



**DULLAH OMAR INSTITUTE**  
FOR CONSTITUTIONAL LAW, GOVERNANCE AND HUMAN RIGHTS

# ANNUAL REPORT 2017



UNIVERSITY of the  
WESTERN CAPE

# ORGANISATIONAL OVERVIEW

## MANAGEMENT COMMITTEE

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**PROF BERNARD MARTIN**

**PROF JAAP DE VISSER**

**ASSOC PROF LEA MWAMBENE**

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**Prof Julian May**, Director: DST-NRF Centre for Excellence on Food Security (Chair)

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Rector and Vice-Chancellor University of the Western Cape

**PROF BERNARD MARTIN**

Dean of the Faculty of Law

**PROF JAAP DE VISSER**

Director: Dullah Omar Institute

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Advocate at the Cape Bar

**JUDGE VINCENT SALDANHA**

Judge at the Western Cape High Court

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Law Faculty representative

**ASSOC PROF MUBARAK SULAIMAN**

Law Faculty representative

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Law Faculty Students' Council representative

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Director

### Financial Management:

**VIRGINIA BROOKES**

Chief operations manager & financial manager

**NADIA SUTTON**

Bookkeeper

**KIRSTY-MARTINE WAKEFIELD**

Administrative assistant

### Information and Communications Management:

**JACOB NTHOIWA**

Communications manager

### Office Management:

**DEBBIE GORDON**

Office manager

**MANDY CUPIDO**

Receptionist

### Children's Rights Project:

**ASSOC PROF BENYAM DAWIT MEZMUR**

Project head

**DR MARIA ASSIM**

Senior researcher

**MESERET KIFLE ANDE**

Doctoral researcher

**CRYSTAL NITSCKIE**

Administrator

### Africa Criminal Justice Reform:

**ASSOC PROF LUKAS MUNTINGH**

Project head

**GWEN DEREYMAEKER**

Researcher



The Dullah Omar Institute staff

**JEAN REDPATH**

Researcher

**KRISTEN PETERSEN**

Researcher

**TINA LORIZZO**

Associate Researcher

**SAFEEYA MAHOMED**

Intern

**CRYSTAL NITSCKIE**

Administrator

### Applied Constitutional Studies Laboratory:

**ASSOC PROF DEREK POWELL**

Project head

**DR TINASHE CHIGWATA**

Postdoctoral researcher

**VALMA HENDRICKS**

Administrator





## ADJUNCT AND EXTRAORDINARY STAFF

### South African Research Chair in Multilevel Government, Law and Policy:

**PROF NICO STEYTLER**  
South African Research Chair

**NORA HO TU NAM**  
Postdoctoral researcher

**ANNETTE MAY**  
Doctoral researcher

**SHEHAAM JOHNSTONE**  
Doctoral researcher

**ALOIS MADHEKENI**  
Doctoral researcher

**XAVIA POSWA**  
Research assistant

### Socio-Economic Rights Project:

**ASSOC PROF EBENEZER DUROJAYE**  
Project head

**GLADYS MIRUGI-MUKUNDI**  
Researcher

**DAPHINE KABAGAMBE AGABA**  
Doctoral researcher

**OLUWAFUNMILOLA ADENIYI**  
Doctoral researcher

**LUCÍA BERRO PIZZAROSSA**  
Visiting doctoral researcher

**KEATHÉLIA SAPTO**  
Administrator

### Women and Democracy Initiative:

**SAMANTHA WATERHOUSE**  
Project head

**VIVIENNE MENTOR-LALU**  
Researcher/facilitator

**DAIJA THOMAS**  
Intern

**KEATHÉLIA SAPTO**  
Administrator

**ASSOC PROF ZEMELAK AYELE**  
Addis Ababa University

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University of Cape Town/Stephen Berrisford Consulting

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Plan International

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African Child Policy Forum

**ASSOC PROF CHRISTOPHER MBAZIRA**  
Makerere University

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University of Aix-en-Provence

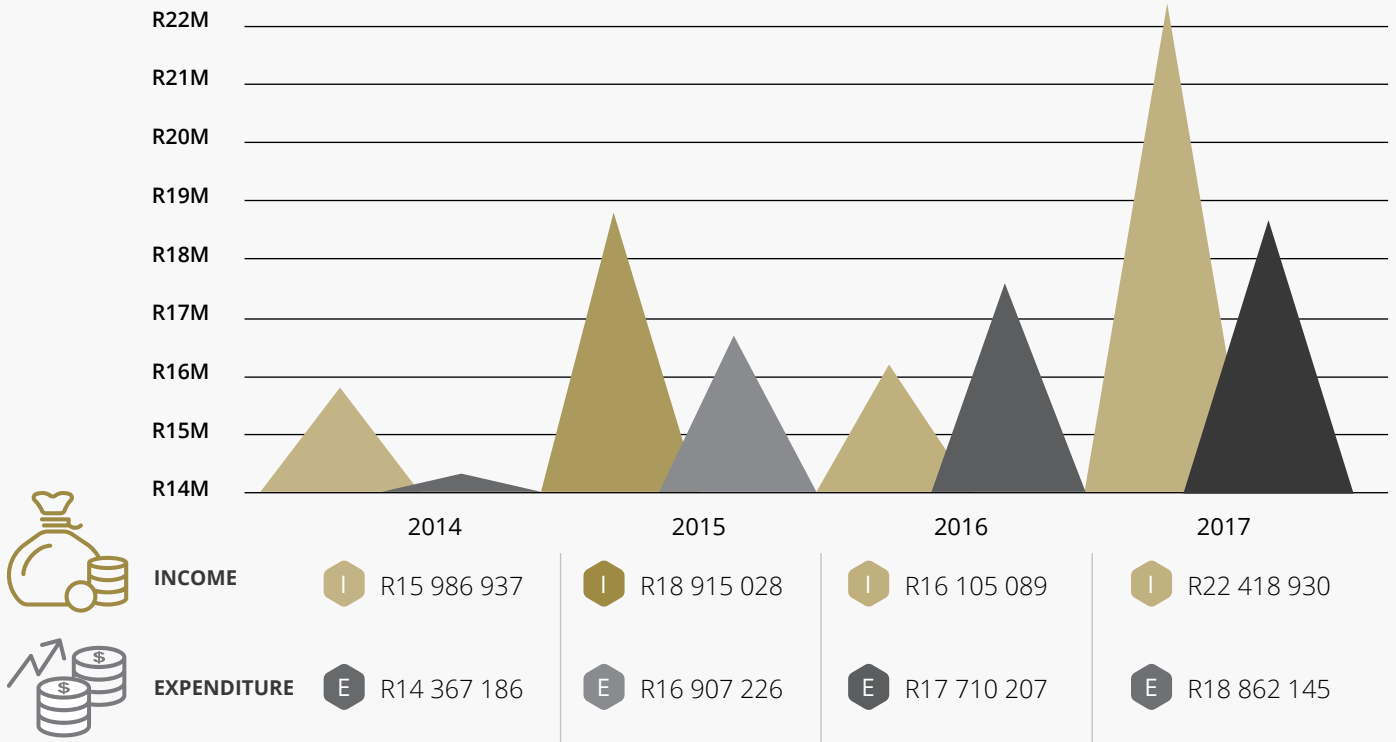
**PROF JULIA SLOTH-NIELSEN**  
Faculty of Law, UWC

**PROF YONATAN FESSHA**  
Faculty of Law, UWC

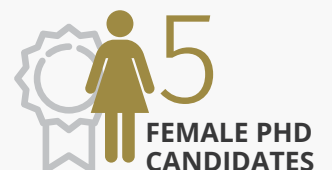
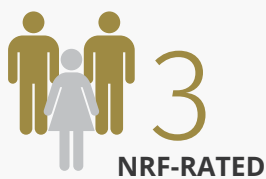
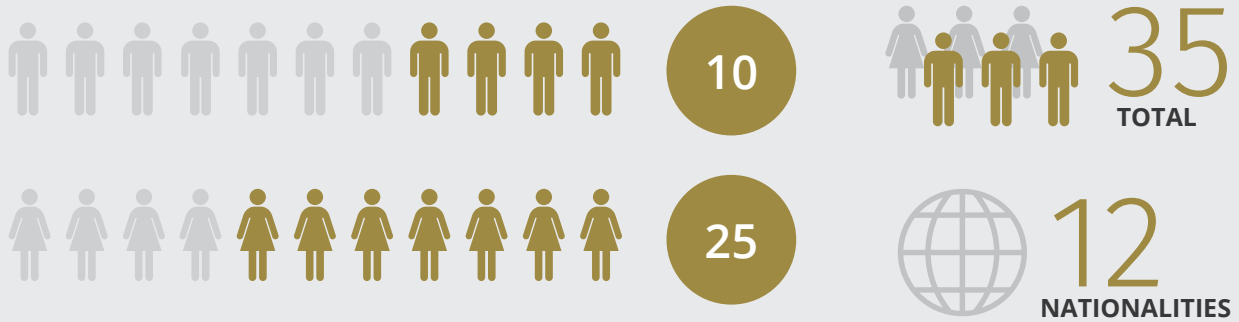
**PROF JAMIL MUJUZI**  
Faculty of Law, UWC

# THE INSTITUTE AT A GLANCE

## FINANCES



## STAFF PROFILES



## ACADEMIC OUTPUTS BY INSTITUTE STAFF



## OTHER OUTPUTS



## MEDIA





# DIRECTOR'S OVERVIEW

## A TIME OF CHALLENGE AND OPPORTUNITY

2017 was a tumultuous year. South Africans confronted a stream of allegations of abuse of power in the highest offices in government, including revelations that state organs had been captured to serve the interests of a family connected to the President. It will take years to grasp the full ramifications of this, but what is certain is that the poor are already paying the price for the rampant misuse of public funds and decline in governance.

At the same time, there were signs that Parliament is willing and able to take its place as the voice of citizens in holding the executive to account. Moreover, the change of government in three of South Africa's largest cities of 2016 did not disrupt them, which was testimony to a functioning system of multiparty democracy. Civil society, the media and courts played vital roles in protecting democracy. Then, towards the end of 2017, Cyril Ramaphosa assumed leadership of the ANC, reviving hopes for good governance.

The University of the Western Cape (UWC) was spared a repeat of the nationwide campus protests of 2016. However, it now navigates an increasingly challenging higher education environment and is desperately underfunded. The announcement of free higher education was a victory for the #Feesmustfall movement, but questions abound as to how this will be implemented. Despite the uncertainty, the University showed renewed commitment to be the Institute's anchor university and remains our trusted home.

Amidst this, the Institute continued its teaching, research and advocacy in human rights and governance, which are aimed at influencing people and organisations towards socially just outcomes. We combined high-level interdisciplinary scholarship and postgraduate teaching with advocacy and civil society training and mobilisation – work which was made possible by a growing budget, excellent administrative support, and prudent financial management.

I am enormously proud to present the highlights of our endeavours in 2017.



**PROFESSOR JAAP DE VISSER**  
DIRECTOR



***the Institute continued its teaching, research and advocacy aimed at influencing people and organisations towards socially just outcomes***





## APERÇU DU DIRECTEUR

### UN TEMPS DE DÉFIS ET D'OPPORTUNITÉS

2017 a été une année tumultueuse. Les Sud-Africains ont été confrontés à un flot d'allégations d'abus de pouvoir dans les plus hautes fonctions gouvernementales, y compris des révélations selon lesquelles des organes de l'État avaient été capturés pour servir les intérêts d'une famille liée au Président. Il faudra des années pour en saisir toutes les ramifications, mais ce qui est certain, c'est que les pauvres paient déjà le prix de la mauvaise utilisation des fonds publics et du déclin de la gouvernance.

En même temps, il y a eu des signes que le Parlement est disposé et capable de prendre sa place en tant que voix des citoyens en tenant responsable l'exécutif. De plus, le changement de gouvernement dans trois des plus grandes villes d'Afrique du Sud en 2016 ne les a pas perturbés, ce qui témoigne du bon fonctionnement d'un système de démocratie multipartite. La société civile, les médias et les tribunaux ont joué un rôle essentiel dans la protection de la démocratie. Puis, vers la fin de 2017, Cyril Ramaphosa a pris la tête de l'ANC, ravivant les espoirs d'une bonne gouvernance.

L'université du Western Cape (UWC) a été épargnée d'une répétition des protestations dans tout le pays de 2016. Cependant, il navigue maintenant dans un environnement d'enseignement supérieur de plus en plus difficile et est désespérément sous-financé. L'annonce de la gratuité de l'enseignement supérieur a été une victoire pour le mouvement #Feesmustfall, mais les questions abondent quant à la manière dont cela sera mis en œuvre. Malgré l'incertitude, l'Université a fait preuve d'un engagement renouvelé à être le pilier de l'Institut et demeure notre foyer de confiance.

Dans ce contexte, l'Institut a poursuivi ses activités d'enseignement, de recherche et de plaidoyer en matière de droits de l'homme et de gouvernance, qui visent à influencer les personnes et les organisations en vue d'obtenir des résultats socialement justes. Nous avons combiné des bourses interdisciplinaires de haut niveau et l'enseignement postuniversitaire avec le plaidoyer, la formation et la mobilisation de la société civile - un travail qui a été rendu possible grâce à un budget croissant, un excellent soutien administratif et une gestion financière prudente.

Je suis extrêmement fier de vous présenter les faits saillants de nos efforts en 2017.

**PROFESSEUR JAAP DE VISSER**  
DIRECTEUR



## RESEARCH HIGHLIGHTS

Engaged research is the cornerstone of the Institute's activities. How successful we are in our research can be measured by, among other things, the number and quality of our research outputs, such as chapters in books and articles in peer-reviewed journals.

It takes great effort, patience and comparative expertise to fashion multiple contributions from around the world into a single coherent book. Through Prof Nico Steytler, the Institute has built up a truly impressive record of such edited books. The work *Concurrency in Federal Systems*, comprising 16 chapters edited by him, drew on authors from across Africa as well as countries as far afield as Brazil, Russia, the United States, Spain and Italy. Published in 2017, it is the product of the 2014 Conference of the International Association of Centres for Federal Studies (IACFS), and focuses on the use of concurrency as a mechanism for federal and subnational governments to share power. Prof Steytler, together with Jaap de Visser, also published the 10th edition of *Local Government Law of South Africa*.

