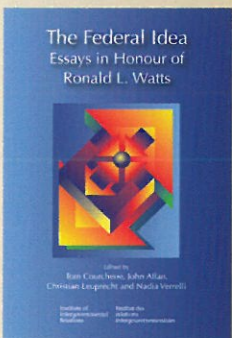
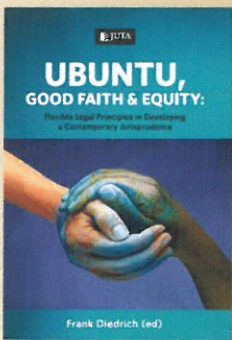
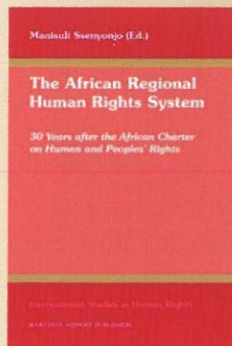
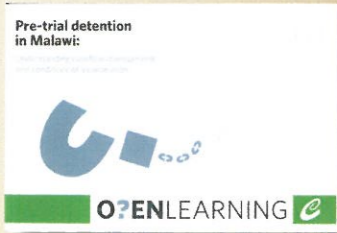
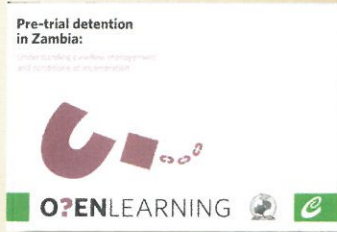
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Mission statement

The Community Law Centre, 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. Given the need for regional integration to encourage development in Africa, the Centre also seeks to advance human rights and democracy in this broader context. 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 and Africa in general.

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