



DULLAH OMAR INSTITUTE

FOR CONSTITUTIONAL LAW, GOVERNANCE AND HUMAN RIGHTS



ANNUAL REPORT 2015



UNIVERSITY of the
WESTERN CAPE



COMMUNITY
LAW CENTRE

VISION AND MISSION

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.

It aims to be the leading think tank on multi-level governance and human rights in Africa.





ORGANISATIONAL OVERVIEW

BOARD OF TRUSTEES

Archbishop Thabo Makgoba (until July 2015), represented by Prof Julian May, Director: Institute for Social Development
Prof Frans Swanepoel (from August 2015), Deputy Vice-Chancellor: Research & Innovation, represented by Prof Julian May
Prof Tyrone Pretorius, Rector & Vice-Chancellor Rector University of the Western Cape
Prof Bernard Martin, Dean of the Law Faculty
Prof Jaap de Visser, Director of the Community Law Centre
Adv Karrisha Pillay, public representative
Judge Vincent Saldanha, public representative
Mr Ashraf Mohamed, practising attorney
Adv Geoff Budlender SC, practising advocate
Dr Lea Mwambene, Law Faculty representative
Associate Prof Yonatan Fessha, Law Faculty representative
Dr Mubarak Sulaiman, Law Faculty representative
Bethsheba Kangwa, student representative

MANAGEMENT COMMITTEE

Prof Julian May
 Prof Bernard Martin
 Associate Prof Yonatan Fessha
 Prof Jaap de Visser

RESEARCH FELLOWS

Associate Prof Yonatan Fessha
 Dr Jacqui Gallinetti
 Prof Henk Kummeling
 Dr Christopher Mbazira
 Prof Jamil Mujuzi
 Dr Nkatha Murungi
 Prof Julia Sloth-Nielsen

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STAFF

Director: Prof Jaap de Visser
Chief Operations Manager: Virginia Brookes
Children's Rights Project: Associate Prof Benyam Dawit Mezmur (project head), Dr Maria Assim (postdoctoral researcher), Dr Aquinaldo Mandlate (postdoctoral researcher), Meseret Kifle (doctoral researcher), Crystal Erskine (administrator)
Civil Society Prison Reform Initiative: Associate Prof Lukas Muntingh (project head), Gwénaëlle Dereymaeker (researcher), Jean Redpath (researcher), Kristen Petersen (researcher), Crystal Erskine (administrator)
Multilevel Government Initiative: Dr Derek Powell (project head), Phindile Ntliziywana (researcher), Tinashe Chigwata (doctoral researcher later became postdoctoral researcher), Valma Hendricks (administrator)
South African Research Chair in Multilevel Government, Law and Policy: Prof Nico Steytler (South African Research Chair), Dr Zemelak Ayele (postdoctoral researcher), Annette May (doctoral researcher), John Mutakha Kangu (doctoral researcher until March 2015), Shehaam Johnstone (doctoral researcher), Alois Madhekeni (doctoral researcher)
Socio-Economic Rights Project: Associate Prof Ebenezer Durojaye (project head), Gladys Mirugi-Mukundi (researcher), Dr Enoch Chilemba (postdoctoral researcher), Ngcimezile Mbano-Mweso (doctoral researcher), Daphine Agaba (doctoral researcher), Keathélia Saptó (administrator)
Women and Democracy Initiative: Samantha Waterhouse (project head), Vivienne Mentor-Lalu (researcher/facilitator), Keathélia Saptó (administrator)
Financial Management: Virginia Brookes (financial manager), Nadia Sutton (bookkeeper)
Information and Communications Management: Jacob Nthoiwa (communications manager)
Office Management: Debbie Gordon (office manager), Nikita Williams (receptionist until March 2015) Mandy Cupido (receptionist from March 2015)

Websites: dullahomarinstitute.org.za; cspri.org.za

THE INSTITUTE AT A GLANCE

FINANCES	2013	2014	2015
Total income	12 427 942	15 986 937	18 915 028
Total expenditure	12 687 435	14 367 186	16 907 226

STAFF PROFILES

20 male 15 female 35 total 12 nationalities

PhD candidates

3 NRF-rated 10 staff with PhD 6 females 5 males

ACADEMIC OUTPUTS	2013	2014	2015
Books	2	4	4
Chapters in books	14	8	28
Peer-reviewed articles	18	15	33
Doctoral degrees awarded	4	2	3

OTHER OUTPUTS	2013	2014	2015
Research reports	14	22	22
Submissions	25	23	15
Conferences	2	3	2
Workshops / seminars	13	17	22
Conference papers	37	15	9

MEDIA

Print / Online 23

Radio 36

TV 10

Website visits 4 702 (64% from South Africa)

Facebook 1 350 Followers



DIRECTOR'S OVERVIEW

A new chapter opened

In my previous overview, 'Opening a new chapter', I shared information on the changes in what was then the Community Law Centre (CLC). I reported on the achievements over the past 25 years and our engagement with the University to upgrade the Centre's status. I wrote about the adoption of a new constitution by our Board of Trustees enabling the conversion of the CLC into an institute. I also reported on the new name for our organisation, the Dullah Omar Institute for Constitutional Law, Governance and Human Rights, in honour of our founding director.

2015 saw the concretisation of these changes. The new constitution came into effect in August, converting the CLC into the Dullah Omar Institute. The Centre also celebrated its twenty-fifth anniversary, which was capped with the 10th Dullah Omar Memorial Lecture. This provided an opportunity to reflect on the Institute's prominent role in the transition to democracy.

To all our partners: the transformation of the Centre into an institute is a recognition of our multidisciplinary approach, our solid track record in teaching and research, and our impact through sustained advocacy. But it does not change our legal status or accountability processes.

"2015 saw the concretisation of these changes. The new constitution came into effect in August, converting the CLC into the Dullah Omar Institute."

The context in which we worked in 2015 was nothing short of volatile. The year was marked by increasing inequality and tension in South African society, evident in horrific xenophobic attacks and persistent, violent community protests. As an organisation based at a university, we were directly affected by the historic student protests against inequalities in tertiary education. We experienced weeks of interrupted access to campus, our building sustained damage, our postgraduate students were forced to abandon their accommodation prematurely and, most critically, our staff experienced very tense moments during the unrest.

Despite this, we not only persevered in our work but once again achieved remarkable successes. We remained true to our vision and mission, namely to support inclusive, resilient states that are accountable to citizens and responsive to human rights through engaged teaching, advocacy and research.

As Director, it therefore gives me immense pride to share with you the highlights of our achievements in 2015.

PROFESSOR JAAP DE VISSER
DIRECTOR

LE POINT DE VUE DU DIRECTEUR

La confirmation d'un nouveau chapitre

Dans ma précédente synthèse, « Le commencement d'un nouveau chapitre », j'expliquais que ce qui était alors le *Community Law Centre* (CLC) connaissait des changements importants. Je revenais sur les réalisations des 25 dernières années et sur nos démarches auprès de l'Université pour renforcer le statut du Centre. L'adoption de nouveaux statuts par notre conseil d'administration a ouvert la voie à la transformation du Centre en un Institut. Notre organisation a alors été rebaptisée en l'honneur de notre directeur fondateur pour devenir le *Dullah Omar Institute for Constitutional Law, Governance and Human Rights* (Institut Dullah Omar pour le Droit constitutionnel, la gouvernance et les droits de l'Homme).

En 2015 ces changements se sont concrétisés. Les nouveaux statuts sont entrés en vigueur au mois d'août, transformant le Centre en Institut Dullah Omar. Le Centre a également célébré son vingt-cinquième anniversaire et l'évènement a été marqué par le 10^{ème} cours magistral en l'honneur de Dullah Omar. Ce fut l'occasion de revenir sur le rôle pionnier de l'Institut dans le processus de transition démocratique.

A l'attention de tous nos partenaires : la transformation du Centre en un Institut représente une reconnaissance de notre approche multidisciplinaire, de notre bilan positif dans l'enseignement et la recherche, et de la portée de nos campagnes de sensibilisation. Mais cela n'affecte en rien ni notre statut juridique ni nos mécanismes de responsabilité.

Le contexte dans lequel nous avons travaillé en 2015 était tout simplement explosif. L'année a été marquée par la montée des inégalités et des tensions au sein de la société sud-africaine, comme l'ont révélé de terribles attaques xénophobes et de violentes manifestations locales récurrentes. Faisant partie d'une université, notre organisation a été directement affectée par les manifestations étudiantes historiques contre les inégalités dans l'enseignement supérieur. Pendant plusieurs semaines l'accès au campus était fermé, notre bâtiment a subi des dommages, nos étudiants de troisième cycle ont été contraints d'abandonner leur logement prématurément et surtout notre équipe a vécu des moments très difficiles pendant les troubles.

