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Editorial

Welcome to the third issue of *ESR Review* of 2021 and the sixth in our series with a special focus on access to justice. Apart from being a fundamental human right, access to justice is a basic principle of the rule of law, and is crucial to the realisation of sustainable development. Hence, as we said in our previous issue, the 2030 Agenda for Sustainable Development, and in particular the Sustainable Development Goal 16, underscores the need to build peaceful, just and inclusive societies that provide equal access to justice for all and which are based on, inter alia, respect for human rights and effective rule of law.

However, limited access to justice remains a threat to sustainable development, and the Covid-19 pandemic threatens to exacerbate this challenge. In addition to being a health crisis, the Covid-19 pandemic is a justice and human rights crisis (Adil and Deramaix 2020). The impact of the pandemic, and of states' responses to addressing it, have implications that affect, among other human rights, people's ability to access timely, fair and effective justice (UNDP and UNODC 2020).

The pandemic has not only given rise to 'justice "needs"', such as addressing gender-based violence and undertaking additional reforms to strengthen the effectiveness of the justice chain in a radically shifting context, but has also placed children, LGBTI persons, women, persons with disabilities, older persons and displaced populations, amongst other groups in society, in more vulnerable or disadvantaged positions (UNODC and UNDP 2020).

As the United Nations notes, 'In the absence of access to justice, people are unable to have their voices heard, exercise their rights, challenge discrimination or hold decision-makers accountable.' Access to justice is also 'critical for the preservation of physical integrity' (UNODC and UNDP 2020).

Stronger and more effective efforts are thus required in order to ensure equal access to justice for all. Also, there is the need to ensure that responses to Covid-19 are not delinked from the SDGs (Heggen, Sandset and Engebretsen 2020). Thus, responses to the pandemic should not impede access to justice and sustainable development. SDG 16, for example, provides an inimitable opportunity to enhance the realisation of access to justice, and to strengthen rule-of-law efforts in relation to access to justice for children,

LGBTIQ+ people and other groups in society. Similarly, SDG 6 provides an opportunity to improve the realisation of access to water, which has been impacted by Covid-19 in many states, including those in Africa.

The first feature in this issue, by Robert Doya Nanima, considers the role of the African Committee of Experts on the Rights and Welfare of the Child in the realisation of SDG 16.3 for children. He highlights the normative and jurisprudential framework of the Committee that harnesses the realisation of SDG 16.3 indicators.

The second feature, by Busangokwakhe Dlamini, examines the nexus between human rights and access to justice for LGBTIQ+ people. The author notes, among other things, that progress in implementing SDG 16 'is bound to be thwarted by discrimination on the basis of sexual orientation in South Africa'.

The third feature, by Louisa Madeleine Schmiegel, considers the realisation of SDG 6 – access to clean, safe (drinking) water – for residents in the township of Khayelitsha, in Cape Town, South Africa. She highlights the negative effects that a lack of access to sufficient water (a daily challenge for the residents) has on food security, health, livelihood choices and educational opportunities.

The fourth feature, by Paul Mudau and Nomzomhle Kona, examines the legal, institutional and structural challenges faced by the City of Tshwane Metropolitan Municipality in the implementation of informal street trading as it pertains to its urban poor. The authors draw attention to possible solutions to the challenges.

We hope you will find this issue both stimulating and useful in the struggle for the realisation of SDG16 in Africa, and beyond. We wish to thank our anonymous peer reviewers, and our guest authors, for their insightful contributions.

Prof Lilian Chenwi, Guest Editor

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