Our researchers jointly produced 15 chapters in books. The chapters dealt with topics such as the draft Constitution of Yemen, transitional justice in Nigeria, international law on maternal mortality, and the impact of Boko Haram on children's rights. The selection of these essays for publication as book chapters testifies not only to their quality and relevance but to the fact that the Institute's researchers form part of wider academic networks: in each case, a researcher will have been invited to participate in a network of scholars – often international – with a view to jointly producing a book.

We also published nine articles in journals such as *The Hague Journal on the Rule of Law, Law Democracy and Development* and the *International Review of the Red Cross*, demonstrating that the work of our researchers ably withstands the scrutiny of academic peer review.

## FAITS SAILLANTS DE LA RECHERCHE

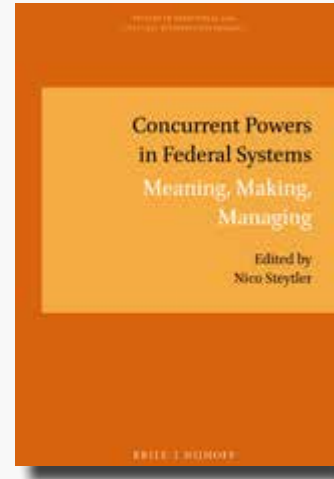
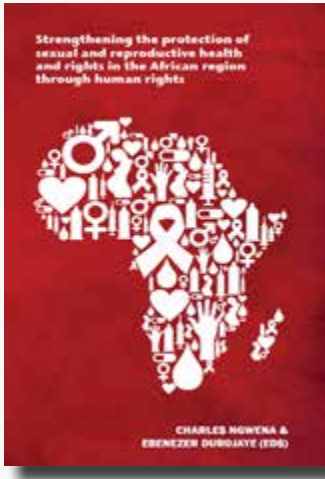
La recherche est la pierre angulaire des activités de l'Institut. Le succès de notre recherche peut être mesuré, entre autres, par le nombre et la qualité de nos résultats de recherche, comme les chapitres de livres et les articles de revues.

Il faut beaucoup d'efforts, de patience et d'expertise comparative pour transformer de multiples contributions du monde entier en un seul livre cohérent. Grâce au professeur Nico Steytler, l'Institut a accumulé un nombre impressionnant de livres ainsi édités. L'ouvrage *Concurrency in Federal Systems*, comprenant 16 chapitres édités par lui, s'est inspiré d'auteurs de toute l'Afrique ainsi que de pays aussi éloignés que le Brésil, la Russie, les États-Unis, l'Espagne et l'Italie. Publié en 2017, il est le produit de la Conférence 2014 de l'Association internationale des centres d'études fédérales (IACFS) et met l'accent sur l'utilisation de la concurrence comme mécanisme permettant aux gouvernements fédéral et infranational de partager le pouvoir. Le professeur Steytler et Jaap de Visser ont également publié la 10e édition du *Local Government Law of South Africa*.

Nos chercheurs ont produit conjointement 15 chapitres de livres. Les chapitres traitaient de sujets tels que le projet de Constitution du Yémen, la justice transitionnelle au Nigeria, le droit international sur la mortalité maternelle et l'impact de Boko Haram sur les droits de l'enfant. La sélection de ces essais pour publication en tant que chapitres de livres témoigne non seulement de leur qualité et de leur pertinence, mais aussi du fait que les chercheurs de l'Institut font partie de réseaux académiques plus larges : dans chaque cas, un chercheur aura été invité à participer à un réseau de chercheurs – souvent international – en vue de produire conjointement un livre.

Nous avons également publié neuf articles dans des revues telles que le *Hague Journal on the Rule of Law, Law Democracy and Development* et la *Revue internationale de la Croix-Rouge*, démontrant que le travail de nos chercheurs résiste à l'examen minutieux de la critique des pairs.





*The table below shows the Institute's main research outputs.  
Le tableau ci-dessous présente les principaux résultats de la recherche de l'Institut.*

ACADEMIC OUTPUT   PRODUITS ACADEMIQUES	2013	2014	2015	2016	2017
<b>BOOKS   LIVRES</b>	2	4	4	6	2
<b>CHAPTERS IN BOOKS   CHAPITRES DE LIVRES</b>	14	9	28	16	13
<b>PEER-REVIEWED ARTICLES   ARTICLES "PEER-REVIEWED"</b>	18	15	33	23*	10
<b>DOCTORAL DEGREES   DOCTORATS</b>	4	2	3	1	3
<b>RESEARCH REPORTS   RAPPORTS DE RECHERCHE</b>	14	22	23	11	16

\*Includes publications produced by research fellows.

# APPLIED RESEARCH



Prof Lukas Muntingh and the ACJR team published a number of reports including a three country study of the impact of pre-trial detention

Our research is embedded in structured multi-year programmes aimed at examining specific human rights, democracy and governance challenges. These programmes are usually funded by donors, though we are also sometimes contracted to undertake particular studies. In either case, the result is a research report, one which more often than not is publicly available. Below are a few highlights:

The Women and Democracy Initiative (WDI) finalised a comprehensive study of the political interests at work in the processes around the National Health Insurance.

The Applied Constitutional Studies Laboratory (ACSL) published the Capable Cities Index, which tracks South African cities' performance in filling key management posts.

The Children's Rights Project produced a draft General Comment for the African Committee of Experts on the Rights and Welfare of the Child on the responsibilities of the child under article 31 of the African Charter.

The Africa Criminal Justice Reform (ACJR) unit published an assessment of South Africa's National Prosecuting Authority, an audit of Kenya's Criminal Justice System (co-published), and a three-country study of the impact of pre-trial detention.

The Socio-Economic Rights Project (SERP) provided technical support to the African Commission on the first comprehensive report on HIV and human rights in Africa

# RECHERCHE APPLIQUÉE

Nos recherches s'intègrent dans le cadre de programmes pluriannuels structurés visant à examiner des défis spécifiques en matière de droits de l'homme, de démocratie et de gouvernance. Ces programmes sont généralement financés par des donateurs, bien que nous sommes parfois engagés par contrat pour entreprendre des études particulières. Dans les deux cas, le résultat est un rapport de recherche, qui est le plus souvent accessible au public. Voici quelques points saillants:

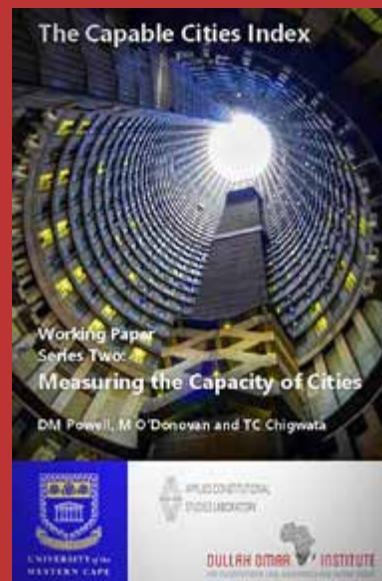
L'Initiative Femmes et Démocratie (WDI) a finalisé une étude complète des intérêts politiques dans les processus autour de l'assurance maladie nationale.

Le Laboratoire d'études constitutionnelles appliquées (ACSL) a publié l'Indice des villes capables (capable cities index), qui suit les performances des villes sud-africaines en matière de pourvoir les postes clés de gestion.

Le Projet Droits de l'enfant a produit un plan d'observation générale pour le Comité africain d'experts sur les droits et le bien-être de l'enfant sur les responsabilités de l'enfant en vertu de l'article 31 de la Charte africaine.

L'unité Réforme de la justice pénale en Afrique (ACJR) a publié une évaluation du ministère public sud-africain, un audit du système de justice pénale du Kenya (co-publié) et une étude sur l'impact de la détention provisoire dans trois pays.

Le Projet sur les droits socio-économiques (SERP) a fourni un appui technique à la Commission africaine sur le premier rapport complet sur le HIV et les droits de l'homme en Afrique.



ACSL published the Capable Cities Index tracking the performance of South African cities

Mrs Fareda Omar, Mrs Graça Machel and Professor Bernard Martin as Dean of the Faculty of Law during the 11th Dullah Omar Memorial Lecture



## CONFERENCES, SEMINARS AND WORKSHOPS

We frequently organise platforms to present and discuss research. These are opportunities to enrich ongoing work, disseminate findings, and contribute to informed public debate.

In 2017, we convened more than 52 seminars, workshop and conferences. They covered a great variety of topics, such as sexual and reproductive health rights, the 'coup' in Zimbabwe, municipal planning by-laws, and the functionality of the National Prosecuting Authority.

The Public Interest Law Gathering (PILG) is the country's key gathering of public-interest lawyers. We assisted in bringing this to UWC for the first time and convened two sessions of PILG, one on petty crimes and the other on legislatures.

The 11th Dullah Omar Memorial Lecture, presented by Mrs Graça Machel, was a particular highlight. The evening, attending by the Omar family and more than 350 guests, featured an inspiring lecture by Mrs Machel and music by the Pinehurst High School Choir.

## CONFÉRENCES, SÉMINAIRES ET WORKSHOPS

Nous organisons fréquemment des plateformes pour présenter et discuter de la recherche. Ce sont des occasions d'enrichir les travaux en cours, de diffuser les résultats et de contribuer à un débat public éclairé.

En 2017, nous avons organisé plus de 52 séminaires, ateliers et conférences. Ils couvraient une grande variété de sujets, tels que les droits en matière de santé sexuelle et reproductive, le "coup d'État" au Zimbabwe, les règlements municipaux d'urbanisme et la fonctionnalité de l'Autorité nationale des poursuites.

Le Public Interest Law Gathering (PILG) est le principal rassemblement d'avocats d'intérêt public du pays. Nous avons aidé à porter cette question à l'UWC pour la première fois et avons convoqué deux sessions du PILG, l'une sur les délits mineurs et l'autre sur les législatures.

La 11e conférence commémorative Dullah Omar, présentée par Mme Graça Machel, a été un moment fort. La soirée, à laquelle ont assisté la famille Omar et plus de 350 invités, comprenait une conférence inspirante de Mme Machel et la musique de la chorale du Pinehurst High School Choir.



Ms Vivienne Mentor-Lalu addressing the People's March to Parliament



## ADVOCACY AND PUBLIC SCHOLARSHIP

Our advocacy is evidence-based and informed by progressive principles; through it, we seek to influence people and organisations towards socially just outcomes.

In 2017, the Institute played a constructive role in assisting civil society's efforts to hold former President Zuma to account. WDI organised and participated in events forming part of the mobilisation against state capture. When the President's removal from office became an issue, the WDI, on behalf of Parliament Watch, distributed a fact sheet on the rules for a motion of no-confidence, impeachment, resignation and recall. This information was translated into four languages and shared more than a thousand times on Facebook, generating 46,000 page views and reaching half a million people.

Moreover, on the day before Parliament voted on the motion of no-confidence in the President, the WDI's Vivienne Mentor-Lalu addressed protesters at the People's March and emphasised the need for the public to hold Members of Parliament to account.

While the Institute thus holds government to account, our reputation and network also enables us to convene or address government institutions in South Africa and elsewhere to engage with them directly.

SERP, for example, convened no fewer than 11 national human rights institutions for a dialogue about sexual and reproductive rights. Jaap de Visser gave expert testimony at Uganda's Commission of Inquiry on Land Matters, making a case for the Commission to consider regulating land use to achieve greater justice around land matters. The Institute also convened a study tour for a group of government officials from Khyber Pakhtunkhwa in Pakistan, exposing them to the successes and flaws of

South African local government.

Our advocacy is often based on international human rights law, which contains important levers that activists on the ground can use to hold governments accountable for human rights failures. When South Africa is due to report to an international treaty body, it is useful for civil society to produce a shadow report. The WDI engaged in such a process in 2016 when South Africa reported to the United Nations (UN) Committee on the Rights of the Child. In 2017, SERP commenced a process to do the same in the case of the UN Committee on Economic, Social and Cultural Rights in 2018. Similarly, Benyam Mezmur and Ebenezer Durojaye utilised The UN Human Rights Council and The African Commission of People's and Human Rights to highlight human rights abuses in South Africa and elsewhere.

Samantha Waterhouse and Vivienne Mentor-Lalu of the WDI led the #Notourleaders campaign, which aims to end impunity for sexual misconduct. Undertaken in collaboration with Lawyers for Human Rights and the gender activist Lisa Vetten, the campaign raised awareness about public representatives facing criminal charges or internal disciplinary action linked to sexual misconduct and offences. #Notourleaders drew extensive media coverage and resulted in the issues being taken up by political parties and legislatures.

Overall, the Institute conducted 27 radio or television interviews and contributed to 19 print media articles. Staff published three opinion pieces. In 2017, our social media presence grew: we recorded more than 120,654 unique Facebook visits and had about 1348 Twitter followers and 1,632 Facebook 'likes'. Our websites were visited more than 5,867 times.



## PLAIDOYER ET BOURSES D'ÉTUDES PUBLIQUES

**N**otre plaidoyer est basé sur des preuves et éclairé par des principes progressistes ; à travers lui, nous cherchons à influencer les gens et les organisations vers des résultats socialement justes.

En 2017, l'Institut a joué un rôle constructif en aidant la société civile à tenir responsable l'ancien Président Zuma. Son unité de recherche, le WDI, a organisé et participé à des manifestations dans le cadre de la mobilisation contre la capture de l'État. Lorsque la destitution du Président est devenue un problème, le WDI, au nom de Parliament Watch, a distribué une fiche d'information sur les règles relatives à une motion de censure, de destitution, de démission et de rappel. Cette information a été traduite en quatre langues et partagée plus d'un million de fois sur Facebook, générant 46 000 pages vues et touchant un demi-million de personnes.

De plus, la veille du vote du Parlement sur la motion de défiance à l'égard du Président, Vivienne Mentor-Lalu du WDI s'est adressée aux manifestants lors de la Marche du Peuple et a souligné la nécessité pour le public de tenir les membres du Parlement responsables.

Bien que l'Institut tient le gouvernement responsable, notre réputation et notre réseau nous permettent également de réunir ou de nous adresser à des institutions gouvernementales en Afrique du Sud et ailleurs pour nous engager directement avec elles.