Malgré cette situation, nous avons non seulement persévéré dans notre travail, mais aussi obtenu une fois de plus des succès remarquables. Nous sommes restés fidèles à notre vision et à notre mission, à savoir œuvrer en faveur d'États inclusifs et résilients qui rendent des comptes aux citoyens et protègent les droits de l'homme. Notre enseignement engagé, nos campagnes de sensibilisation et nos travaux de recherche tendent tous vers ce but.

En tant que directeur, je suis donc très fier de vous faire part des principales réalisations que nous avons menées à bien en 2015.

PROFESSEUR JAAP DE VISSER
LE DIRECTEUR



10th Dullah Omar Memorial Lecture and the 25th Anniversary of the Centre

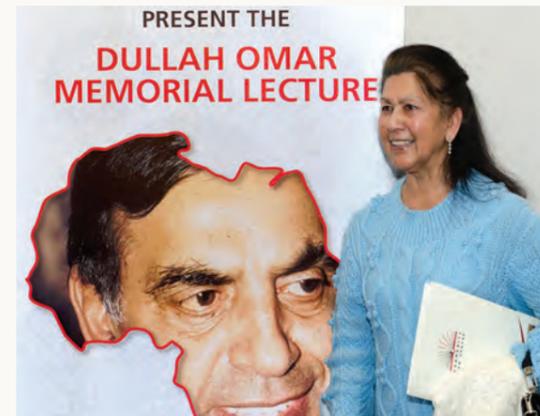
The Minister of Justice and Correctional Services, Honourable Tshililo Michael Masutha, delivered the 10th Dullah Omar Memorial Lecture. The lecture was attended by more than 400 guests, including Farieda Omar and other family members, and was broadcast live on SAfm.

“We celebrated our 25th anniversary and launched our new name and status”

On the same day we celebrated our 25th anniversary and launched our new name and status. The celebration included an overview of the Centre’s history, delivered by Prof Renfrew Christie, who has served on our Board for more than 24 years. The Institute was formally launched by the unveiling of a plaque by Ms Omar and Minister Masutha, one of Dullah Omar’s successors as Minister of Justice. A series of videos was screened, showing interviews with people associated with the Centre, including Justice Albie Sachs, former Minister Brigitte Mabandla and former National Director of Prosecutions, Bulelani Ngcuka. These videos and others are available on our website and offer a glimpse into the Institute’s rich history.



Prof Renfrew Christie reflects on the Centre’s history



Professors Muntingh, de Visser, Pretorius and Christie



Minister Brigitte Mabandla, a former staff member at the CLC



10^{ème} cours magistral en l’honneur de Dullah Omar et 25^{ème} Anniversaire du Centre

Le Ministre de la Justice et de l’administration pénitentiaire, M. Tshililo Michael Masutha, a été invité à donner le 10^{ème} cours magistral en l’honneur de Dullah Omar. Plus de 400 personnes ont assisté à ce cours magistral y compris Farieda Omar et d’autres membres de la famille de notre directeur fondateur. Le cours a été retransmis en direct à la radio sur SAfm.

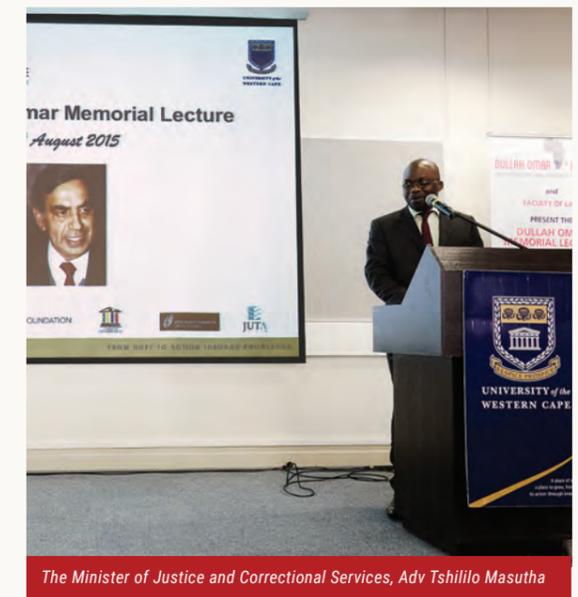
Le même jour, nous avons célébré notre 25^{ème} anniversaire et officialisé notre nouveau nom et notre nouveau statut. Au cours de cette célébration, le professeur Renfrew Christie, qui siège à notre conseil d’administration depuis plus de 24 ans, a fait une présentation de l’histoire du Centre. L’Institut a été officiellement inauguré avec le dévoilement d’une plaque commémorative par Mme Omar et M. Masutha, l’un des successeurs de Dullah Omar à la tête du ministère de la justice. Une série de vidéos a été projetée, montrant des entrevues avec des personnes associées au Centre, y compris le juge Albie Sachs, l’ancienne ministre Brigitte Mabandla et l’ancien *National Director of Prosecutions* (chef du ministère public), Bulelani Ngcuka. Ces vidéos et d’autres encore sont disponibles sur notre site et donnent un aperçu de la riche histoire de l’Institut.



Prof Tyrone Pretorius, UWC Rector, welcomes guests



Erstwhile CLC staff member Bulelani Ngcuka with Mrs Fareda Omar, wife of the late Dullah Omar



The Minister of Justice and Correctional Services, Adv Tshililo Masutha



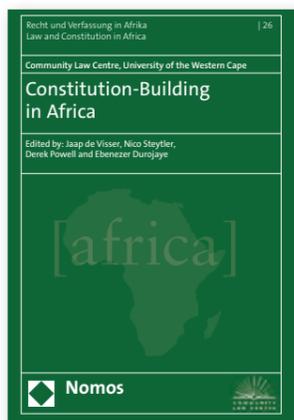
Academic outputs

As an institution based at a university, we must ensure consistent academic outputs as a basis for our teaching and advocacy. 2015 saw a strong performance on this front, particularly with chapters in books. Our research fellows again contributed in a significant way to the Institute's research outputs.

	2012	2013	2014	2015
Doctoral degrees awarded	2	4	2	3
Peer-reviewed articles	9	18	15	33 (23*)
Chapters in books	7	14	9	28 (3*)
Books	1	2	4	4
Research reports	10	14	23	22

* The numbers in brackets represent research fellows' publications

The Institute produced four major books: *Constitution-Building in Africa*, edited by De Visser, Steytler, Powell and Durojaye; *Litigating the Right to Health in Africa: Challenges and Prospects*, edited by Durojaye; *Understanding Kinship Care of Children in Africa: A Family Environment or an Alternative Care Option?* by Assim; and *Kenyan-South African Dialogue on Devolution*, edited by Steytler N & Ghai Y.



Constitution-Building in Africa, edited by Jaap de Visser, Nico Steytler, Derek Powell, and Ebenezer Durojaye, examines the rise of constitutionalism in Africa and concludes that institutional failures and political culture stand in the way of healthy checks and balances between the legislature and the executive.

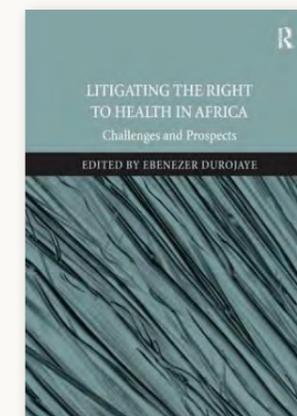
Contributions universitaires

Faisant partie d'une université, nous devons fournir des contributions universitaires régulières qui servent de fondements à nos enseignements et à nos campagnes de sensibilisation. De très bons résultats ont été atteints dans ce domaine en 2015, en particulier en ce qui concerne la publication de chapitres de livres. Nos chercheurs associés ont à nouveau participé de façon significative aux publications universitaires de l'Institut.

	2012	2013	2014	2015
Diplômes de Doctorat obtenus	2	4	2	3
Articles publiés dans des revues à comité de lecture	9	18	15	33 (23*)
Chapitres de livres	7	14	9	28 (3*)
Livres	1	2	4	4
Rapports de recherche	10	14	23	22

* Les chiffres entre parenthèses représentent les publications des chercheurs associés.

L'Institut a publié deux livres majeurs: *Constitution-Building in Africa* édité par De Visser, Steytler, Powell et Durojaye, *Litigating the Right to Health in Africa: Challenges and Prospects* édité par Durojaye, *Understanding Kinship Care of Children in Africa: A Family Environment or an Alternative Care Option?* par Assim, et *Kenyan-South African Dialogue on Devolution* édité par Steytler N & Ghai Y.



Ebenezer Durojaye's edited volume *Litigating the Right to Health in Africa: Challenges and Prospects* presents a diverse range of case studies that focus on understanding the legal framework for the recognition of the right to health, the challenges people encounter in litigating health rights issues and the prospects of litigating future health rights cases in Africa.



Advocacy and public scholarship

Staff at the Institute continued to engage in a range of advocacy and public scholarship activities in South Africa and on the international stage.

After the South African government ratified the International Covenant on Economic, Social and Cultural Rights in January 2015, the ICESCR Campaign, led by SERP, modified its strategy. It now focuses on the implementation of the treaty at the national level, with a view to seeing real improvement in socio-economic conditions of marginalised individuals and communities in South Africa.

