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ESR REVIEW

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Review in Africa

ENSURING **RIGHTS** MAKE REAL **CHANGE**



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Editorial

Welcome to the second issue of ESR Review for 2019.

Our first feature, by Stanley Ibe, reflects on ‘Some recent developments on justiciability of economic, social and cultural rights’, an article written by Eric Ayemere Okojie and Peace O. Folorunsho and published in ESR Review in 2017. Ibe believes that while Okojie and Folorunsho make worthy recommendations about the justiciability of economic, social and cultural rights, the realisation of these rights depends on more than securing their justiciability and encouraging judicial activism.

Our second feature, by Ehigie Marilyn Okojie, emphasises the importance of menstrual hygiene and draws attention to the failure of the South African government to provide free sanitary products as one of the ways of fulfilling women’s rights to sexual reproductive health care. Using Kenya and Scotland as case studies, Okojie makes recommendations about what could be done to ensure that the goal of free sanitary pads is realised in South Africa.

In the third feature, Ari Tobi-Aiyemo highlights the injustices that persist in the Niger Delta of Nigeria despite incontrovertible evidence of the destructive impact of oil exploration on the region’s human and environmental life.

The fourth feature, by Tinashe Kondo and Nyasha Noreen Kastenga, is a case review of *Nkwane v Standard Bank and Others* (2018), in which the Pretoria High Court dismissed a constitutional challenge on the ground of rules of court that allow the home of a debtor to be sold without a reserve price. At issue in the case is whether the sale of property without a reserve price constitutes arbitrary deprivation of property. The judgment has far-reaching implications in South Africa for the right to access to housing.

In our Updates section, Robert Doya Nanima discusses the 2018 report of Dainius Pūras, the United Nations special rapporteur on the right to health, on mental health and migration.

The Socio-Economic Rights Project (SERP) of the Dullah Omar Institute hosted two events in May 2019. Paula Knife gives an overview of the events: first, the Roundtable Discussion on Meaningful Engagement: Challenges in the Realisation of the Right to Adequate Housing in South Africa (27 May), and, secondly, the Community Leaders Training Workshop on the SDGs and Access to Justice (28–29 May).

We wish to extend special thanks to Prof. Christopher Mbazira (Makerere University) and Prof. Serges Djoyou Kamga (University of South Africa) for peer reviewing this issue, which we hope you enjoy.

Gladys Mirugi-Mukundi
Co-Editor