Le SERP, par exemple, a réuni 11 institutions nationales des droits de l'homme pour un dialogue sur les droits sexuels et reproductifs. Jaap de Visser a témoigné en qualité d'expert devant la Commission d'enquête sur les questions foncières de l'Ouganda, plaidant pour que la Commission envisage de réglementer l'utilisation des terres afin de parvenir à une plus grande justice en matière foncière. L'Institut a également organisé un voyage d'étude pour un groupe de fonctionnaires du gouvernement de Khyber Pakhtunkhwa au Pakistan, les exposant aux succès et aux défauts du gouvernement local sud-africain.

Notre plaidoyer est souvent basé sur le droit international des droits humains, qui contient des leviers importants que les militants sur le terrain peuvent utiliser pour tenir les gouvernements responsables de leurs manquements en matière de droits humains. Lorsque l'Afrique du Sud doit faire rapport à un organe conventionnel international, il est utile que la société civile produise un rapport parallèle. Le WDI s'est engagé dans un tel processus en 2016 lorsque l'Afrique du Sud a fait rapport au Comité des droits de l'enfant des Nations Unies (ONU). En 2017, le SERP a entamé un processus pour faire de même dans le cas du Comité des droits économiques, sociaux et culturels de l'ONU en 2018. De même, Benyam Mezmur et Ebenezer Durojaye ont utilisé le Conseil des droits de l'homme de l'ONU et la Commission africaine des droits de l'homme et des peuples pour mettre en lumière les violations des droits de l'homme en Afrique du Sud et ailleurs.

Samantha Waterhouse et Vivienne Mentor-Lalu du WDI ont mené la campagne #Notourleaders, qui vise à mettre fin à l'impunité pour l'inconduite sexuelle. Menée en collaboration avec Lawyers for Human Rights et la militante pour l'égalité des sexes Lisa Vetten, la campagne a permis de sensibiliser l'opinion publique aux représentants qui font face à des accusations criminelles ou à des mesures disciplinaires internes liées à l'inconduite et aux infractions sexuelles. #Notourleaders a fait l'objet d'une vaste couverture médiatique, ce qui a permis aux partis politiques et aux assemblées législatives de se pencher sur ces questions.

Dans l'ensemble, l'Institut a mené 27 entrevues à la radio ou à la télévision et a contribué à 19 articles dans la presse écrite. Le personnel a publié trois articles d'opinion. En 2017, notre présence sur les médias sociaux s'est accrue : nous avons enregistré plus de 120 654 visites uniques sur Facebook et nous avons eu environ 785 followers de Twitter et 1 632 likes sur Facebook. Nos sites Web ont été visités plus de 6 000 fois.



## IMPACT

Our work leads to discernible changes in people, organisations, laws, policies and debates. For example, three years of effort by Ebenezer Durojaye, Gladys Mirugi-Mukundi, Keathélia Sapto and Valma Hendricks devoted to building the capacity of community leaders in informal settlements in Cape Town have made these communities noticeably more resilient, with their leaders now making written submissions and convening meetings with city officials – a clear indication of newfound confidence in holding the City to account for service delivery.

Similarly, the investment by the WDI's Samantha Waterhouse and Vivienne Mentor-Lalu in strengthening civil society engagement with legislatures has led to greater receptiveness to this among parliamentary committees and seen growing numbers of organisations asking the WDI to facilitate access to Parliament.

Lukas Muntingh's work in bringing South African and UK oversight institutions together is directly influencing efforts to revisit the law governing the Independent Police Investigative Directorate and the Judicial Inspectorate for Correctional Services.

ACJR's effort, led by Kristen Petersen, to raise awareness around petty offences is also paying off: the offence of being 'rogue and vagabond' was declared unconstitutional in Malawi, and decriminalisation of petty offences became part of the terms of reference of a Kenyan review of the criminal system. Jean Redpath's ground-breaking work in laying bare the skewed allocation of police resources in favour of wealthy areas played a key role in building momentum in the movement, led by the Social Justice Coalition, to address this.

The unique, sophisticated big-data research conducted by Derek Powell and the ACSL team – evident in outputs such as the Civic Protest Barometer and Municipal Audit Consistency Barometer – have informed debates on platforms and in journals beyond the legal discipline.

A submission by Jaap de Visser and Stephen Berrisford on the Preservation and Development of Agricultural Land Bill made direct impact. The Department of Agriculture sent officials to the Institute to meet the authors to discuss their recommendations, many of which were incorporated in a new draft of the Bill.

## IMPACT

Notre travail conduit à des changements perceptibles dans les personnes, les organisations, les lois, les politiques et les débats. Par exemple, trois années d'efforts déployés par Ebenezer Durojaye, Gladys Mirugi-Mukundi, Keathélia Sapto et Valma Hendricks pour renforcer les capacités des dirigeants communautaires dans les établissements informels du Cap ont rendu ces communautés nettement plus résilientes, leurs dirigeants faisant maintenant des présentations écrites et organisant des réunions avec les responsables municipaux - une indication claire de la confiance retrouvée dans le fait de demander des comptes à la Ville pour la prestation de services.

De même, l'investissement de Samantha Waterhouse et Vivienne Mentor-Lalu du WDI dans le renforcement de l'engagement de la société civile auprès des législatures a conduit à une plus grande réceptivité à cette question parmi les comités parlementaires et a vu un nombre croissant d'organisations demander au WDI de faciliter l'accès au Parlement.

Le travail de Lukas Muntingh pour rapprocher les institutions de surveillance sud-africaine et britannique influence directement les efforts de révision de la loi régissant la Direction des enquêtes policières indépendantes et l'Inspection judiciaire des services correctionnels.

Les efforts de l'ACJR, sous la direction de Kristen Petersen, pour sensibiliser le public aux délits mineurs portent également leurs fruits : l'infraction d'être "voyou et vagabond" a été déclarée inconstitutionnelle au Malawi, et la dépenalisation des délits mineurs est devenue partie intégrante du mandat d'un examen du système pénal kenyan. Le travail novateur de Jean Redpath, qui a mis à nu l'affectation asymétrique des ressources policières en faveur des régions riches, a joué un rôle clé dans la création d'une dynamique au sein du mouvement, dirigé par la Coalition pour la justice sociale, afin de s'attaquer à ce problème.

La recherche unique et sophistiquée sur les grandes données menée par Derek Powell et l'équipe de l'ACSL - évidente dans des résultats tels que le Baromètre de protestation civique et le Baromètre de cohérence de l'audit municipal - a éclairé les débats sur les plates-formes et dans les journaux au-delà de la discipline juridique.

Un mémoire de Jaap de Visser et Stephen Berrisford sur le projet de loi sur la préservation et le développement des terres agricoles a eu un impact direct. Le ministère de l'Agriculture a envoyé des fonctionnaires à l'Institut pour rencontrer les auteurs afin de discuter de leurs recommandations, dont plusieurs ont été incorporées dans une nouvelle ébauche du projet de loi.

# TEACHING AND SUPERVISION

Prof Nico Steytler, Prof Jaap de Visser, Dr Tinashe Chigwata and staff with Masters students from Zambia and South Africa



Postgraduate teaching is a pillar of the Institute's work. Not only is it central to our role in the academic enterprise of the Faculty of Law, but it makes sense for other reasons. For one, postgraduate research contributes significantly to our research output and feeds into our policy-level engagements. For another, it is important for us to have postgraduate students in the Institute.

Supported as they are by bursary arrangements as well funding by SARCHI, the Centre of Excellence in Food Security, and other donors, our postgraduates in 2017 hailed from no less than seven different countries on the continent: apart from the hard work they do, these students bring us fresh ideas, fresh energy and access to an ever-increasing African network.

Going forward, we will expand our teaching by taking a dedicated approach to attracting young South African interns. In 2017, we graduated six masters students, with a further nine set to graduate in 2018. The Institute has also hosted six officials from the Zambian Ministry of Local Government who enrolled in the Masters in Multilevel Government.

Coordinated by Tinashe Chigwata, all were on track to graduate in 2018.

At doctoral level, Daphine Agaba graduated with a doctorate under supervision by Ebenezer Durojaye. The Institute, with Debbie Gordon playing a lead role, hosted two doctoral colloquia at which candidates presented their work in progress.

The appointment of the Institute's Benyam Mezmur as Deputy Dean: Postgraduate and Research in the Faculty of Law underlines our commitment to postgraduate studies and also entrenches the Institute's role in the Faculty.

In addition, the staff at the Institute teach short courses, often in collaboration with other Universities. These courses are aimed at building capacity in specific practical areas and bring funding to the Institute. Jaap de Visser and Stephen Berrisford taught such a short course, on spatial planning and land-use management, with the University of Cape Town, while Benyam Mezmur and Maria Assim co-taught children's rights with the University of Pretoria.

## #HISTORYINPUBLICATIONS

Between 1990 and 1994, the Institute (then the Community Law Centre) conducted research and convened debates in preparation for South Africa's first democratic constitution. In that critical period, the Institute was, in the words of its erstwhile staff member Albie Sachs, 'the engine-room of committed thought towards the new Constitution'.

In 2017, we embarked on a project to make the papers of that

time publicly available. Xavia Poswa and Jacob Nthoiwa archived, summarised and uploaded more than 35 papers written by Dr Zola Skweyiya, General Bantu Holomisa, Brigitte Mabandla, Arthur Chaskalson and other prominent activists and authors.

The result is now freely accessible on our website under #Historyinpublications. This archive will be augmented with resources from subsequent periods in the Institute's history.

## ENSEIGNEMENT

L'enseignement postuniversitaire est un pilier de l'activité de l'Institut. Non seulement elle est au cœur de notre rôle dans l'entreprise académique de la Faculté de droit, mais elle a du sens pour d'autres raisons. D'une part, la recherche postdoctorale contribue de manière significative à nos résultats de recherche et alimente nos engagements politiques. D'autre part, il est important pour nous d'avoir des étudiants postdoc à l'Institut.

Soutenus par des bourses d'études ainsi que par le financement de SARChI, le Centre d'excellence en sécurité alimentaire et d'autres donateurs, nos étudiants diplômés en 2017 étaient originaires de sept pays différents sur le continent : en plus de leur travail acharné, ces étudiants nous apportent des idées nouvelles, une énergie nouvelle et l'accès à un réseau africain toujours plus vaste.

À l'avenir, nous élargirons notre enseignement en adoptant une approche dédiée pour attirer de jeunes stagiaires sud-africains. En 2017, nous avons diplômé six étudiants en master, et neuf autres devraient obtenir leur diplôme en 2018. L'Institut a également accueilli six fonctionnaires du ministère zambien de l'administration locale qui se sont inscrits au programme de Master in Multilevel Government.

Coordonné par Tinashe Chigwata, tous étaient sur la bonne voie pour obtenir leur diplôme en 2018.

Au niveau du doctorat, Daphine Agaba a obtenu son doctorat sous la supervision d'Ebenezer Durojaye. L'Institut, Debbie Gordon jouant le rôle principal, a accueilli deux colloques doctoraux au cours desquels les candidats ont présenté leurs travaux en cours.

La nomination du Benyam Mezmur de l'Institut au poste de vice-doyen de la Faculté de droit : études supérieures et recherche souligne notre engagement envers les études supérieures et renforce le rôle de l'Institut au sein de la Faculté.

De plus, le personnel de l'Institut donne des cours de courte durée, souvent en collaboration avec d'autres universités. Ces cours visent à renforcer les capacités dans des domaines pratiques spécifiques et à apporter des fonds à l'Institut. Jaap de Visser et Stephen Berrisford ont donné un cours aussi court, sur l'aménagement du territoire et la gestion de l'occupation des sols, avec University of Cape Town, tandis que Benyam Mezmur et Maria Assim ont enseigné les droits de l'enfant avec l'Université de Pretoria.



The Dullah Omar Institute in partnership with the University of the Western Cape's Faculty of Law hosts two Doctoral colloquia annually

## #HISTORYINPUBLICATIONS

Entre 1990 et 1994, l'Institut (alors Centre de droit communautaire) a mené des recherches et organisé des débats en vue de préparer la première constitution démocratique de l'Afrique du Sud. Durant cette période critique, l'Institut était, selon les termes de son ancien membre du personnel Albie Sachs, "la salle des machines de la pensée engagée vers la nouvelle Constitution".

En 2017, nous nous sommes lancés dans un projet visant à rendre

publics les documents de l'époque. Xavia Poswa et Jacob Nthoiwa ont archivé, résumé et téléchargé plus de 35 articles écrits par le Dr Zola Skweyiya, le Général Bantu Holomisa, Brigitte Mabandla, Arthur Chaskalson et d'autres activistes et auteurs éminents.

Le résultat est maintenant librement accessible sur notre site web sous #Historyinpublications. Ces archives seront complétées par les ressources des périodes ultérieures de l'histoire de l'Institut.



# FINANCES, ORGANISATION AND STAFFING

Our revenue grew by 39.2% to R22 418 930. This is attributable to our ability to maintain partnerships, consistently show quality, and diversify our funding base.

In 03 November 2017, the Institute hosted Chris Stone, the President of Open Society Foundations (OSF). The visit strengthened relations between the Institute and OSF, and provided us with the opportunity to engage Mr Stone as well as the CEO of OSF-South Africa (OSFSA), Ms. Fatima Hassan, on our work. As a former advisor to Dullah Omar, Mr Stone was interested in how the Institute is advancing Dullah Omar's legacy. We managed to secure a funding agreement with OSFSA for conducting research and advocacy on the appointment of board members to state-owned enterprises.

We also secured a two-year renewal of a grant from the Ford Foundation, our most loyal funder. In addition, the WDI's Samantha Waterhouse was successful in leading a consortium of five civil society organisations (CSOs) to win a major bid for funding from the European Union and the Heinrich Boell Foundation to expand our work on civil society in legislatures over the next three years.

Assisted by Gastrow & Bloch, the Institute carried out an assessment focused on the issue of financial sustainability. This process, which included discussions on the direction and workings of the Institute, yielded interesting and important results. A key conclusion was that the Institute has always been good at raising funds (by responding to calls of proposals) and maintaining relationships but that it should do better at attracting funds. The Institute has already started implementing the recommendations that came out of this process.