“MLGI produced a series of influential research reports unpacking issues such as the prevalence of community protests, the capability of cities, and women in local government”

The Children’s Rights Project delivered a series of country briefs to the African Union’s Committee of Experts on the Rights and Welfare of the Child. The briefs, which examined issues such as the girl child, discrimination and the allocation of resources for realising children’s rights, directly influenced the Committee’s consideration of child rights in African countries.

MLGI produced a series of influential research reports unpacking issues such as the prevalence of community protests, the capability of cities, and women in local government. The reports provide invaluable data and continue to influence public debate.

The Institute, in particular CSPRI, SERP and the Women and Democracy Initiative (WDI), made a range of submissions to different government institutions. CSPRI engaged directly with the draft Civilian Secretariat for Police internal questionnaire to assess civil litigation against the SAPS, and with the draft White Papers on Police and Safety and Security. SERP made submissions to the Department of Education on the draft Policy on Contraception and to the Malawi Law Commission on a draft bill on abortion. WDI made a submission to the Sexual Offences Act Amendment Bill (SOAAB) and coordinated a group of eight organisations in drafting a joint submission on proposed amendments regarding the age of consent.

WDI’s Samantha Waterhouse also finalised the coordination of a civil society shadow report to the UN Committee on the Rights of the Child. The report critically assessed South Africa’s performance under the Convention on the Rights of the Child. The Committee is scheduled to consider South African’s report and issue its observations in September 2016.

	2014	2015
Submissions	18	23
Opinion pieces published	9	8
Campaign involvement	13	17

Campagnes de sensibilisation et travaux de recherche

L’équipe de l’Institut prend part à diverses campagnes de sensibilisation et à des projets de recherche en Afrique du Sud et sur la scène internationale.

Le SERP, qui dirigeait la campagne PIDESC, a dû modifier sa stratégie depuis que le gouvernement sud-africain a ratifié le Pacte international relatif aux droits économiques, sociaux et culturels en janvier 2015. Il se concentre désormais sur la mise en œuvre du traité au niveau national, en visant une réelle amélioration des conditions socio-économiques des personnes et des communautés marginalisées en Afrique du Sud.

Le *Children’s Rights Project* (Projet sur les droits des enfants) a fourni une série de synthèses pays par pays au Comité africain d’experts sur les droits et le bien-être de l’enfant de l’Union africaine. Les synthèses analysaient des questions telles que la situation particulière des petites filles, les discriminations et la répartition des ressources pour la protection des droits des enfants. Ce travail a directement influencé la réflexion du Comité sur les droits des enfants dans les pays africains.

La MLGI (Initiative pour la gouvernance pluri-niveaux) a produit une série d’importants rapports de recherche qui abordent des questions telles que la persistance des manifestations locales, le rôle des municipalités, et la place des femmes au sein des pouvoirs publics locaux. Ces rapports fournissent des données précieuses et influencent le débat public.

L’Institut, en particulier la CSPRI (Initiative de la société civile pour la réforme pénitentiaire), le SERP (Projet sur les droits socio-économiques) et la WDI (Initiative sur les femmes et la démocratie), a fait une série de propositions à différents organes gouvernementaux. La CSPRI a directement participé au projet du Secrétariat civil de la police visant à créer un questionnaire interne pour évaluer les litiges civils contre la police (SAPS), et elle a participé au *draft White Papers on Police and Safety and Security* (projet de Livres blancs sur la police, la protection et la sécurité). Le SERP a présenté des observations au ministère de l’Éducation sur le projet de Politique publique concernant la contraception, et à la Commission des lois du Malawi sur un projet de loi relatif à l’avortement. La WDI a soumis des remarques sur le *Sexual Offences Act Amendment Bill, SOAAB* (Proposition de révision de la loi sur les infractions sexuelles) et a coordonné un groupe de huit organisations qui ont élaboré une proposition conjointe sur les amendements concernant l’âge du consentement.

Samantha Waterhouse de la WDI a également finalisé la coordination d’un contre-rapport de la société civile destiné au Comité des droits de l’enfant des Nations Unies. Le rapport fait une évaluation critique des résultats de l’Afrique du Sud en ce qui concerne la mise en œuvre de la Convention relative aux droits de l’enfant. Le Comité a prévu d’examiner le rapport sur l’Afrique du Sud et d’émettre ses observations en septembre 2016.

	2014	2015
Propositions	18	23
Articles d’opinion publiés	9	8
Implications dans des campagnes de sensibilisation	13	17



Doctoral and Master's Programmes

Postgraduate teaching and supervision is integral to the mandate of the Institute, and our track record in this regard was a key driver for converting the Centre to an Institute. A number of staff, doctoral researchers and postdoctoral fellows are engaged in teaching, supervising and examining postgraduate students. In 2015 there were more than 20 supervised Masters and doctoral students, and staff and doctoral researchers examined over 25 students.

Benyam Dawit Mezmur convenes the course 'International Protection of Human Rights Law', while Ebenezer Durojaye convenes 'Economic Social and Cultural Rights'. Nico Steytler, the South African Research Chair (SARChI) in Multilevel Government, Law and Policy, continued to deliver the Master's Programme in State, Law and Multilevel Government in collaboration with the Multilevel Government Initiative. In the last six months of 2015, we hosted four students, two from Ethiopia and two from Kenya, as part of our collaboration with the Centre for Human Rights at the University of Pretoria. This was the sixteenth consecutive year in which we have partnered in delivering the Master's Programme in Human Rights and Democratisation in Africa.

“In 2015 there were more than 20 supervised Masters and doctoral students, and staff and doctoral researchers examined over 25 students”

The Centre's doctoral programme produced three PhDs in 2015: Tinashe Chigwata, Douglas Singiza and John Mutakha Kangu. In collaboration with the Faculty of Law, we once again convened two doctoral colloquia at which doctoral students presented and received feedback on their work from experts and peers. The colloquium concept is now firmly embedded in the Law Faculty's annual work programme.

Roundtables and Conferences

In 2015 we convened a total of 23 conferences, roundtables, and seminars. The diversity of their themes reflects the scope of our engagement with human rights and governance. Examples include a consultative seminar by CSPRI on the constitutionality of criminal law in Africa, a workshop by SERP in Blikkiesdorp on sexual and reproductive health and rights, and a roundtable by WDI and MLGI on local government and food security. There were high-level conferences too, such as the international BRICS conference hosted by the SARChI Chair.



The SARChI Chair hosted an international BRICS conference

Programme doctoral et master

L'enseignement et la supervision de recherches de troisième cycle font partie intégrante du mandat de l'Institut, et notre bilan dans ce domaine a été un facteur décisif pour la transformation le Centre en un Institut. Un certain nombre de membres du personnel enseignant, de doctorants et de chercheurs postdoctoraux participent aux activités d'enseignement, de supervision et d'évaluation des étudiants de troisième cycle. En 2015, nous avons accueilli plus de 20 étudiants de master et doctorants, et le personnel enseignant et les doctorants ont évalué plus de 25 étudiants.

Benyam Dawit Mezmur dirige le cours « Protection internationale des droits de l'homme », tandis que Ebenezer Durojaye dirige le cours « Droits économiques, sociaux et culturels ». Nico Steytler, le titulaire de la Chaire sud-africaine de recherche (SARChI) en *Multilevel Government, Law and Policy* (Gouvernance pluri-niveaux, droit et politiques publiques) continue d'offrir le programme de master *State, Law and Multilevel Government* en collaboration avec la *Multilevel Government Initiative*. Au cours des six derniers mois de l'année 2015, nous avons accueilli quatre étudiants d'Ethiopie, du Kenya et d'Ouganda dans le cadre de notre collaboration avec le *Centre for Human Rights* (Centre pour les droits de l'homme de l'Université de Pretoria). Il s'agit de la seizième année consécutive de partenariat avec ce centre de recherches avec lequel nous offrons le programme de master *Human Rights and Democratisation in Africa* (Droits de l'homme et démocratisation en Afrique).

Le programme doctoral du Centre a produit trois docteurs en 2015 : Tinashe Chigwata, Douglas Singiza et John Mutakha Kangu. En collaboration avec la Faculté de droit, nous avons de nouveau organisé deux colloques de doctorat au cours desquels les doctorants ont reçu des commentaires sur leurs travaux de la part d'experts et de pairs. Le concept du colloque est maintenant fermement ancré dans le programme de travail annuel de la Faculté de droit.

Tables rondes et conférences

En 2015, nous avons organisé un total de 23 conférences, tables rondes et séminaires. La diversité des thèmes visés reflète l'étendue de notre travail sur les droits de l'homme et la gouvernance. Par exemple, un séminaire consultatif a été organisé par la CSPRI sur la constitutionnalité des lois pénales en Afrique, le SERP a organisé un atelier à Blikkiesdorp sur la santé et les droits sexuels et reproductifs, et une table ronde a été proposée par la WDI et la MLGI sur la gouvernance locale et la sécurité alimentaire. Des conférences de haut niveau ont également eu lieu, comme la conférence internationale des BRICS accueillie par la Chaire SARChI.



The SARChI Chair, Prof Nico Steytler, addresses delegate at the BRICS conference



Media and public engagement



In our efforts to promote good governance and the realisation of human rights, we have prioritised use of the media in all its forms, from social media posts and alerts to well-researched opinion pieces. We share research findings and information, initiate and participate in debates, and comment on current affairs on the basis of a rights-based ethic and academic rigour.

“We share research findings and information, initiate and participate in debates, and comment on current affairs on the basis of a rights-based ethic and academic rigour”

In 2015 we appeared in the print and online media no fewer than 22 times and in other media more than 40 times. Examples include the MLGI’s Civic Protest Barometer, CSPRI’s research on the allocation of police resources and medical parole, CRP’s research on indicators to monitor child rights in Africa and the SARChI Chair’s commentary on cutting funding to municipalities. Our website underwent restructuring and its usage continues to grow: since August 2015 it has had more than 5,000 visitors.

Médias et participation au débat public

Nous efforçant de promouvoir la bonne gouvernance et le respect des droits de l’homme, nous avons mis en avant l’utilisation de médias variés, en ayant recours aussi bien aux messages et aux alertes sur les réseaux sociaux qu’aux articles d’opinion bien plus documentés. Nous diffusons des informations sur les résultats des travaux de recherche, nous initions et participons à des débats, et nous commentons l’actualité en mettant en œuvre une éthique respectueuse des droits et une rigueur académique.

“En 2015, nous sommes apparus dans la presse écrite et les médias en ligne pas moins de 22 fois et dans d’autres médias plus de 40 fois.”

En 2015, nous sommes apparus dans la presse écrite et les médias en ligne pas moins de 22 fois et dans d’autres médias plus de 40 fois. Par exemple ont été cités : le Civic Protest Barometer (Baromètre des manifestations publiques) de la MLGI, le travail de recherche de la CSPRI sur la répartition des ressources policières et sur la libération conditionnelle pour raisons médicales, le travail de recherche du CRP sur des indicateurs permettant de contrôler le respect des droits des enfants en Afrique et le commentaire de la Chaire SARChI sur la réduction des financements reçus par les municipalités. Notre site internet a été remanié et sa visibilité ne cesse de progresser : depuis août 2015, il a reçu plus de 5000 visites.

Appointments and memberships



We are able to do the great work that features in this report because of the calibre of our staff, doctoral researchers, postdoctoral researchers and research fellows. Testimony to this is that our staff are often chosen for high-profile appointments and memberships. For instance, Benyam Dawit Mezmur was elected as Chairperson of the UN Committee on the Rights of the Child, the apex body of multilateral efforts to champion for children’s rights.

Jaap de Visser was appointed by UNDP and UNCDF to review Lesotho’s Local Government Act. He was also appointed to the editorial board of the *Hague Journal on Rule of Law and the Commonwealth Local Government E-Journal*. Nico Steytler was appointed by various international bodies to advise constitution-making bodies in the Solomon Islands, Yemen and Somalia. He also served as an expert consultant in a workshop with the Libyan Constitutional Assembly’s Committee on Devolution. Julia Sloth-Nielsen served as an expert team member at the SADC Parliamentary Union.

Our staff and postdoctoral researchers were invited to deliver guest lectures and speeches at universities around the country and the world, including in Ethiopia, Kenya, Gambia, Mozambique, Switzerland, and the UK on themes covered by the projects at the Centre. They also served as supervisors and internal and external examiners of Master’s and doctoral theses.

Nominations et activités des membres

Nous sommes en mesure de mener à bien les multiples travaux qui figurent dans ce rapport grâce à la qualité des membres de notre équipe, des doctorants, des chercheurs postdoctoraux et des chercheurs associés. Cette qualité est largement reconnue comme en témoigne le fait que de nombreux membres de notre équipe sont souvent nommés pour participer à des institutions de haut niveau. Par exemple, Benyam Mezmur a été élu Président du Comité des droits de l’enfant des Nations Unies, l’organisation qui est à la tête des efforts multilatéraux en faveur des droits des enfants.

Jaap de Visser a été nommé par le PNUD et le FENU pour analyser le *Local Government Act* du Lesotho. Il a également été nommé membre des comités de rédaction du *Hague Journal on Rule of Law* et du *Commonwealth Local Government E-Journal*. Nico Steytler a été nommé par divers organismes internationaux pour conseiller les autorités en charge de l’élaboration des constitutions nationales dans les îles Salomon, au Yémen et en Somalie. Il est également intervenu en tant que consultant expert lors d’un atelier du Comité de l’Assemblée constitutionnelle libyenne sur le transfert de compétences aux autorités locales. Julia Sloth-Nielsen a été membre de l’équipe d’experts auprès de l’Union parlementaire de la SADC.

Les membres de notre équipe et les chercheurs postdoctoraux ont été invités à donner des conférences et des présentations dans des universités nationales et à travers le monde, notamment en Éthiopie, au Kenya, en Gambie, au Mozambique, en Suisse et au Royaume-Uni. Ils ont aussi dirigé des travaux de recherche et participé comme membres internes et externes dans des jurys d’examen de master et de doctorat.



Funding, governance, staff and operations



The staff of the Dullah Omar Institute

Our donors are critical partners (see page 44). This is not only because of their financial support but because they advise us, keep us abreast of developments in the global donor community, connect us with new initiatives and hold us accountable. Two should be singled out: the Ford Foundation and the Open Society Foundation (OSF). The Ford Foundation has supported us since our establishment, and we have concluded a new agreement for 2016 and 2017. The fact that this happened while the Foundation is undergoing significant changes is an important indicator of the strength of our partnership. We also reached an agreement with the OSF for an exciting and generous grant that now includes core funding. The University continued to support the Institute with salaries for the Director, Jaap de Visser, and the Children's Rights Project Head, Benyam Dawit Mezmur. In addition, we manage our finances and human resources on university systems and in terms of university rules. The financial and human resources offices of the University assisted us greatly in 2016 to ensure adherence to university policies and conduct.

Between 2014 and 2015, our income rose from R15,986 million to R18,915 million. Expenditure was channelled through 55 cost entities (53 in 2014). We closed the year with a surplus balance of R9,176,287, which is consistent with previous years.

After overseeing the conversion to an institute, the renaming and the anniversary celebrations, Jaap de Visser was granted sabbatical leave from September 2015 to August 2016. The Faculty appointed Benyam Dawit Mezmur as Acting Director for that period.

“Between 2014 and 2015, our income rose from R15,986 million to R18,915 million”

At the end of the year, we bade farewell to Phindile Ntliziywana, who took up a permanent position as a lecturer at the University of Cape Town. In another loss to the Institute, Dr Zemelak Ayele left the Institute to become an Assistant Professor at the Center for Federal Studies at Addis Ababa University. Both men started out as Master's students at the Institute. After working here for five and six years respectively, they are now scholars of note, which bears testimony to our efforts in developing young academics and our growing African footprint. Their contribution to the Institute's work will be sorely missed.

On a positive note, we appointed Kristen Petersen as a new researcher, and she brings fresh energy to CSPRI. Prof Henk Kummeling, Extraordinary Professor at the Faculty and fellow of the Institute, was appointed as Distinguished Professor at Utrecht University, a prestigious platform for him to conduct research across a number of faculties and disciplines.

Financement, gestion, équipe et fonctionnement

Nos donateurs, qui sont présentés page 44, sont des partenaires essentiels. Ceci est vrai non seulement en raison de leur soutien financier, mais aussi parce qu'ils nous conseillent, nous tiennent au courant de l'évolution de la communauté internationale des donateurs, nous mettent en relation avec de nouvelles initiatives et exigent des comptes de notre part. Il convient d'en mentionner deux : la Fondation Ford et la *Open Society Foundation* (OSF). La Fondation Ford nous a soutenus depuis notre création, et nous avons conclu un nouvel accord pour les années 2016 et 2017. Le fait que cela ait été possible alors que la Fondation fait face à des changements conséquents est un clair indicateur de la force de notre partenariat. Nous avons également conclu un accord avec OSF pour une subvention généreuse qui comprend maintenant un financement des services administratifs. L'Université continue de soutenir l'Institut en prenant en charge le salaire du directeur, M. Jaap de Visser, et celui du Responsable du Projet sur les droits des enfants, Benyam Dawit Mezmur. De plus, nous gérons nos ressources financières et humaines en utilisant les systèmes et en respectant les règles de l'Université. En 2016, le bureau des ressources financières et humaines de l'Université nous a beaucoup aidé à nous conformer aux politiques et aux pratiques de l'Université.

Entre 2014 et 2015, nos ressources annuelles ont augmenté en passant de 15,986 millions de rands à 18,915 millions de rands. Le budget a été réparti entre 55 postes de dépense (contre 53 en 2014). Nous avons terminé l'année avec un solde excédentaire de 9 176,287 rands ce qui est cohérent avec les années précédentes.