Lukas Muntingh founded the Civil Society Prison Reform Initiative in 2003, brought it to the Institute in 2007, and grew it into a formidable research and advocacy unit that has long outgrown its original name, both in terms of geographical and scope of work. In 2017, it was aptly renamed as the Africa Criminal Justice Reform.

Our support staff, led by Virginia Brookes, is committed, knowledgeable and diligent: none of the activities set out in this report would be possible without them. The Institute is well-known on campus and elsewhere as well-run, responsive and guaranteed to deliver on projects. During 2017, they booked 183 flights, made 77 hotel bookings, hosted 52 seminars and set up 21 bursaries. They ensured that the R18 862 145 million in operations spending, spread over 48 entities, was incurred and paid in line with the applicable university and donor rules and according to budget.

Our staff are often called upon to put their knowledge and skills at the



The Institute hosted the President of Open Society Foundations, Mr Chris Stone

disposal of boards, international organisations and expert panels:

- Valma Hendricks is frequently asked to join election observer missions, and traveled to Lesotho to monitor the 2017 national elections.
- Jaap de Visser was appointed as an alternate member of the Board of the Commonwealth Local Government Forum and also served as Treasurer of the International Association of Centres for Federal Studies.
- Benyam Mezmur continued his work as Chairperson of the United Nations Committee on the Rights of the Child until May 2017 and Deputy-Chairperson of the African Committee of Experts on the Rights and Welfare of the Child until December 2017.
- Nico Steytler was appointed as a member of the panel of experts to draft a constitution for the Solomon Islands and continued serving as member of South Africa's Financial and Fiscal Commission.

The Dean of the Faculty of law, Prof Bernard Martin, retired at the end of 2017. He served as Board and Management Committee member for 4 years and officiated at many DOI functions. We wish him well in his well-deserved retirement. The Board memberships of Adv Karrisha Pillay, Judge Vincent Saldanha and Mr Ashraf Mahomed were renewed for a further three years.

In 2017, we brought our policy on appointing extraordinary and adjunct researchers in line with the University's. Subsequent to this, Dr Zemelak Ayele was appointed as Extraordinary Associate Professor and Stephen Berrisford as Adjunct Associate Professor. Prof Christopher Mbazira, Principal of the School of Law at Makerere University, was recommended for appointment as Extraordinary Associate Professor, (which was confirmed in 2018).

We had to say goodbye to two staff members, namely ACJR's Gwennaelle Dereymaeker and our bookkeeper, Nadia Sutton. Both gave the Institute many years of their early professional careers and went on to pursue new ventures. After completing her doctoral studies, Daphine Apagamba took up a post-doctoral position at UWC's School of Public Health, and Nora Ho Tu Nam, who had been on a post-doctoral fellowship with the SARChI Chair, returned to Mauritius.

A special word of thanks goes to Kelebogile Jacob Nthoiwa, our Communications Manager, for coordinating this Annual Report. Without his skills, creativity and patience we wouldn't be able to present this overview.



Dullah Omar Institute staff: Nora Ho Tu Nam, Annette May, Crystal Nitsckie, Meseret Kifle Ande and Shehaam Johnstone

## FINANCES, ORGANISATION ET PERSONNEL

Notre chiffre d'affaires a augmenté de 39,2 % pour atteindre 22 418 930 millions de rands. Cette croissance peut être attribuée à notre capacité de maintenir et de développer les partenariats existants, de faire preuve d'une qualité constante et de diversifier notre base de financement. Le 3 novembre 2017, l'Institut a eu l'occasion remarquable d'accueillir Chris Stone, président de l'Open Society Foundations. La visite a été l'occasion pour nous d'engager M. Stone ainsi que la CEO de l'Open Society Foundation-South Africa (OSFSA), Mme Fatima Hassan, dans notre travail. En tant qu'ami et ancien conseiller de Dullah Omar, M. Stone s'est vivement intéressé à la façon dont l'Institut poursuit l'héritage de Dullah Omar. Cette visite s'inscrivait dans le cadre d'un renforcement des relations entre l'OSF et l'Institut. L'Institut a également réussi à obtenir un accord de financement avec l'OSFSA visant à mener des recherches et des activités de plaidoyer sur la nomination des membres du conseil d'administration des entreprises d'État.

Nous avons également obtenu un renouvellement de deux ans de la subvention de la Fondation Ford. Ce renouvellement marque un partenariat durable et fructueux avec notre bailleur de fonds le plus fidèle. Samantha Waterhouse de WDI a réussi à diriger un consortium de cinq CSOs qui a remporté un important appel d'offres de financement de l'Union européenne et de la Fondation Heinrich Boell afin d'étendre le travail sur la société civile dans les assemblées législatives au cours des trois prochaines années.

Avec l'aide de Gastrow & Bloch, l'Institut a réalisé une évaluation axée sur la question de la viabilité financière. Ce processus, qui comprenait des discussions sur l'orientation et le fonctionnement de l'Institut, a donné des résultats intéressants et importants. L'une des principales conclusions est que l'Institut a toujours été bon dans la collecte de fonds (en répondant aux appels de propositions) et le maintien des relations, mais qu'il devrait faire mieux pour attirer

des fonds. L'Institut a déjà commencé à mettre en œuvre les recommandations issues de ce processus.

Lukas Muntingh a fondé la Civil Society Prison Reform Initiative en 2003, l'a présentée à l'Institut en 2007 et l'a transformée en une formidable unité de recherche et de plaidoyer qui a depuis longtemps dépassé son nom original, tant sur le plan géographique que sur le plan de la portée du travail. En 2017, il a été renommé à juste titre Réforme de la justice pénale en Afrique.

Notre personnel de soutien, dirigé par Virginia Brookes, est engagé, bien informé et diligent : aucune des activités décrites dans ce rapport ne serait possible sans eux. L'Institut est bien connu sur le campus et ailleurs pour sa bonne gestion, sa réactivité et sa capacité à mener à bien les projets. En 2017, ils ont réservé 183 vols, 77 réservations d'hôtel, 52 séminaires et 21 bourses. Ils ont veillé à ce que les 18 862 145 millions de rands en dépenses d'exploitation, réparties sur 48 entités, soient engagés et payés conformément aux règles applicables des universités et des donateurs et selon le budget.

Nos collaborateurs sont souvent appelés à mettre leurs connaissances et leurs compétences à la disposition de conseils d'administration, d'organisations internationales et de groupes d'experts :

Valma Hendricks est fréquemment invitée à participer à des missions d'observation électorale et s'est rendue au Lesotho pour surveiller les élections nationales de 2017.

Jaap de Visser a été nommé membre suppléant du conseil d'administration du Commonwealth Local Government Forum et a également été trésorier de l'Association internationale des centres d'études fédérales.

Benyam Mezmur a continué son travail en tant que président du Comité des droits de l'enfant des Nations Unies jusqu'en mai 2017 et vice-président du Comité africain d'experts sur les droits et le bien-être de l'enfant jusqu'en décembre 2017.

Nico Steytler a été nommé membre du groupe d'experts chargé de rédiger une constitution pour les Îles Salomon et a continué d'être membre de la Commission financière et fiscale de l'Afrique du Sud.

Le doyen de la faculté de droit, le professeur Bernard Martin, a pris sa retraite à la fin de 2017. Il a été membre du conseil d'administration et du comité de gestion pendant 4 ans et a officié à de nombreuses fonctions de DOI. Nous lui souhaitons une retraite bien méritée. Les mandats d'Adv Karrisha Pillay, du

juge Vincent Saldanha et de M. Ashraf Mahomed ont été renouvelés pour une nouvelle période de trois ans.

En 2017, nous avons aligné notre politique de nomination de chercheurs extraordinaires et auxiliaires sur celle de l'Université. Par la suite, M. Zemelak Ayele a été nommé professeur agrégé extraordinaire et Stephen Berrisford professeur agrégé adjoint. Christopher Mbazira, directeur de la Faculté de droit de l'Université Makerere, a été recommandé pour une nomination en tant que professeur associé extraordinaire (ce qui a été confirmé en 2018).

Nous avons dû dire au revoir à deux membres du personnel, soit Gwennaelle Dereymaeker de l'ACJR et notre comptable, Nadia Sutton. Tous deux ont donné à l'Institut de nombreuses années de leur début de carrière professionnelle et ont poursuivi de nouvelles entreprises. Après avoir terminé ses études doctorales, Daphine Apagamba a accepté un poste postdoctoral à l'École de santé publique de l'UWC, et Nora Ho Tu Nam, qui était boursière postdoctorale à la chaire SARChI, est retournée à Maurice.

Nous tenons à remercier tout particulièrement Kelebogile Jacob Nthoiwa, notre directeur des communications, pour la coordination de ce rapport annuel. Sans ses compétences, sa créativité et sa patience, nous ne pourrions pas présenter cette vue d'ensemble.

Mrs Virginia Brookes leads a team of committed colleagues, providing administrative, communications and financial support



# DOCTORAL DEGREES AWARDED



**DAPHINE KABAGAMBE AGABA**  
**SUPERVISOR: PROF EBENEZER DUROJAYE**

**Thesis topic:** Analysing 'human rights accountability' towards ending preventable maternal mortality and morbidity in Uganda.

Employing a human rights framework, Agaba examines the role of accountability in Uganda's high rates of maternal mortality and morbidity. The study finds that a lack of accountability leads to wastage of resources, in particular the diversion, non-utilisation and embezzlement of funds. This enables the persistence of high maternal mortality and morbidity rates, and the study thus proposes an accountability framework for engaging with the problem.



**SORAYA BEUKES**  
**SUPERVISOR: PROF E DUROJAYE**

**Thesis:** The Effect of Corruption on the 'Available Resources' for the Right to Housing as Espoused by the Constitution of South Africa

The nexus between corruption and available resources for the realisation of the right to housing under South African Constitution has not received the attention of scholars and researchers. According to one of the examiners, 'Ms. Beukes has selected and carefully defined an important but understudied issue in the debate over judicial enforcement of social rights: public corruption and its effects on resource-allocation decisions. Much of the social rights literature in the legal field has focused exclusively or primarily on the role of courts and the jurisprudence they have developed. Yet, as Ms. Beukes correctly identifies and ably discusses, adequate resources and, more specifically, competent deployment of those resources, is critical to fulfilling those rights'. Ms Beukes' study has shown that endemic corruption among the executive, including the Department of Human Settlement, has tended to undermine the right to housing of vulnerable groups in the country. Ms. Beukes' study has made a significant contribution to knowledge and deserves commendation.



**ZAMANI SAUL**  
**SUPERVISOR: PROF E DUROJAYE**

**Thesis:** Developing a community empowerment model as a normative framework for meaningful engagement in evictions.

The candidate has produced an interesting and commendable study of the application of meaningful engagement by South African courts in addressing forced evictions. The study focuses on the jurisprudential inconsistency in the application of section 26(3) of the South African Constitution. It notes that the failure by the courts to consistently apply the three requirements of meaningful engagement (i.e. empowerment, equitable participation and building of social capital) has exacerbated the plight of vulnerable groups in eviction cases. Using an interdisciplinary approach, the study develops the Transformative Empowerment Model to safeguard the rights of the vulnerable groups during eviction.





## MASTERS DEGREES AWARDED

**TSHEHLEDI ISAAC MOKGOPO**  
**SUPERVISOR: PROF NICO STEYTLER**

**Thesis topic:** The use of ethnicity as a factor for demarcating municipalities – the case of the Malamulele and Vuwani communities.

**JEROME JAMES NOVEMBER**  
**SUPERVISOR: PROF JAAP DE VISSER**

**Thesis topic:** The role of provinces in the use of interventions in terms of section 139(1)(a)-(c) of the Constitution of South Africa.

**MOGAU PETRUS SEKGALA**  
**SUPERVISOR: PROF NICO STEYTLER**

**Thesis topic:** The role of traditional leaders in local governance – a case study of Limpopo.

**MARTINA ZIMMER**  
**SUPERVISOR: PROF BENYAM MEZMUR**

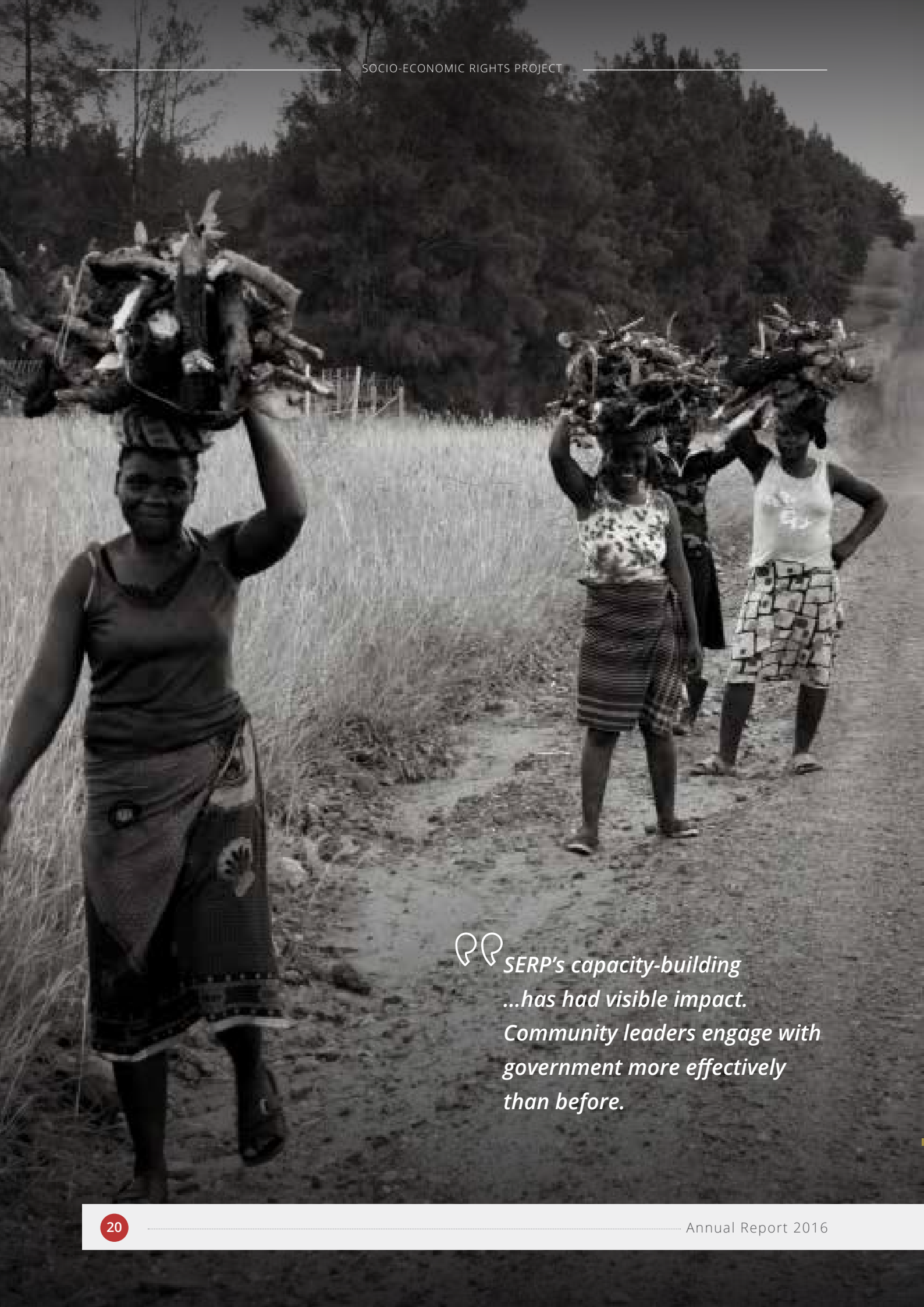
**Thesis topic:** Abortion and the right to life in the International Convention on Civil and Political Rights – a case study of South Africa and Germany.