Après avoir assuré le bon déroulement de la transformation du Centre en Institut, le changement de nom et les célébrations de l'anniversaire de l'Institut, Jaap de Visser s'est vu accorder un congé sabbatique de septembre 2015 à août 2016. Benyam Dawit Mezmur a été nommé directeur par intérim pour cette période.

A la fin de l'année, nous avons vu partir Phindile Ntliziywana, qui a obtenu un poste permanent d'enseignant à l'Université du Cap. Dr Zemelak Ayele a également quitté l'Institut pour devenir professeur assistant au Centre d'études fédérales de l'Université d'Addis-Abeba. Ils avaient tous deux fait leurs débuts à l'Institut en tant qu'étudiants de master. Après y avoir travaillé pendant cinq et six ans respectivement, ce sont maintenant des universitaires aguerris dont le parcours témoigne de nos efforts pour encourager de jeunes universitaires et de notre rayonnement croissant sur le continent africain. Leur participation aux travaux de l'Institut nous manquera beaucoup.

Pour finir sur une touche positive, Kristen Petersen a été engagée comme chercheur, et elle apporte une nouvelle énergie à la CSPRI. Le professeur Henk Kummeling, professeur associé de la Faculté et membre de l'Institut, a été reconnu comme professeur éminent de l'Université d'Utrecht, un titre prestigieux lui permettant d'effectuer davantage de recherches transversales entre un certain nombre de facultés et de disciplines.



Staff lend assistance at the Dullah Omar Memorial Lecture



Nikki Naylor of the Ford Foundation, one of our funders



DOCTORAL DEGREES AWARDED



Dr John Mutakha Kangu

Supervisor: Prof N Steytler

Topic: An Interpretation of the Constitutional Framework for Devolution in Kenya: A Comparative Approach

In a radical break with the past, the Kenyan Constitution of 2010, only fully implemented since 2013, has the devolution of power as one of its centerpieces, reflecting some borrowing of form and structure from the South African Constitution.

John Mutakha Kangu, the first doctoral graduate of the SARChI Chair in Multilevel

Government, provides a purposive interpretation of all the devolution provisions in the Kenyan Constitution in order to give full effect to the constitutional values of local self-governance, non-centralism and development. He draws masterfully on comparative law, particularly South African law. This work will have a major impact on Kenyan jurisprudence. Examiners agreed that the thesis is of exemplary quality and that the published dissertation will benefit both scholarly and judicial readerships.



Dr Douglas Karekona Singiza

Supervisor: Prof J De Visser

Topic: Decentralisation in Uganda: A Critical Review of its Role in Deepening Democracy, Facilitating Development and Accommodating Diversity

Uganda is home to Africa's first large-scale programme to decentralise power to democratic local governments. Mr Singiza's thesis studies Uganda's decentralisation laws against the backdrop of international law and literature, examining whether local government can make a country more democratic,

help it to facilitate development and foster tolerance between ethnic communities. He concludes that while decentralisation can make that contribution, much depends on the quality of the legal arrangements supporting it. His work, which makes important recommendations for improvements in Uganda's legal framework, is the first comprehensive analysis of the law on decentralisation in Uganda and is likely to spark lively debate.



Dr Tinashe Carlton Chigwata

Supervisor: Prof J De Visser

Title: The Law and Policy of Provincial and Local Government in Zimbabwe: The Potential to Realise Development, Build Democracy and Sustain Peace

Over the past two decades Zimbabwe has faced serious challenges, many of which were attributed to the inadequate Lancaster House Constitution. The adoption of the 2013 Constitution, which provides for three levels of government, brought hope to Zimbabweans because it promises development, democracy and peace.

Mr Chigwata assesses whether the laws on provinces and local authorities in Zimbabwe provide a platform to realise these goals. He finds serious deficiencies and argues that they could obstruct the realisation of the promises contained in the Constitution. This study, the first of its kind in Zimbabwe's new constitutional era, has great significance for policy- and law-makers in Zimbabwe and for the field of constitutional law in general.

DIPLÔMES DE DOCTORAT OBTENUS

Dr John Mutakha Kangu

Directeur de recherches : Professeur N. Steytler

Titre : Une interprétation du cadre constitutionnel kenyan sur le transfert de compétences aux autorités locales : une approche comparative

Marquant une rupture radicale avec le passé, la Constitution kenyane de 2010, qui n'a été pleinement mise en œuvre que depuis 2013, fait du transfert de compétences aux autorités locales l'un de ses piliers, et emprunte certaines formes et structures à la Constitution sud-africaine. John Mutakha Kangu, le premier à finir le programme de doctorat organisé par la Chaire SARChI de *Multilevel Government* (Gouvernance pluri-niveaux), propose une interprétation téléologique de toutes les dispositions de la Constitution kenyane relatives au transfert de compétences aux autorités locales, afin de pleinement mettre en œuvre les valeurs constitutionnelles d'autonomie locale, de développement et de refus de la centralisation des pouvoirs. Il démontre une grande maîtrise en fondant sa réflexion sur le droit comparé, en particulier le droit sud-africain. Ce travail aura un impact majeur sur la jurisprudence kenyane. Les membres du jury ont convenu que cette thèse est d'une qualité exemplaire et que sa lecture sera enrichissante à la fois pour les universitaires et pour les praticiens.

Dr Douglas Karekona Singiza

Directeur de recherches : Professeur Jaap de Visser

Titre : La décentralisation en Ouganda : un examen critique de son rôle comme outil pour renforcer la démocratie, soutenir le développement, et tenir compte de la diversité

L'Ouganda abrite le premier programme d'envergure d'Afrique sur la décentralisation du pouvoir vers les autorités locales démocratiquement élues. La thèse de M. Singiza porte sur les textes législatifs relatifs à la décentralisation en Ouganda. Il les confronte au droit international et à la doctrine pour évaluer si la gouvernance locale peut rendre un pays plus démocratique, l'aider à assurer le développement et à promouvoir la tolérance entre les différents groupes ethniques. Il conclut que si la décentralisation peut jouer ce rôle, cela dépend beaucoup de la qualité des cadres juridiques qui la sous-tendent. Son travail, qui fait des recommandations importantes pour l'amélioration de la législation ougandaise, est la première analyse complète du cadre législatif relatif à la décentralisation en Ouganda. Cette thèse est susceptible de susciter un vif débat.

Dr Tinashe Carlton Chigwata

Directeur de recherches : Professeur J. De Visser

Titre : Le droit et les politiques publiques relative aux autorités régionales et locales au Zimbabwe : des possibilités pour assurer le développement, construire la démocratie et maintenir la paix

Au cours des deux dernières décennies, le Zimbabwe a fait face à des défis d'envergure, dont beaucoup étaient liés aux défauts des Accords de Lancaster House. L'adoption de la Constitution de 2013, qui prévoit trois niveaux de gouvernance, a redonné l'espoir aux Zimbabweens parce qu'elle promet de consolider le développement, la démocratie et la paix. M. Chigwata évalue dans quelle mesure les lois régissant les pouvoirs des autorités régionales et locales au Zimbabwe, fournissent les fondations nécessaires à la mise en œuvre de ces objectifs. Il constate de graves lacunes et fait valoir qu'elles pourraient entraver la réalisation des promesses inscrites dans la Constitution. Cette étude, la première du genre dans le contexte de la nouvelle ère constitutionnelle du Zimbabwe, est d'un intérêt particulier pour les responsables politiques et les législateurs au Zimbabwe. Elle offre aussi un apport important dans le domaine du droit constitutionnel en général.



THE TEN DULLAH OMAR MEMORIAL LECTURES

On 19 August 2015 we hosted the 10th edition of the Dullah Omar Memorial Lecture. The Lecture Series celebrates the memory of the former Minister of Justice and the first director of the Community Law Centre, Adv Dullah Omar, who worked tirelessly towards, and achieved so much, in realising the goals of human rights and democracy.

Over the years, ten lectures were delivered by ten remarkable individuals in the presence of Fareeda Omar and the rest of the Omar family. All of them made immeasurable contributions and sacrifices to realise the goals for which Dullah Omar fought.