**XAVIA SIYABONGA POSWA**  
**SUPERVISORS: PROF JAAP DE VISSER AND PROF NICO STEYTLER**

**Thesis topic:** Municipal by-laws and the extent to which they give effect to the Spatial Planning and Land Use management Act of 2013.

**KHAYALANDILE LWANDO MTHAMO**  
**SUPERVISOR: PROF BENYAM MEZMUR**

**Thesis topic:** The responsibility to protect in the context of NATO intervention in Libya in 2011 – a human rights analysis.



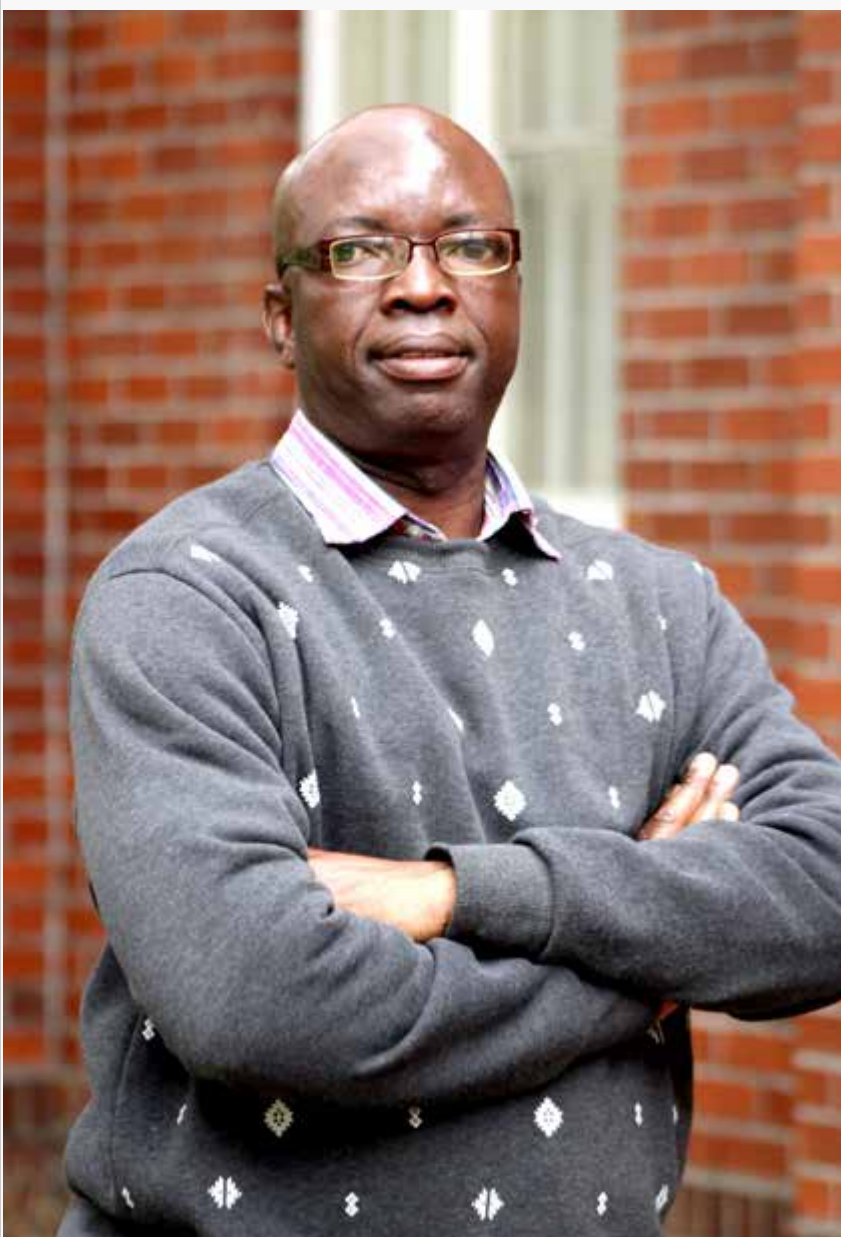
*SERP's capacity-building  
...has had visible impact.  
Community leaders engage with  
government more effectively  
than before.*

# SERP

## SOCIO-ECONOMIC RIGHTS PROJECT



SERP IS SUPPORTED BY CAPE TOWN REFUGEE CENTRE (EU), DST-NRF CENTRE OF EXCELLENCE IN FOOD SECURITY – UNIVERSITY OF THE WESTERN CAPE, FORD FOUNDATION, FOUNDATION FOR HUMAN RIGHTS (FHR), NADCAO, OPEN SOCIETY FOUNDATION - SOUTH AFRICA, KELIN, HUMAN SCIENCES RESEARCH COUNCIL (HSRC) AND THE NATIONAL RESEARCH FOUNDATION (NRF)



**SERP advances socio-economic rights through research, advocacy and teaching seeking to influence policy, build capacity and highlight violations of the rights of marginalised groups.**

### ***Advocating for special-needs housing***

In 2017, SERP maintained its advocacy regarding the adoption of the draft national policy on special-needs housing. Meetings were held with partners and a submission made to the Minister of Human Settlements urging speedy adoption of the policy. Due to the campaign convened by SERP, this issue has appeared prominently on the Minister's agenda.

### ***Capacity-building in informal settlements***

SERP continued its human rights workshops for community leaders in informal settlements in Cape Town such as Blikkiesdorp and Mandela Backyarders. The workshops aim to empower vulnerable groups to assert their rights and hold government accountable for service delivery failures. This capacity-building intervention has had visible impact. Community leaders engage with government more effectively than before – some, for example, have succeeded in bringing officials into their communities to address concerns.

**ASSOC PROF EBENEZER DUROJAYE**  
PROJECT HEAD



## Alternative report to UN monitoring body

SERP is the convener of the campaign on the International Covenant on Economic, Social and Cultural Rights (ICESCR). The campaign had been instrumental in seeing South Africa ratify the ICESCR in 2015. In 2017 SERP organised meetings to coordinate the preparation of a joint civil society alternative report to the government's report to the ICESCR's monitoring body, the UN Committee on Economic, Social and Cultural Rights.

This was a key opportunity to hold government accountable for treaty implementation, given that monitoring bodies rely strongly on alternative reports from CSOs. The alternative report was due to be submitted in July 2018.

## Sexual and reproductive rights in SADC

One way to measure a state's commitment to human rights is to examine whether its laws and policies are consistent with the relevant norms and standards. In this regard, SERP commenced a study to review laws and policies on access to sexual and reproductive health services for youth in six SADC countries, namely Malawi, Lesotho, South Africa, Swaziland, Botswana and Zimbabwe.

This study highlights good practices, identifies gaps and makes recommendations. It is to be concluded in 2018, and aims to serve as a key reference document for advancing the sexual and reproductive rights of young people in Africa.

## Strengthening human rights institutions

National human rights institutions (NHRIs) are critical in the effort to protect and realise socio-economic rights. In conjunction with the Kenyan Legal Network on AIDS (KELIN), SERP held a colloquium on the role of NHRIs in advancing sexual and reproductive rights, bringing together NHRIs from 11 countries in the Eastern African Community and SADC. The colloquium examined the challenges NHRIs face and developed strategies to enhance their activities. NHRIs agreed that training, freedom from interference, exchange of ideas, and political will are key to their effectiveness.

## Food insecurity among tertiary students

SERP is conducting research into the role of state and non-state actors in realising the right to food of food-insecure students in tertiary education institutions. In 2017 it convened a roundtable of experts for a discussion attended by students, academics, management and CSOs. The research is being led by Olufunmilola Adeniyi as part of her doctoral studies.

## Engaging with the African Commission

As in past years, SERP provided technical support to the African Commission on Human and Peoples' Rights through capacity-building, drafting of reports, and arranging side events on socio-economic issues. For instance, it participated in the two Ordinary Sessions of the Commission in Niamey, Niger, and Banjul,



Stakeholders Meeting on Access to Food for Students in Tertiary Institutions. Gladys Mirugi-Mukundi, Virginia Brookes, Prof Bruno Losch of the Centre of Excellence Food Security, Mr Mpho Putu (Representative of the DSD) Prof Pamela Dube (Deputy Vice Chancellor Student Development and Support, UWC), Prof Ebenezer Durojaye, Funmilola Adeniyi and Dr Shanelle Van der Berg (South African Human Rights Commission)





Ms Oluwafunmilola Adeniyi

The Gambia, where it organised side events on topics such as involuntary sterilisation as a human rights violation.

In addition, Ebenezer Durojaye was involved in drafting the first comprehensive report on HIV and human rights in Africa. The report has been hailed as one of the most far-reaching to emerge from the African Commission. It examines an array of challenges, including the criminalisation of HIV and the impact of HIV on, among others, gay, lesbian, transgender and intersex populations.

### ***Teaching and supervision***

SERP staff members continued to play a role in teaching and postgraduate supervision. Three doctoral students graduated under the supervision of Ebenezer Durojaye, while Gladys Mirugi-Mukundi supervised a masters student. They also taught the Faculty of Law's LLM module in socio-economic rights. SERP staff members taught specialised courses too at other institutions, such as the LLM Programme in Sexual and Reproductive Health and Rights in Africa at the Centre for Human Rights at the University of Pretoria.



The SERP team with a group of students visiting Blikkiesdorp

 *Collaborative action by coalitions representing different sectors of the public and civil society can influence governmental and party-political strategies towards social justice goals.*



# WDI

## WOMEN AND DEMOCRACY INITIATIVE

THE WDI IS SUPPORTED BY DST-NRF CENTRE OF EXCELLENCE IN HUMAN DEVELOPMENT – UNIVERSITY OF WITWATERSRAND, FORD FOUNDATION, HEINRICH BÖLL STIFTUNG SOUTHERN AFRICA, OPEN SOCIETY FOUNDATION - SOUTH AFRICA AND THE EUROPEAN UNION



**The WDI takes an intersectional feminist approach to strengthening deliberative democracy. Relying on partnerships, it engages with systems of participatory democracy and seeks to advance women's and gender rights through the promotion of feminist governance. The WDI develops information and communications; provides capacity-building to CSOs; and conducts research. A strong focus is on forming effective civil society alliances.**

### *Context of our work*

South Africa is constitutionally framed as a participatory democracy in which legislatures occupy a central role, but the country has struggled to give effect to this intention, with the electoral system impacting negatively on direct participation and elected representatives frequently being mistrusted.

By contrast, collaborative action by coalitions representing different sectors of the public and civil society can influence governmental and party-political strategies towards social justice goals. The WDI also challenges the systemic patriarchy that underpins South Africa's failures to fulfil women's and gender rights.

### *Parliament Watch*

A pillar of the WDI's work is Parliament Watch, a body that monitors national and provincial legislatures. It is coordinated by the WDI and comprises 12 partner organisations. Between October and December 2017, 21 monitors monitored at least 95 committee meetings of 19 legislative committees to track how the committees performed in terms of their

**MS SAMANTHA WATERHOUSE**  
PROJECT HEAD

Vivienne Mentor-Lalu



openness, accessibility and ability to hold the executive accountable on selected issues, such as rural women's rights and violence against women.

The monitoring informs collective advocacy for improving legislatures' openness, accessibility and responsiveness; it also informs individual organisations' strategies on issues of specific concern to them. In this regard, the WDI hosted strategy, capacity-building and reflection workshops with Parliament Watch monitors and other CSOs

throughout 2017.

Through Parliament Watch, the WDI undertook public activities to capitalise on the increased public focus on legislatures in 2017. This included hosting civil society meetings and events such as 'The State of South Africa's Legislatures – What's Next?', which drew participation from a range of organisations. The WDI also hosted a CSO dialogue.

Parliament Watch developed educational material and processes for the public and local CSOs on the role of legislatures, as well as further electronic mechanisms for public engagement with elected representatives, and led a public campaign to call on elected representatives to act in the public rather than party-political interest.

### **ParlyBeat**

In collaboration with Parliament Watch, the WDI ran *ParlyBeat*, a digital newsletter aiming to reach audiences and report on social justice issues under-served by mainstream media. Four issues were published, with articles covering, among other topics, food security and women's safety on trains. The newsletters were disseminated via social media and well received. Ten of the articles were republished by outlets such as the *Daily Maverick* and *City Press*.

### **Feminist analysis of governance**

The WDI worked with organisations such as SWEAT and Right 2 Know to support their capacity to engage with legislatures and to enhance feminist analysis of governance issues. It hosted a national conversation among women's sector organisations to discuss feminist strategies in the context of failing ministries and state capture.

The WDI also made use of opportunities to question the effects of various policy processes on women. For example, it engaged with the Davis Tax Committee on the implications for women of wealth taxes and regressive taxation. It also questioned the impact the proposed consolidation of Chapter 9 institutions would have on the Commission for Gender Equality.