<p>1st Dullah Omar Memorial Lecture - 22 November 2004</p> <p><i>The National Prosecuting Authority and the Promotion of Human Rights and Democracy</i></p> <p>Bulelani Ngcuka, former National Director of Public Prosecutions</p> 	<p>2nd Dullah Omar Memorial Lecture - 14 June 2005</p> <p><i>The Rights of the Child: Progress and Prospects</i></p> <p>Minister Brigitte Mabandla MP</p> 
<p>3rd Dullah Omar Memorial Lecture - 13 June 2006</p> <p><i>Enforcing Socio-economic rights: The role of the Courts</i></p> <p>Justice Arthur Chaskalson, former Chief Justice</p> 	<p>4th Dullah Omar Memorial Lecture - 20 March 2007</p> <p><i>Human Rights and the Budget</i></p> <p>Hon. Trevor Manuel, former Minister of Finance</p> 

<p>5th Dullah Omar Memorial Lecture - 27 March 2008</p> <p><i>The State of our Democracy</i></p> <p>Archbishop Emeritus Desmond Tutu</p> 	<p>6th Dullah Omar Memorial Lecture - 1 July 2009</p> <p><i>The Agenda for the Promotion of the Rights of Women in the Next Decade</i></p> <p>Ms Navi Pillay, UN High Commissioner for Human Rights</p> 
<p>7th Dullah Omar Memorial Lecture - 6 October 2010</p> <p><i>Transformation of the Judiciary</i></p> <p>Justice Pius Langa, former Chief Justice</p> 	<p>8th Dullah Omar Memorial Lecture - 16 February 2012</p> <p><i>Reflections on Peacemaking, State Sovereignty and Democratic Governance in Africa</i></p> <p>Former President Thabo Mbeki</p> 
<p>9th Dullah Omar Memorial Lecture - 25 March 2014</p> <p><i>Speaking to Oliver Tambo's Ghost: Twenty Years into Democracy</i></p> <p>Justice Albie Sachs</p> 	<p>10th Dullah Omar Memorial Lecture - 19 August 2015</p> <p><i>Reflections on Justice and Human Rights</i></p> <p>Hon. Tshililo Michael Masutha, Minister of Justice and Correctional Services</p> 



FOCAL AREAS



Civil Society Prison Reform Initiative (CSPRI)

The CSPRI is supported by the Open Society Institute Budapest Foundation (OSI), Open Society Foundation - South Africa, The Sigrid Rausing Trust, and the European Union.

People deprived of their liberty are at risk of a range of human rights violations relating to their treatment and conditions of detention. The deprivation of liberty itself may also constitute a violation if the decision to detain is taken arbitrarily or in contravention of law. Ongoing deprivation of liberty may also violate rights. Especially in the first hours of arrest, suspects are at a high risk of torture, and poor prison conditions can also amount to ill treatment, as is the case in many African states. When a person is imprisoned, it has consequences for his or her family and the broader community. CSPRI has continued to conduct research and policy engagement processes both to limit the risk of these violations and mitigate the external consequences of imprisonment, especially pre-trial detention.

PREVENTION AND ERADICATION OF TORTURE

Right to redress: CSPRI is part of a group of non-governmental organisations supporting the African Commission on Human and Peoples' Rights (ACHPR) in developing a General Comment on article 5 of the African Charter, regarding the right to redress for victims of torture and other ill-treatment. CSPRI participated in the first meeting, held in Accra, Ghana in July 2015, as well as in a seminar of the Pan African Reparations Initiative in Johannesburg, South Africa, in October 2015. Since then it has contributed to a technical paper and made substantive inputs on the draft General Comment. The aim is to submit the General Comment to the ACHPR in the course of 2016.

Pan-African project on anti-torture legislative frameworks: CSPRI participated in a research project coordinated by the NGO REDRESS aimed at reviewing legislation prohibiting torture and other ill-treatment in the Democratic Republic of Congo, Kenya, Namibia, Nigeria, South Africa and Uganda. CSPRI was responsible for conducting research to identify best practices in the implementation of the South African legislative framework.

Addressing impunity: In partnership with the African Policing Civilian Oversight Forum (APCOF), the Independent Police Investigative Directorate (IPID) and the Judicial Inspectorate for Correctional Services (JICS), CSPRI investigated processes of specialised oversight institutions. This project identified the low number of prosecutions against police and prisons officials as one of the reasons for the recent increase in reported cases of torture and assault by these officials. The project was completed in mid-2015 and the findings shared with IPID and JICS. Discussions have begun on how to further utilise the findings.

“CSPRI was responsible for conducting research to identify best practices in the implementation of the South African legislative framework”

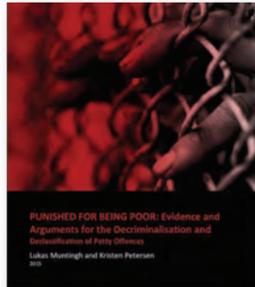
Oversight over child and youth care centres: Child and Youth Care Centres (CYCCs) in South Africa now include what were formally known as children's homes, places of safety, schools of industries, reformatories and secure care facilities. It is especially 'secure care facilities' that are in effect prisons for children, but unlike the situation under the Correctional Services Act, the legislature did not deem it necessary (1) to provide for minimum standards of treatment in the principal legislation, doing so instead in the Regulations to the Children's Act; and (2) to provide for a detention monitoring institution, such as JICS.

In view of these lacunae, CSPRI teamed up with the Children's Rights Project (CRP) and the Western Cape Department of Social Development (DSD) to review the situation and identify shortcomings in monitoring conditions of detention and treatment of children in CYCCs. This will enable the development of a set of requirements for an independent monitoring mechanism that would comply with internationally accepted standards. The findings of the project and a proposed model for oversight were presented to the Western Cape DSD in late 2015.

PRE-TRIAL DETENTION

The socio-economic impact of pre-trial detention: Supported by the Open Society Initiative for Southern Africa (OSISA), in partnership with the Open Society Initiative for Eastern Africa (OSIEA), the Open Society Justice Initiative (OSJI) and the United Nations Development Programme (UNDP), CSPRI completed research on the socio-economic impact of pre-trial detention in Kenya, Mozambique and Zambia. After an external review process, the report was finalised in 2015.

The research relied extensively on interviews with detainees as well as families and friends of detainees who support them or in some cases had lost contact with them. The results show that the vast majority of pre-trial detainees tend to be integrally involved in supporting their families, whether financially or emotionally or in other ways, and enjoy the respect of society. Their absence has a measurable impact, more than halving incomes, depleting savings, plunging families into debt, and forcing the sale of assets. A good case can be made that these families, who are generally poor, are in fact subsidising pre-trial detention by providing additional food, medicine, clothing and other resources that the state is obliged to provide to those it detains.



Punished for being poor: Although accurate data on the number of police arrests across Africa are hard to come by, research by CSPRI shows that each year across the continent large numbers of people are arrested for petty offences. There is also evidence that the power to arrest without a warrant is often abused to extort bribes and favours. CSPRI is part of a group of non-governmental organisations, led by the Pan-African Lawyers Union (PALU), campaigning for the decriminalisation and declassification of offences such as being a 'rogue' and 'vagabond', touting and loitering. In support of this campaign, CSPRI produced a report on arrest practices in Africa which argues that the enforcement of these laws does not enhance public safety but targets the poor and marginalised disproportionately, in effect criminalising poverty.

New constitutions and criminal law reform: In the past 20 years a number of African countries have undergone constitutional reform. The question, however, is whether this has been translated into the subordinate criminal procedure and prison law reform. To find answers, CSPRI undertook a comparative study of five African countries (Burundi, Cote d'Ivoire, Kenya, Mozambique and Zambia). Preliminary findings indicate that subordinate legislation has not been amended to comply with new constitutional prescriptions and little constitutional litigation undertaken to uphold the constitutional rights of arrestees and detainees. In some countries the constitutional drafting exercise should be seen as a missed opportunity to include fundamental rights recognised in international treaties which those countries had ratified. These research findings will be published in 2016.

Measures to implement custody time-limits in Malawi: Malawi is one of the few African states to have legislative time-limits for detention before trial commences. However, prior research in which CSPRI participated showed there is a lack of knowledge of custody time-limits, a lack of implementing mechanisms, and little compliance. Together with a consortium of Malawian organisations and the Malawi Ministry of Justice, and funded by the European Union and OSISA, CSPRI produced new registers, case folders and court diaries for the criminal justice system, as well as public education materials, and assisted in training the mobile unit that rolled out these materials. Particular success has been reported by our partners in relation to releases secured on this basis through 'Camp Courts'.

Measuring criminal justice in Africa: CSPRI has an ongoing project aimed at assisting African civil society organisations to develop research methods for tracking trends in their countries and measuring the impact of their work. In 2015 CSPRI hosted a workshop in Cape Town with partners from across Africa to discuss indicators for pre-trial justice in Africa. A draft set of indicators was proposed for further consultation and discussion. CSPRI also trained students and staff at the Universidade Eduardo Mondlane in Maputo in quantitative and qualitative research methods and research ethics.