Steven Friedman, Nonhlanhla Chanza (Law Society of South Africa) and Samantha Waterhouse





LAWYERS FOR HUMAN RIGHTS

**16 DAYS OF ACTIVISM TO**

# END

**VIOLENCE AGAINST WOMEN**



**CASE 1**  
**ANC Councillor Maselane**

- Nominated and elected as ANC candidate in spite of multiple rape charges
- No internal party disciplinary action

**CASE 4**  
**ANC: Unnamed Councillor**

- Charged with rape of 16 year old girl
- Not suspended, only placed on special leave
- ANC avoid further action until criminal trial is completed

**CASE 8**  
**Mthimunya: Municipalities & Mpumalanga Legislature**

- Patronage and protection
- Repeated suspensions & resignations
- Appointed to multiple senior positions
- Woman re-victimised
- Municipality pays, not Mthimunya

**CASE 2**  
**IFP: Deputy Mayor Maphisa**

- Criminally charged with sexual assault
- IFP and Municipal Council have not taken internal disciplinary action
- IFP Constitution requires suspension of any member charged with a criminal act

**CASE 5**  
**ANC: Sekhukune Municipal Director, Phahlamohlaka**

**CASE 6**  
**ICASA: Ex CEO Pongwana**

- Sexual misconduct rewarded with golden handshakes

**ROUNDUP**  
**Cases 1 - 20**

- Political parties' responses weak, slow and inconsistent.
- Action depends on political positioning not on the gender-based violence.
- Decisive and courageous leadership is required.

**CASE 3**  
**DA: ECPL Chief Whip van Vuuren**

- Found guilty of sexual harassment but still a senior MPL in Eastern Cape Legislature
- DA drag feet in fixing policy gap on sexual harassment by their public representatives

**CASE 7**  
**EC Govt: Ngcal & Mase**

- Patronage? - No accountability.
- Dodge disciplinary action by resigning from EC Legislature
- Appointed to senior positions in EC govt department the following day

## #NotOurLeaders

WDI collaborated with Lawyers for Human Rights and Wits gender expert on the campaign #NotOurLeaders during 16 Days of Activism to End Violence Against Women.

### **Sexual violence**

The WDI continued its work with the Shukumisa campaign on sexual violence and access to justice. This included facilitating a session at the Deputy Minister of Justice's Dialogue on the Sexual Offences Act to interrogate failures to implement the Act. The WDI also undertook media activities to present research findings that highlight regression in court practices and conviction rates in regard to sexual offences.

During the annual 16 Days of Activism to End Violence Against Women, the WDI collaborated on the #NotOurLeaders campaign with Lawyers for Human Rights and a Wits gender expert. The campaign centred around 20 cases in which politicians and officials in local and national government faced criminal charges or disciplinary action for sexual misconduct or offences such as demanding sex for jobs or promotions, verbal and physical harassment, and sexual assault and rape, including gang rape and the rape of children.

The WDI highlighted the political and policy issues that arose from inconsistent handling of these cases, noting that responses from parties, legislatures and government tended to be driven by concerns about political standing rather than the nature of the alleged misconduct.

#NotOurLeaders utilised social media as well as formal media. Eleven press releases were issued and a visual representation developed for each case. The campaign was well supported by CSOs and resulted in numerous print, radio and television interviews. The WDI also engaged directly with legislatures and political parties on the issues.

### **Reflecting on impact**

The WDI implements a long-term strategy aimed at shifting thinking and actions within both civil society and government. It has helped to shape CSO discourse on the role of legislatures, and has enhanced the understanding that CSOs in the women's sector have of South Africa's political context. The WDI continues to be approached by CSOs to coordinate collective advocacy and facilitate their access to legislatures – in this way it makes legislatures more accessible to civil society.

The growth of interest and participation in Parliament Watch is evidence of this. Legislative committees are demonstrably more receptive to the WDI and Parliament Watch monitors. As a result of the unit's work, the Western Cape legislature has approached the WDI to support development of policies on sexual harassment and to increase public access to information.



*It applies computational methods to understand, measure and address problems of accountability, conflict, and institutional resilience in the state that matter to social justice.*



# ACSL

## APPLIED CONSTITUTIONAL STUDIES LABORATORY

THE ACSL IS SUPPORTED BY THE CHARLES STEWART MOTT FOUNDATION,  
FORD FOUNDATION, OPEN SOCIETY FOUNDATION - SOUTH AFRICA



**ACSL (previously MLGI) seeks to impact on the performance of constitutional government in two ways:**

**It applies computational methods to understand, measure and address problems of accountability, conflict, and institutional resilience in the state that matter to social justice.**

**It develops unique analytical tools (barometers, indices and fact sheets) to make that research available in ways which promote thoughtful, informed public debate and evidence-based engagement on issues of policy and institutional reforms in the state.**

The objective is to probe the complexities of multilevel government and track key social issues such as civic protest, linking them to questions about policy, legislation and governmental responses.

ACSL produces a series of influential research publications and reports unpacking issues such as the prevalence of community protests, municipal audit consistency as a robust predictor of accountability in local government, the capability of cities, and women in local government. These reports provide invaluable data and continue to inform public debate.

### ***Research projects***

ACSL completed five major research projects, the findings of which will be published in 2018.

**ASSOC PROF DEREK POWELL**  
PROJECT HEAD



Assoc Prof Derek Powell



The Civic Protest Barometer (CPB) tracks civic protests across South Africa, these being a specific form of protest directed at municipalities. The key finding of the latest CPB is that while the number of protests declined since 2016, levels of violence in protest actions have increased, with more than 90 per cent of protests now witnessing some form of violence.

The Municipal Audit Consistency Barometer (MAC-B) measures consistency in municipal compliance with national audit standards over a five-year period. The key finding is that most municipalities did not consistently comply with national audit rules in the 2011-2016 term in that they routinely obtained an unqualified audit opinion (without findings) from the Auditor-General.

The Capable Cities Index (CCI) measures the capability of the country's 27 major cities to maintain consistent levels of capacity, performance and compliance.

The Capable Cities: Capacity ranks all municipalities against three measures of capacity over the period 2013-2016. The research shows, among other things, that the capacity of municipalities (and the major cities in particular) has improved significantly in the extent to which municipalities have filled key management posts.

The Capable Cities Index: Performance measures all municipalities (including the 27 major cities) against specific indicators of performance. This instrument has been referred to widely and included in the South African Cities Network's State of South African Cities Report 2016. *Business Day* covered the Capable Cities Index: Measuring the Capacity of Cities. The CCI was also covered by the SABC, which, importantly, linked the research to other key issues in local government.

The Just Cities for Women Barometer (JC4W) measures a range of indicators relating to women and local government. Among other things, JC4W tracks variables such as women's representation as councillors and in senior professional positions, as well as equity in formal housing, land tenure, household income, perceptions of safety, and access to state housing subsidies.

In addition, ACSL produced four conference papers, five international journal articles, and two book chapters. Dr Tinashe Chigwata produced a book (to be published by Juta) focusing on provincial and local government in Zimbabwe. ACSL also launched a new website, [www.acsl-web.com](http://www.acsl-web.com), to make its work known and available to public and specialist audiences and to convey the distinctiveness of its approach to issues of rule of law and social justice.



### Reflecting on impact

ACSL's applied research has made significant impact in promoting good governance, stimulating democratic debate, and producing new knowledge.

Its research has been widely cited in nine major news publications, local and international books and journal articles, civic society and government reports, and scholarly blogs. A notable feature of ACSL's research is that has crossed disciplinary boundaries, having been cited not only in law and governance discourse but also in fields as diverse as geo-informatics and public administration.

ACSL's research has also been taken up in the work of international postgraduate scholars, and in 2017 the unit received requests for research inputs from numerous scholars, including two SARChI Chairs.

CPB data was cited extensively in *Building a Capable State* (2018: UCT Press) by Ian Palmer et al., a seminal new book on local government and one of the most comprehensive analyses yet of how well local government is working.

Over the years, ACSL research has seen significant uptake by the media, governments and research institutions across various disciplinary domains, which demonstrates the value of rigorous big-data-driven research in enabling informed debate about the performance of government.



**A notable feature of ACSL's research is that it has crossed disciplinary boundaries, having been cited not only in law and governance discourse but also in fields as diverse as geo-informatics and public administration.**



Dr Tinashe Chigwata



Valma Hendricks



*the Chair worked closely in five focus areas with Prof Jaap de Visser as well as doctoral and post-doctoral researchers.*





# SARCHI

## SOUTH AFRICAN RESEARCH CHAIR IN MULTILEVEL GOVERNMENT, LAW AND POLICY



THE SARCHI IS SUPPORTED BY THE NATIONAL RESEARCH FOUNDATION (NRF).



**The SARCHI promotes study into the role of multilevel governance in furthering peace, democracy and development in Africa and worldwide. It focuses on scholarship, postgraduate research and teaching.**

**2017 was the last year of the first term of the SARCHI Chair in Multilevel Government Law and Development, which started in 2013. The National Research Foundation extended Prof Nico Steytler's incumbency for a further five years (2018-2022). During the year, the Chair worked closely in five focus areas with Prof Jaap de Visser as well as doctoral and post-doctoral researchers.**

### ***Multilevel government in South Africa***

With Jaap de Visser, the Chair published the 10th edition of *Local Government Law of South Africa*, the country's premier textbook on local government. The Chair also published a chapter, entitled 'South Africa: A unitarist court in a hybrid federal system', in a study edited by Arony and Kincaid, *Courts and Judicial Systems in Federal Countries: Federalist or Unitarist?* (University of Toronto Press).

Jaap de Visser, Xavia Poswa and Shehaam Johnstone undertook a project to examine more than 30 municipal by-laws to assess whether they implement the new vision for spatial justice set out in the Spatial Planning and Land Use Management Act. The project culminated in a seminar attended by close to 80 officials and practitioners active in spatial planning and land-use management.

**PROF NICO STEYTLER**  
SOUTH AFRICAN RESEARCH CHAIR



Participants at the SASCA Conference, co-hosted by SARChI

Derek Hanekom delivered a keynote address during the 5th SASCA conference



### **Multilevel government in Africa**

With Prof Charles Fombad, the Chair edited a 300,000-word manuscript for Oxford University Press under the title *Decentralisation and Constitutionalism*. Consisting of 21 chapters, of which the Chair contributed three, it will be the continent's leading text on the topic and the third volume in the series *Stellenbosch Handbooks in African Constitutional Law*.

### **Corruption**

Following the co-hosting of the 4th Stellenbosch Annual Seminar on Constitutionalism in Africa in 2016, the Chair was again a co-organiser of the 5th edition of SASCA. SASCA is a prestigious meeting of constitutional scholars on the continent, the proceedings of which are published by Oxford University Press. The seminar, held from 19-22 September, was entitled 'Corruption and Constitutionalism in Africa: Revisiting Control Measures and Containment Strategies'. Twenty-one papers were delivered, followed by a panel discussion that included input from the former government minister, Mr Derek Hanekom.

### **Subnational constitutions**

A second conference in which the Chair played a role as co-organiser was the international event, 'The Functions and Relevance of Subnational Constitutions in Federal Systems'. The conference was co-hosted with the Centre for Federal Governance Studies (CFGS) of Addis Ababa University, Institute of Federalism of Fribourg University, and Institute for Studies on Federalism and Regionalism (EURAC Research) in Addis Ababa, Ethiopia. Held on 2 December, the event was well attended and was covered in the media.

### **Policy Dialogues**

At the Institute, the Chair organised two SARChI Chair Policy Dialogues on African countries:

'Elections in Africa' (24 October): Dr Conrad Bosire (Katiba Institute, Nairobi) analysed the Kenyan Supreme Court's dramatic judgment annulling the presidential election, and Dr Zemelak Ayele (CFGS) developed a theoretical approach for understanding elections in the authoritarian context of Ethiopia.

'Was the Removal of President Mugabe a Coup?' (17 October): Speaking before a packed audience two days after the event, Dr Tinashe Chigwata and Alois Madhekeni discussed the law and politics surrounding the removal of President Mugabe.

### **Multilevel governance worldwide**

The SARChI's third research focus was multilevel governance in the international context. A major achievement was the publication of *Concurrent Powers in Federal Systems: Meaning, Making, Managing* (Brill/Nijhoff), which the Chair edited and for which he wrote three of the chapters.

The Chair was a member of a three-person panel of International Constitutional Advisors to the Constitutional Congress and Eminent



Persons Advisory Council, appointed by the Prime Minister of the Solomon Islands, on the final text of the new Constitution of the Federal Democratic Republic of the Solomon Islands (May). The Chair's focus was on the federal aspects of the draft Constitution to the Prime Minister's Office.

The Chair was also invited to apply for inclusion on the UNDP's Crisis Response Unit Roster System and was accepted. The UNDP's Crisis Response Unit deals with, among other matters, constitution-making in countries amidst or emerging from conflict.

**Postgraduate education**

All three SARChI bursary-holders of 2016 graduated with LL.Ms in 2017. The students produced studies on spatial planning in local government, traditional leadership in local government, and the role of ethnicity in demarcating municipal boundaries. Three new masters bursaries were awarded for 2017.

As part of the African focus of the Chair's postgraduate teaching, six senior officials of the Local Government Training Institute of Zambia enrolled in the masters programme and completed their coursework. The initiative stems from the status given to local government under Zambia's new constitution, which borrows from South Africa's. The officials'

dissertations on the new Zambian local government dispensation will form the basis of a book on this subject.

A major event was the completion of Phindile Ntliziywana's LL.D thesis, which deals with the professionalisation of senior management in local government. His doctoral degree was duly awarded in April 2018.

A further aspect of the Chair's Africa-wide role is teaching in multilevel government in Africa. The principal event was presenting a course in December to doctoral students of the CFGS at Addis Ababa University. This was undertaken in collaboration with colleagues at the Institute of Federalism of Fribourg University (Prof Eva Maria Belsler) and EURAC Institute for Studies on Federalism and Regionalism, Bolzano, Italy (Prof Francesco Palermo).

The Chair was also invited to lecture in Europe: a masters module, 'Peace-Building and State Reconstruction Constitutional Reform in Deeply Divided Societies: Territorial Solutions' (University of Aix-Marseille, France); and a postgraduate class, 'Division and Sharing of Competences in Africa' (Winter School on Federalism, University of Innsbruck and EURAC Institute of Federalism and Regionalism, Innsbruck, Austria).





 *The CRP undertakes research, advocacy and teaching in relation to the international children's rights framework*

# CRP

## CHILDREN'S RIGHTS PROJECT

THE CRP IS SUPPORTED BY PLAN INTERNATIONAL



**The CRP undertakes research, advocacy and teaching in relation to the international children's rights framework – especially the African Charter on the Rights and Welfare of the Child (ACRWC) and UN Convention on the Rights of the Child – with a view to contributing to law, policy and practice.**

### *The African Children's Charter*

The CRP continued its work as a consortium member of the African Children's Charter Project (ACCP), with the overall goal of advancing the work of the African Committee of Experts on the Rights and Welfare of the Child's (ACERWC). The ACERWC monitors and promotes the implementation of the ACRWC by States Parties.

Through the ACCP, the CRP completed the ACERWC's General Comment on the responsibilities of the child set out in article 31 of the ACRWC. The CRP's Dr Maria Assim worked with the ACERWC in drafting the Concept Note for the ACERWC's annual commemoration of the Day of the African Child (DAC). To date, the ACERWC has commemorated 15 DACs, with the sixteenth scheduled for 16 June 2018 under the theme 'Leave No Child Behind for Africa's Development'.

**ASSOC PROF BENYAM DAWIT MEZMUR**  
PROJECT HEAD



### **Advocacy and awareness-raising**

The CRP engaged in numerous activities aimed at advocacy and awareness-raising around children's rights in South Africa. Prof Mezmur contributed to the *Survive Thrive Transform: South African Child Gauge 2017* publication, including by writing the foreword as well as serving as a speaker at its launch in 2017. At the launch event, Mr Jeff Radebe, Minister of Planning, Monitoring and Evaluation and Chairperson of the National Planning Commission, delivered the keynote address.

The CRP also made a submission on the Draft Western Cape Commissioner for Children Bill, 2017. The Bill aims, among other things, to provide 'for the appointment of a Commissioner for Children in the province of the Western Cape; to provide for the qualifications required for a person to be appointed as the Commissioner for Children; [and] to provide for [its] powers, functions and accountability'.

Towards the end of 2017, the CRP took part in the initial stages of the Multi-Agency Research Project into Child Murders in the Western Cape. The latter was an initiative of the Premier of the Western Cape in response to requests by CSOs for a judicial commission of enquiry into child murders in the province.

Prof Mezmur served as a judge in the finals of the 2017 National Schools Moot Court Competition held in the Constitutional Court. Various partners, including the Department of Basic Education, the Department of Justice and Constitutional Development, and the Foundation for Human Rights, were involved in this project.

Dr Usang Maria Assim



### **Teaching and capacity-building**

The staff of the CRP are involved in various teaching and capacity-building activities related to children's rights and human rights more broadly. This includes their participation in the Short Course on Children's Rights offered at the Centre for Human Rights at the University of Pretoria. Given the substantial involvement of CRP staff in the Short Course, an agreement was reached that from the beginning from 2018 it would be hosted jointly by the Centre for Human Rights, the Centre for Child Law (both at the University of Pretoria) and the CRP.

Meseret Kiffle Ande and Prof Benyam Dawit Mezmur



Internationally, staff were engaged in teaching and training at various academic institutions, including the University of Geneva and Leiden University.

An important capacity-building initiative was the CRP's teaching and training, spearheaded by Dr Assim, on the legislative context for addressing bullying in schools. This was undertaken at the request of the Cape Winelands Education District of the Western Cape Department of Education.

### ***Involvement in Faculty activities***

CRP staff undertake numerous activities at the Faculty of Law. These include supervision, teaching and serving on governance structures.

Prof Mezmur continued as Chair of the Higher Degrees Committee. In October 2017 he was nominated and recommended for appointment as Deputy Dean: Postgraduate and Research. Dr Assim taught Constitutional Law to second-year LLB students and was involved in the supervision of three LLM theses at the Faculty of Law.

### ***Publications***

The CRP continued to conduct publication-directed research on a range of topics, including education, the civil rights and freedoms of the child, the impact of terrorism on children's rights, and international and regional child-rights monitoring mechanisms.







*The aim was to improve accountability for human rights violations by officials of South African law enforcement agencies by engaging with South African and UK institutions on the deficiencies of specialised oversight institutions. The project was funded by the Magna Charta Fund.*



# ACJR

## AFRICA CRIMINAL JUSTICE REFORM (ACJR)



ACJR IS SUPPORTED BY THE OPEN SOCIETY INSTITUTE (OSI), OPEN SOCIETY FOUNDATION - SOUTH AFRICA, THE SIGRID RAUSING TRUST, AND THE UK FOREIGN AND COMMONWEALTH OFFICE (MAGNA CARTA FUND).



**The Civil Society Prison Reform Initiative (CSPRI) was formed in 2003 and became a project of the Institute in 2007, its objective being to address research and advocacy gaps relating to imprisonment and human rights in South Africa. Since the late 2000s, however, it expanded its scope geographically and thematically. In recent years the project has conducted research, provided technical assistance and support, and engaged in advocacy in Angola, Burundi, Côte d'Ivoire, Kenya, Liberia, Malawi, Mozambique, Zambia and Zimbabwe. In short, by 2016 it was working in a much-expanded field: criminal justice and human rights on the African continent.**

### *Renaming and rebranding*

Against this backdrop, the project's original name no longer reflected the scope of its work and was changed to 'Africa Criminal Justice Reform' (ACJR). Considering its African footprint, it will be referred to also as Organisation pour la Réforme de la Justice Pénale en Afrique (French) and Organização para a Reforma da Justiça Criminal em África (Portuguese). The name change has necessitated rebranding, and the unit's website, [www.acjr.org.za](http://www.acjr.org.za), was redesigned and launched on 11 April 2017.

### *Oversight of law enforcement*

In partnership with the African Policing Civilian Oversight Forum (APCOF), the Independent Police Investigative Directorate (IPID) and the Judicial Inspectorate for Correctional Services (JICS), ACJR brought together these two South African oversight institutions – IPID and JICS – and their UK

**ASSOC PROF LUKAS MUNTINGH**  
PROJECT HEAD

counterparts, the Prisons and Probation Ombudsman of Her Majesty's Inspectorate of Prisons, and the Independent Police Complaints Commission.

The aim was to improve accountability for human rights violations by officials of South African law enforcement agencies by engaging with South African and UK institutions on the deficiencies of specialised oversight institutions. The project was funded by the Magna Charta Fund.

ACJR facilitated workshops with JICS and IPID to prepare study tours to London, where representatives of these institutions engaged with their UK counterparts on challenges and achievements in exercising oversight over law enforcement agencies. The study tour was followed by working sessions with both institutions.

In 2017, both JICS and IPID engaged in reform processes that were informed by the project's outputs. In the case of IPID, this will be reflected in impending law reform of its mandate; in the case of JICS, it is changing its mandate to become independent of the Department of Correctional Services, a move which in all likelihood will lead to law reform.

The engagement with JICS resulted in a detailed review of its mandate, monitoring tools for more effective oversight, and an updated guide on the rights of prisoners to be used by JICS staff. The ACJR and APCOF intervention fed into the development of legislation by IPID following a Constitutional Court ruling that ordered greater independence for IPID. The opportunity was also used to address other shortcomings in the legislation.

With strengthened mandates and greater independence, these institutions will be able to exercise accountability more effectively. Recent political events saw considerable attention placed on issues of accountability, which have been much discussed. The ACJR's goal of improving accountability thus sits well in the current discourse.



Jean Redpath

## The Socio-Economic Impact of Pre-Trial Detention in Kenya, Mozambique and Zambia



Lukas Muntingh and Jean Redpath

### *Decriminalisation of petty offences*

ACJR is a partner to the campaign Poverty Is Not a Crime, which seeks to decriminalise and declassify petty offences in Africa. Advocacy engagements, led by Kristen Petersen, included presentations in Senegal, South Africa, Sierra Leone and Kenya on ACJR research findings. Presentations in Kenya focused on the need for alternative legal frameworks to deal with petty offences. In South Africa, a panel discussion at the Public Interest Law Gathering (PILG) conference focused on the impact of South Africa's vagrancy by-laws on marginalised people.

The campaign is making impact. In early 2017, Malawi's highest court declared the vagrancy offence of being 'rogue and vagabond' unconstitutional. The campaign was also successful in lobbying the African Commission on Human and Peoples' Rights to establish a regional normative framework adopting the Principles on the Decriminalisation of Petty Offences in Africa. In Kenya, the issue of petty offences was included in the terms of reference of a committee gazetted by the Chief Justice to review Kenya's criminal justice system.

### *Enforcing custody time limits in Malawi*

ACJR's Jean Redpath has been closely involved in developing mechanisms, including court and prison registers, for ensuring compliance with custody time limits for pre-trial detention in Malawi. Local partners identified the practices and attitudes of prosecutors as problem areas. Ms. Redpath provided expert input at a workshop in Mangochi with prosecutors from across Malawi to sensitise them to the law.

### **Paralegals and legal aid in Africa**

In November 2017, ACJR facilitated a conference in Lilongwe of paralegal organisations from Ghana, Kenya, Liberia, Malawi, Nigeria, Rwanda, Sierra Leone, South Africa, Tanzania, Uganda and Zambia. The conference was hosted by Malawi's Paralegal Advisory Services Institute (PASI) and was aimed at formal legal recognition of paralegals in Malawi and Africa-wide.

The communiqué issued by the conference called on governments to enact and implement laws that expressly guarantee the right to legal aid, formally recognise paralegals, and oblige government agencies to grant recognised paralegals access to anyone in conflict with the law.

### **Sensitising judges on human rights**

ACJR researchers shared the results of their investigations into the constitutionality of criminal procedure and bail regimes in selected African countries with judges at the Centro de Formação Jurídica e Judiciária (Judicial Training Institute) of Mozambique in June 2017. Senior judge José Norberto Carrilho and district judge João Guilherme chaired proceedings.

The presentations were well received, since judges do not receive human rights training as part of their routine training. At the request of the Minister of Justice, the results of the study on the socio-economic impact of pre-trial detention were also presented to the same judges to encourage a more sensitive, inclusive approach when contemplating pre-trial detention.

### **Prevention of torture**

On 10 and 11 October, ACJR and REFORMAR co-hosted a workshop in Maputo on the prevention of torture. It was held at the Centro de Formação Jurídica e Judiciária and saw the participation of judges, prosecutors, lawyers, officers from the Serviço Nacional de Investigação Criminal (SERNIC) (National Service of Criminal Investigation), Serviço Nacional Penitenciário (SERNAP) (Correctional Service), Liga dos Direitos



Kristen Petersen

Humanos (Human Rights League), and Comissão Nacional dos Direitos Humanos (CDNH) (National Commission of Human Rights). Discussions focused on how SERNIC and SERNAP are preventing torture and how NGOs and the CDNH are protecting victims of torture.

### **Police resource allocation**

ACJR's Jean Redpath provided expert evidence in the Equality Court (Cape Town) case *Social Justice Coalition, Equal Education and the Nyanga Community Police Forum v Minister of Police, National Police Commissioner and Minister of Community Safety, Western Cape*.

The case stems from earlier expert evidence given to the Khayelitsha Commission of Enquiry. There it was found that the allocation of human resources by the South African Police Service tends to under-resource mostly poor informal township areas with high murder rates in the Western Cape. The analysis of the data for the Social Justice Coalition case found that the trend holds true countrywide, with poor rural areas being the most affected. Judgment is expected in 2018.



Prof Lukas Muntingh (ACJR), Clare Ballard (Lawyers for Human Rights), Julie Hannah (Co-Director of the International Centre on Human Rights and Drug Policy - University of Essex), Dainius Pūras (UN Special Rapporteur)



### **Strengthening community Courts**

The South African Department of Justice and the National Prosecuting Authority in the Western Cape contracted ACJR to evaluate the operation of community courts in the province, with a view to informing whether and how additional such courts should be rolled out. Community courts use alternative methods of processing arrests.

The evaluation, presented to the steering committee in December 2017, found that the courts' impact was constrained by a lack of police resources. Concerns were also raised about due process and differential justice. The ACJR report recommended greater investment in interventions and social workers.

### **Criminal justice in Zambia**

With the Legal Resources Foundation in Lusaka, ACJR convened a workshop on monitoring the performance of criminal justice systems. It also took part in a symposium on overcrowding in Zambian correctional facilities, where it presented work on the socio-economic impact of pre-trial detention; lessons learnt in South Africa about parole; and the impact of inconsistent and overly stringent conditions of bail.

### **Criminal justice in Côte d'Ivoire**

With L'Action des chrétiens pour l'abolition de la torture (ACAT), ACJR co-hosted a two-day seminar, 'Torture and Criminal Justice Reform in Côte d'Ivoire: Local and Regional Lessons'.

### **Pre-trial detention's socio-economic impact**

ACJR convened launches of its research report on the socio-economic impact of pre-trial detention with its local partners in Mozambique, Zambia and Kenya.

In Maputo, the launch (June) was attended by the Minister of Justice, Constitutional and Religious Affairs, Isaque Chande, as well as the Vice President of the Supreme Court, Dr João Beirão. It attracted extensive television news coverage.

At the Lusaka launch (July), the Deputy Commissioner of Correctional Services gave the keynote address on behalf of the Commissioner, Percy Chato. The launch was co-hosted with the Legal Resources Foundation Zambia and the Paralegal Alliance Network.

The launch in Nairobi, in partnership with the Independent Medico-Legal Unit (IMLU), followed closely on the Kenya audit, thus adding to the momentum for reforms that provide alternative ways of responding to less serious offences.

The findings from all three countries were published by Lukas Muntingh and Jean Redpath in the *Hague Journal on the Rule of Law* in 2018.

### **UN Special Rapporteur on Health**

Together with the University of Essex, ACJR hosted a civil society consultation with the UN Special Rapporteur on the Right to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Dr Dainius Púras, on the right to health and the deprivation of liberty. Nearly 40 delegates from southern and east Africa attended the consultation, which sought to inform the Special Rapporteur's upcoming thematic report to the UN Human Rights Council.