Prof Lukas Muntingh giving a presentation

Policy engagement

February	Expert testimony in Port Elizabeth High Court in civil case against the Minister of Justice and Correctional Services following a mass assault at St Alban's prison
March	Submission on the Draft White Paper on Police Submission on Draft White Paper on Safety and Security Presentation on SAPS contingent liabilities to the Civilian Secretariat for Police
June	Submission on the Judicial Matters Amendment Bill [B2 – 2015] to the Portfolio Committee on Justice and Correctional Services 13
August	Oral and written submissions to the Portfolio Committee on Justice and Correctional Services on the Department of Correctional Services' compliance with international norms
September	Submission of draft guidelines to University of Malta on the prevention of prisoner radicalisation Submission to the South African Law Reform Commission on proposed amendments to the Criminal Procedure Act on the expungement of criminal records Oral and written submissions to the Portfolio Committee on Justice and Correctional Services for informing its strategic plan
October	Submission to Prison Fellowship Liberia on a draft Legal Aid Policy for Liberia submitted to local partners Submission of communication to the Minister of Justice on the unconstitutionality of section 217(1)(b)(ii) of the Criminal Procedure Act following two Constitutional Court rulings
November	Submission of a paper and completion of survey on Access to Justice indicators to participants at a meeting in New York on finalising Sustainable Development Goal 16 Submission on the draft Civilian Secretariat for Police internal questionnaire to assess civil litigation against SAPS



Women and Democracy Initiative (WDI)

The WDI is supported by the Open Society Foundation - South Africa, Heinrich Böll Stiftung Southern Africa, DST-NRF Centre of Excellence in Human Development - University of Witwatersrand, and DST-NRF Centre of Excellence Food Security - University of the Western Cape.

In 2015 the Parliamentary Programme changed its name to the Women and Democracy Initiative (WDI), reflecting the evolution of the programme's focus. The WDI focuses as much on the substance of women's rights as the questions of democracy that underpin the processes through which those rights are defined and realised. It also continues to work on projects that enhance democratic advocacy processes in the children's sector. Activities include: research; alliance building; capacity-building; facilitating spaces and opportunities for deliberation within civil society and engagement with the state; providing targeted information to CSOs to enable public participation; and undertaking advocacy.

“South Africa’s legislatures in 2015 - what’s the point?”

In late 2014 through 2015, the WDI undertook research to assess public access to legislatures and legislatures' and legislatures' responsiveness to public input. The research monitored the performance of parliamentary committees; access to provincial legislatures; and the functioning of constituency offices.

The unit hosted a roundtable, 'South Africa's legislatures in 2015 – what's the point?', which considered the relevance of parliamentary committees as a site of engagement on human rights. It was concluded that the weakening quality of committee work was reason to increase attention on the legislatures.

Building on its work in 2013 and 2014, WDI's chapter in the New South African Review 5, 'People's Parliament? Do citizens influence South Africa's Legislatures?', was published.



The WDI invested in building its knowledge of the entry-points into and functioning of the provincial legislatures, which play an important role in overseeing socio-economic rights delivery. The unit focused on the Eastern Cape, Northern Cape and Western Cape legislatures, monitored committees in the Western Cape and provided information to partners to ensure responsive advocacy strategies.

The WDI continued to work with the Women on Farms Project and SWEAT to support the development of their staff and membership bases' capacity and knowledge of advocacy, specifically regarding increased engagement with the legislatures.

“The Shukumisa Campaign is a national structure of 47 organisations working towards the implementation of sexual offences legislation”

The WDI led a national advocacy alliance on amendments to the sexual offences legislation dealing with the age of consent to sex and the automatic placement of children's names on the register for sex offenders. Its monitoring, communications, mobilisation and other support work contributed significantly to a large number of submissions from the sector. The WDI's own submissions and other advocacy helped empower the Portfolio Committee to make amendments reflecting the progressive changes for which we argued.

The WDI participates in the leadership of the Shukumisa Campaign (a national structure of 47 organisations working towards the implementation of sexual offences legislation). Following the unit's proactive engagements in 2013 and 2014 on the issue, it worked with the Women's Legal Centre to lead a collective submission to the Department of Justice on regulations for the sexual offences courts. During the 16 Days of Activism it contributed to the Campaign's 'scorecards' on the Department of Justice, Investigations and Prosecutions, and the Domestic Violence Act.

The WDI completed a review of 20 years of women's sector advocacy and activism on sexual offences law, policy and implementation. This chapter will be included in the Gender Health and Justice Research Unit's report on its Civil Society Summit on Sexual Offences.





The unit successfully led an alliance of organisations to challenge a Judicial Matters Amendment Bill that proposed amendments to sexual offences and child justice legislation that would have watered down the current requirements on the executive to report on implementation to parliament.

“The unit successfully led an alliance of organisations to challenge a Judicial Matters Amendment Bill”

Since 2013 the WDI has led the South African Alternate Report Coalition to prepare civil society shadow reports to the African Union Committee on the Rights and Welfare of the Child and to the UN Committee on the Rights of the Child (UNCRC). It contributed to and edited the UNCRC report, which was submitted in October 2015 and provides a comprehensive, evidence-based overview of the state of children’s rights.

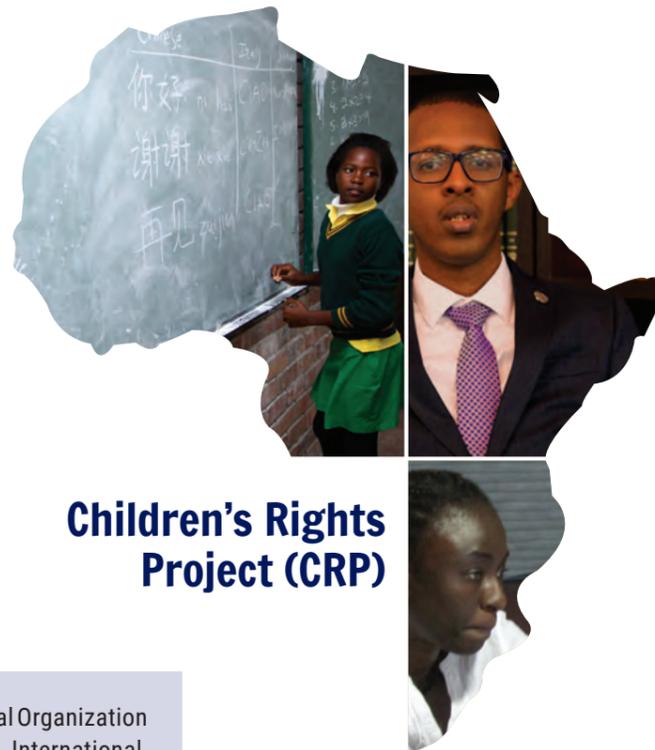
During 2015 the WDI continued with activities aimed at monitoring legislatures and supporting collective actions to increase civil society engagements on socio-economic rights. These included work on maternal health, the right to education of children with disabilities, and the right to food. It monitored legislatures for opportunities for participation on the Traditional Courts Bill, inclusive education, policing and justice, and social services for women.



Vivienne Mentor-Lalu addresses a workshop

SEXUAL OFFENCES ACT (SOA) of 2007 DEALING WITH AGE OF CONSENT

What the SOA currently says	Proposed amendments to the SOA (2014)
Adolescents between 12 and 16 (12,13, 14 and 15 years old)	
<p>1</p> <p style="text-align: center;">WITH CONSENT</p> <p style="text-align: center;">IS a CRIME: Statutory Rape or Statutory Sexual Assault, both must be charged</p> <hr/> <p style="text-align: center;">WITH NO CONSENT</p> <p style="text-align: center;">IS a CRIME: Rape or Sexual Assault</p>	<p style="text-align: center;">WITH CONSENT</p> <p style="text-align: center;">IS NOT a CRIME:</p> <hr/> <p style="text-align: center;">WITH NO CONSENT</p> <p style="text-align: center;">IS a CRIME: Rape or Sexual Assault</p> <p style="text-align: right; color: red; font-weight: bold;">NO CHANGE</p>
Adolescents between 12 and 16 with an ADULT	
<p>2</p> <p style="text-align: center;">WITH CONSENT IS a CRIME: Statutory Rape or Statutory Sexual Assault</p> <p style="text-align: center;">WITH NO CONSENT IS a CRIME: Rape or Statutory Sexual Assault</p> <p style="text-align: center;">Person over 18</p>	<p style="text-align: center;">WITH CONSENT IS a CRIME: Statutory Rape or Statutory Sexual Assault</p> <p style="text-align: center;">WITH NO CONSENT IS a CRIME: Rape or Statutory Sexual Assault</p> <p style="text-align: center;">Person over 18</p> <p style="text-align: right; color: red; font-weight: bold;">NO CHANGE</p>
Adolescents between 12 and 15 and 16 & 17 years old	
<p>3</p> <p style="text-align: center;">LESS THAN 2 YEARS AGE GAP ONLY sexual acts where there is NO penetration WITH CONSENT</p> <p style="text-align: center;">There is a DEFENCE (any form of penetration is a crime)</p>	<p style="text-align: center;">LESS THAN 2 YEARS AGE GAP ALL sexual acts including penetration WITH CONSENT</p> <p style="text-align: center;">NOT a CRIME Change: All sexual acts now not a crime</p>
<p style="text-align: center;">MORE THAN 2 YEARS AGE GAP ALL sexual acts WITH CONSENT</p> <p style="text-align: center;">IS a CRIME: Statutory Rape or Statutory Sexual Assault</p>	<p style="text-align: center;">MORE THAN 2 YEARS AGE GAP ALL sexual acts WITH CONSENT</p> <p style="text-align: center;">IS a CRIME: Statutory Rape or Statutory Sexual Assault</p> <p style="text-align: right; color: red; font-weight: bold;">NO CHANGE</p>



Children's Rights Project (CRP)

The CRP is supported by the International Organization for Migration (IOM), Save the Children International, Plan International, Nelson Mandela Children's Fund, Open Society Foundation – South Africa, and United Nations High Commissioner for Refugees (UNHCR).