Crystal Nitsckie, Safeeya Mahomed, Prof Lukas Muntingh, Jean Redpath, Kristen Petersen, Tina Lorizzo

# STAFF OUTPUTS

## Books

Steytler N & De Visser J *Local Government Law of South Africa* 10 ed (2017) Durban: LexisNexis.

Steytler N (ed) *Concurrent Powers in Federal Systems: Meaning, Making, Managing* (2017) The Hague: Brill/Nijhoff.

## Book chapters

Assim UM **'Boko Haram: On the road to Algiers?'** in Strydom J & Iyi J (eds) *Boko Haram and International Law* (2017) New York: Springer International Publishing (with Ogunfolu AO & Adejumo O).

Assim UM **'Child poverty: A violation of children's right to life, survival and development'** in Durojaye E & Mirugi-Mukundi G (eds) *Poverty and Human Rights* (2017) Pretoria: PULP.

Assim UM **'Civil rights and freedoms of the child'** in Liefard T & Kilkelly U (eds) *International Children's Rights Law* (2017) New York: Springer International Publishing.

Assim UM **'Education and displacement of children in the face of the Boko Haram insurgency in Nigeria: Lessons from Ghana'** in Addaney M & Armah B (eds) *Ghana at 60: Governance and Human Rights in the Age of Africa Rising* (2017) Pretoria: PULP (with Mustapha A).

Durojaye E & Afuluke-Eruchalu O **'Developing norms and standards on maternal mortality in Africa: Lessons from UN human rights bodies'** in *African Human Rights Yearbook* (2017) Pretoria: PULP.

Mezmur BD **'Happy 18th birthday to the African Children's Charter: Not**

**counting its days but making its days count'** in *African Human Rights Yearbook* (2017) Pretoria: PULP

Mezmur BD **'The UN Convention on the Rights of the Child'** in Boezaart CJ (ed) *Child Law in South Africa* 2 ed (2017) Cape Town: Juta pp. 401-423

Sloth-Nielsen J **'African Charter on the Rights and Welfare of the Child'** in Boezaart CJ (ed) *Child Law in South Africa* 2 ed (2017) Cape Town: Juta.

Sloth-Nielsen J **'Child justice in South Africa'** in Boezaart CJ (ed) *Child Law in South Africa* 2 ed (2017) Cape Town: Juta.

Steytler N **'Concurrency of powers in deeply divided countries: The case of Yemen's draft Constitution'** in Steytler N (ed) *Concurrent Powers in Federal Systems: Meaning, Making, Managing* (2017) The Hague: Brill/Nijhoff.

Steytler N **'Concurrency of powers: The zebra in the room'** in Steytler N (ed) *Concurrent Powers in Federal Systems: Meaning, Making, Managing* (2017) The Hague: Brill/Nijhoff.

Steytler N **'The Constitutional Court: Reinforcing South Africa's hourglass system of multilevel government'** in Arony N & Kincaid J (eds) *Courts in Federal Countries: Federalists or Unitarists* (2017) Toronto: University of Toronto Press.

Steytler N **'The currency of concurrent powers in federal systems'** in Steytler N (ed) *Concurrent Powers in Federal Systems: Meaning, Making, Managing* (2017) The Hague: Brill/Nijhoff.

## Accredited journal articles

Chigwata TC **'Ministerial directives to local government in Zimbabwe: Top-down governance in a decentralised constitution'** (2017) 61(1) *Journal of African Law* 41-56 (with De Visser J & Muchapondwa V).

Chigwata TC **'Local government in the 2013 Constitution of Zimbabwe: Defining the boundaries of local autonomy'** (2017) *Hague Journal on the Rule of Law* (with De Visser).

De Visser J **'Overseeing the overseers: Assessing compliance with municipal intervention rules in South Africa'** (2017) *Hague Journal on the Rule of Law* (with November J).

Durojaye E & Owoeye O **'Equally equal or unequally equal: Adopting a substantive equality approach to gender discrimination in Nigeria'** (2017) 17(2) *International Journal on Discrimination and the Law* 70-85.

Durojaye E **'A gendered analysis of section 48(2)(d) of the Zimbabwean Constitution of 2013'** (2017) 38 *Statute Law Review* 240-251.

Durojaye E **'Between rhetoric and reality: Addressing gender inequality in Mozambique'** (2017) 31(1) *Afrika Focus* 31-52.

Durojaye E **'Involuntary sterilisation as a form of violence against women in Africa'** (2017) *Journal of Asian and African Studies* 1-12

Durojaye E & Chilemba E, **The judicialisation of the right to adequate food: a comparative study of India and South Africa** (2017) 43 (2) *Commonwealth Law Bulletin* 255-275.



Durojaye E **'The role of the African Commission on Human and Peoples' Rights in developing norms and standards on HIV and human rights'** (2017) 17(3) *Global Jurist* 1-15.

Muntingh L & Redpath J **'The socio-economic impact for pre-trial detention in Kenya, Mozambique and Zambia'** (2017) *Hague Journal on the Rule of Law*.

## Research Reports

ACJR, *An assessment of South Africa's National Prosecuting Authority, an audit of Kenya's Criminal Justice System* (co-published)

ACJR three-country study of the impact of pre-trial detention

Assim U M, *General Comment on the Responsibilities of the Child, Article 31 ACRWC for the African Committee of Experts on the Rights and Welfare of the Child*

Assim U M, *Concept Note for the commemoration of the Day of the African Child 2018 for the African Committee of Experts on the Rights and Welfare of the Child*

Assim UM and Mezmur B D, *Research on Unaccompanied Migrant Children in Southern Africa* for International Organisation for Migration

Dereymaeker G, *The State of Torture in South Africa in 2017* for the Pan-African Reparations Initiative

Poswa, X and De Visser J, *Implementing SPLUMA: A Review of Four 'Post-SPLUMA' Provincial Planning Bills* (2017) Cape Town: Dullah Omar Institute: Dullah Omar Institute

De Visser J and Poswa X, *Review of Municipal Planning By-Laws* (2017) Cape Town: Dullah Omar Institute

Durojaye E and Mirugi-Mukundi G, *Research on Transformative Governance Index* for Human Sciences Research Council

Durojaye E, Jain M & Adeniyi O, *Feasibility of Establishing an African Centre for Access to Justice* commissioned by NADCAO June 2017

Muntingh L, Redpath J and Petersen K *An Assessment of the National Prosecuting Authority - A Controversial Past and Recommendations for the Future* Cape Town: ACJR.

Powell D, *Capable Cities Index: Capacity Applied* Constitutional Studies Laboratory

Redpath J, *Evaluation of Western Cape Community Courts* 31 August 2017.

SERP, provided technical support to the African Commission on the publication of the first comprehensive report on HIV and human rights in Africa

Waterhouse S, *Department of Justice Performance in Sexual Offences*

Waterhouse S, Mentor-Lalu V, Agaba D and Johnstone S *Decision Making on Health in South Africa - what can we learn from the National Health Insurance Process* for Open Society Foundation - PHP

## Conferences hosted

De Visser J (with Gordon, D), 11 *Dullah Omar Memorial Lecture with Ms Graca Machel: A Call for a Nation's Soul Searching*, 3 October 2017, Cape Town, South Africa

De Visser J (with Gordon, D), *OR Tambo Centenary Lecture with Albie Sachs: The Constitution: the negotiation processes that led to South Africa's first great act of decolonisation* 25 April 2017, Cape Town, South Africa

Steytler N, *The Functions and Relevance of Subnational Constitutions in Federal Systems*, 2 December 2017, Addis Ababa, Ethiopia

Steytler N, *5th Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA 2017), Corruption and constitutionalism in Africa: Revisiting control measures and strategies*, 19-22 September 2017, Stellenbosch, South Africa

## Conference Papers delivered

Adeniyi O F, 'Exploring a rights approach to access to safe food in South Africa' at the *3rd International Conference on Global Food Security* 3-6 December 2017, Cape Town, South Africa

Chigwata TC, 'Corruption in Zimbabwe: Fighting a losing battle?' presented at the *5th Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA 2017)*, 19-22 September 2017, Stellenbosch, South Africa

Chigwata TC, 'Local Government Financing in Zimbabwe: (Re) positioning Local authorities as Investment Drivers' *Local Government Investment Conference*, 7- 9 August 2017 Harare, Zimbabwe

Chigwata TC, 'Combating corruption in Africa: Where are going wrong?' at a Seminar on *Combating Corruption*, organised by and held at STIAS,, 6 November 2017 Stellenbosch, South Africa

Chigwata T C, 'When fiscal decentralisation meets macroeconomic instability: local government financing in Zimbabwe' presented at the *Commonwealth Local Government Forum research colloquium*, 20-21 November 2017, Valletta, Malta

Dereymaeker G, 'Constitutional compliance with international law and the criminal justice process in Africa' at the 6th *Annual Conference of the Younger Comparativists Committee of the American Society of Comparative Law*, Koç University, 28 - 29 April 2017, Istanbul, Turkey

De Visser J, 'Land Use and Development in South Africa' Presentation to *Commission on Inquiry in the Effectiveness of Law, Policies and Processes or Land Acquisition, Land Administration, Land Management and Land Registration*, 22 September 2017, Kampala, Uganda

De Visser J, 'The Turn towards Metropolitan Areas as a Governance Tool: the Gauteng City Region paper delivered at NWU/FU Conference *Safe and Sustainable Cities - The Implementation of Sustainable Development Goal 11 in Context*, 19-20 May 2017, Berlin, Germany

De Visser J, 'Resourcing Basic Services' presentation at the *Commonwealth Local Government Forum research colloquium*, 20-21 November 2017, Valletta, Malta

De Visser J, 'The Western Cape Controversy: Asymmetry in an Equal Federation' presentation at *IACFS Annual Conference* (Fribourg)

Durojaye E, and Adeniyi O, 'Access to Justice as means of realising the right to development in Africa' A joint paper delivered at an *International Conference on the Right to Development*, 15-16 August 2017, Pretoria South Africa

Durojaye E, 'Socio-economic Rights of Refugees in South Africa' at a workshop on *Civic Engagement to Realise the Rights of Refugees and Asylum seekers in South Africa*, 4-5 February 2017 Cape Town, South Africa

Durojaye E, 'Legal and Human Rights issues raised by Forced Sterilisation' at a workshop on *Forced Sterilisation as a Human Rights Challenge in Africa* a workshop organised by ISLA and KELIN 26-28 January 2017, Nairobi, Kenya

Durojaye E, *International and regional framework on SRHR*, at the colloquium on *The Role of National Human Rights Institutions in Advancing Sexual and Reproductive Rights in East and Southern Africa* at 18-21 October 2017, Johannesburg, South Africa

Durojaye E, *Assessing the role of NHRIs in advancing SRHR* at the colloquium on *The Role of National Human Rights Institutions in Advancing Sexual and Reproductive Rights in East and Southern Africa* at 19-20 October 2017, Johannesburg, South Africa.

Ho Tu Nam N 'Human rights and local authorities at the African system' at the *Role of Human Rights Research: Current Challenges*

*and Future Opportunities* conference, University of Padova., 27th - 28th November 2017, Padova , Italy

Petersen K, 'The provision of bond / bail in Zambia a means to reduce the number of suspects being on pre-trial detention', at the *Symposium on Overcrowding in Zambian Correctional Facilities*, 13 September 2017, Lusaka Zambia

Steytler N, 'Courts in Federations in Africa, Reflection on South Africa', at *ICON-S 2017 Conference on Courts, Power, Public Law*, 5-7 July 2017, Copenhagen, Denmark

Steytler N, 'The 'Financial Constitution' and the Prevention and Combating of Corruption: A Comparative Study of Nigeria, South Africa and Kenya' at *5th Stellenbosch Annual Seminar on Constitutionalism in Africa* (SASCA 2017), 19-22 September 2017, Stellenbosch, South Africa

Steytler N, 'Revisiting Control Measures and Strategies Institute for International and Comparative Law in Africa' (ICLA), *Annual Stellenbosch Seminar on Constitutionalism in Africa* (SASCA 2017), 19-22 September 2017, Stellenbosch, South Africa

Steytler N, 'The quest for equality and inequality in natural resource dependent (emerging) federations', 2017 *IACFS Conference, The Principle of Equality in Diverse States - Reconciling Autonomy with Equal Rights and Opportunities*, Institute of Federalism, 11 October 2017, Fribourg, Switzerland

INCOME AND EXPENDITURE STATEMENTS		2017	2016
<b>INCOME</b>			
Funders		20 602 775	14 485 496
Consultancies		1 816 155	1 619 592
University of the Western Cape		-	-
(Includes 2 x Professorial posts, premises, utilities & IT)			
<b>TOTAL INCOME</b>		<b>22 418 930</b>	<b>16 105 089</b>
<b>EXPENDITURE</b>			
Advertising		-	-
Bank Charges		-	-
Salaries		11 493 389	11 166 820
Stationery		139 932	84 059
Photocopying		50 411	12 422
Postage & Distribution		18 869	14 906
Telephone		128 519	58 989
Travel & Accommodation		1 855 939	1 456 297
Printing & Publications		195 054	406 343
Subscriptions & Books		94 658	70 467
Audit Fees		64 068	39 516
Workshops / Meetings		427 846	314 584
Consultation Fees		461 317	353 344
Partner Activities		127 243	253 862
Postgraduate Bursaries		2 477 233	1 682 443
Conferences & Seminars		351 767	373 172
Research		186 378	976 097
Website & Media		140 215	84 348
Rent (CT Office)		75 203	18 870
Catering for Meetings & Socials		44 151	98 932
Computer Equipment (incl Maintenance)		155 655	147 852
Funders returned to donors		374 298	105 884
<b>TOTAL EXPENDITURE</b>		<b>18 862 145</b>	<b>17 719 207</b>
<b>CLOSING BALANCE FOR YEAR</b>		<b>3 556 785</b>	<b>(1 614 118)</b>
Surplus carried forward from previous year		7 563 415	9 175 287
Prior Year Adjustment		-	2 246
<b>NET CLOSING BALANCE 31-12-2017</b>		<b>11 120 200</b>	<b>7 563 415</b>

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Through engaged research, teaching and advocacy, the Dullah Omar Institute supports processes in South Africa and the region to build inclusive, resilient states that are accountable to citizens and responsive to human rights.

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