The creation of an Africa fit for children remains work in progress. The CRP has continued to undertake research, advocacy, and education on a range of matters pertaining to the UN Convention on the Rights of the Child as well as the African Children's Charter that are of direct relevance for children in Africa.

AFRICAN CHILDREN'S CHARTER PROJECT (ACCP)

The aim of the ACCP is to promote 'the African Charter on the Rights and Welfare of the Child (ACRWC) through the institutional, political and public arenas of the African Union (AU) and CSO engagement at various levels'. Since its inception in 2011, the CRP has been part of the ACCP. In 2015, the CRP continued with the task of preparing a draft General Comment on the responsibilities of the child in Africa (article 31 of the ACRWC) and coordinating the preparation of a draft concept note for the celebration of the Day of the African Child. Both drafts were presented to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in Addis Ababa.

ENGAGEMENT WITH THE ACERWC THROUGH COUNTRY BRIEFS

With support from Plan International, the CRP has continued to engage with the ACERWC. In 2015 it submitted country briefs to the Committee with a view to providing additional information on which it could base its List of Issues sent to states and Concluding Observations adopted in relation to State Party reports.



CHILD JUSTICE

Within the framework of the Child Justice Alliance, which is housed at the Dullah Omar Institute, the CRP published 'The third and fourth year of implementation of the Child Justice Act: Where are we headed?' The Alliance was also represented in a consultative meeting held by the Department of Justice and Constitutional Development in Pretoria.

UNACCOMPANIED MIGRANT CHILDREN PROJECT

In March 2015 the International Office of Migration (IOM), in partnership with Save the Children (SC), called for proposals for a service provider to conduct a study on the profile of unaccompanied migrant children crossing international borders and 'their protection needs as well as current government and other stakeholders' response and challenges' in Botswana, Mozambique, South Africa, Zambia and Zimbabwe. The CLC was awarded the tender, proceeding to draw up an Inception Report and conduct most of the fieldwork for three of the countries in the study. The remaining fieldwork and writing up of findings will be completed in 2016.

IMPLEMENTATION HANDBOOK OF THE ACRWC

A range of stakeholders have been aware of the need for an implementation handbook on the African Children's Charter. With the support of Save the Children International, the CRP has taken on the important task of preparing the Implementation Handbook on the ACRWC. The Handbook, on which the CRP will continue to work in 2016, is to provide a detailed reference source for the implementation of law and policy safeguarding the rights of children in Africa within the framework of the ACRWC.



Dr Maria Assim (left), Prof Benyam Mazur (centre), head of the CRP, and Daphine Agaba (right)



Socio-Economic Rights Project (SERP)

SERP is supported by the Ford Foundation, Foundation for Human Rights (FHR), Cape Town Refugee Centre (EU), and DST-NRF Centre of Excellence in Food Security – University of the Western Cape.

SERP is a multidisciplinary research and advocacy unit. Its mission is to pursue and support the realisation of socio-economic rights in South Africa and elsewhere on the continent by publishing engaged research, providing education and actively campaigning on key social justice issues. SERP believes that the promotion of socio-economic rights is best achieved by leveraging international, regional and domestic pressure and by using both domestic and international law frameworks.

EXAMINING THE LINK BETWEEN HOUSING AND POVERTY

SERP convened a seminar on the relevance of the Bill of Rights as a tool for combating poverty for the residents of Blikkiesdorp, one of the most deprived informal settlements in Cape Town. For the past four years SERP has carried out various activities, including advocacy and training programmes, to empower the residents of this community to assert their socio-economic rights.

PROMOTING POLICY PARTICIPATION BY VULNERABLE AND MARGINALISED GROUPS

During 2015 SERP held a series of meetings with people in informal settlements and conducted roundtable discussions and seminars to ensure their full participation in decision-making at the local-government level. The involvement of vulnerable and disadvantaged people in policy development in relation to housing and other socio-economic rights is crucial not only to restoring their dignity but as a form of empowerment. SERP was involved in facilitating a meeting between community leaders of Blikkiesdorp and officials of local government and the South African Human Rights Commission (SAHRC) on issues relating to their living conditions. It afforded the leadership an opportunity to engage with the SAHRC and learn about the Commission's petition procedures.

ADVANCING SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

SERP played a major role in creating awareness and building capacity on issues relating to sexual and reproductive health and rights (SRHR) at national and regional levels. It co-hosted a colloquium on advancing SRHR at the regional level through litigation. The colloquium was attended by members of regional human rights bodies, researchers and human rights lawyers across Africa. In September 2015, SERP organised a colloquium aimed at ensuring that National Human Rights Institutions (NHRIs) in the SADC region play a more active role in holding states accountable for realising SRHR at the national level. Participants were mainly members of NHRIs in Swaziland, Malawi, Namibia, Kenya and South Africa.

ICESCR RATIFICATION CAMPAIGN

Following South Africa's ratification of the ICESCR in January 2015, SERP, as the secretariat of the Campaign for South Africa's Ratification of the ICESCR and Optional Protocol, plays a crucial role in ensuring proper implementation at national level. With the Department of Justice, it facilitated a national workshop on reporting obligations under the ICESCR. The first of its kind, the workshop was held in Pretoria on 21-22 September 2015 and well attended by government departments, academics, civil society groups and Chapter 9 institutions. SERP continued to play important role as a member of the steering Committee of the International Campaign for the Ratification of the Optional Protocol to the ICESCR. In conjunction with the secretariat of the Campaign, SERP organised a side event during the 56th Ordinary Session of the African Commission in April 2015 to advocate for African countries to ratify the Optional Protocol.

REPORTS, SUBMISSIONS AND PUBLICATIONS

SERP released a report on the state of evictions in South Africa 2014 and embarked on advocacy meetings to engage with policy-makers and other stakeholders. The report finds that although the right to housing is explicitly recognised in the Constitution, many South Africans, especially vulnerable and marginalised groups, are far from enjoying this right. In advocacy meetings it was emphasised that forced evictions by state agencies or institutions undermine the right to adequate housing and may push disadvantaged groups further into the margins.

SERP made two written submissions on issues relating to sexual and reproductive rights in South Africa and Malawi: the first was to the Department of Education on the Draft Policy on Sexuality Education in South Africa, while second was to the Malawi Law Commission on the Draft Law on Abortion.

Researchers from SERP published one book, nine book chapters and three journal articles in 2015.



Numerous eviction incidents occurred in South Africa during 2014, as a result of which many people were left homeless despite the legal safeguards that should protect them. The courts also decided a number of eviction cases and applications in that year. This study examines these incidents and cases with a view to reviewing the state of eviction in South Africa in 2014 and drawing lessons and conclusions from it.



Multilevel Government Initiative (MLGI)

The MLGI is supported by the Ford Foundation and Charles Stewart Mott Foundation.

The MLGI undertakes applied research into real-world governance problems lying at the intersection of law, state and socio-economic context. In 2015 it enhanced its capacity for applied research by developing and publishing several new tools (called barometers and indices) that help to analyse the capability and impact of law, local government and state institutions in relation to a wide range of issues relating to accountable government, development, gender inequality and civic violence. The MLGI's Law, State and Technology (LST) large dataset allows MLGI to work with big data, consisting of more than 3,000 variables covering about 300 institutions, 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.

A growing focus of MLGI in the past few years has been the central problem of the relationship between constitutionalism, the state and economic development in countries seeking to establish a lasting basis for peace. Why do some societies find a way to coexist in peace despite their differences but others slide into conflict and even civil war?

South Africa is facing enormous stresses in its social fabric: a stagnant economy, polarised political climate, high levels of poverty, unemployment, and inequality, serious concerns about the capacity of the state, and rising militancy in youth politics. At the same time there are spaces for informed debate, compromise, pragmatism, and reform. For there to be peace, stability, and development the gap between the promise of constitutionalism and the lived experience of the majority of the population must be closed.

The progress and deliverables, as well as indicators of impact in 2015, in these two areas are presented below under two main headings: 'Just cities and the capable state' and 'Constitution-building in Africa'.

JUST CITIES AND THE CAPABLE STATE

Civic Protest Barometer

The MLGI published its Civic Protest Barometer (CPB) in 2015, for which much of the analytical work was done in 2014. A new methodology for recording data relating to protests was introduced, existing data was cleaned and a new concept of civic protest developed to support future comparative research on protests in other African countries. The CPB also tested various hypotheses about the cause of protests, focusing on the notion that protests signal a rebellion of the poor. The release of the CPB attracted major media attention, and there is growing demand for MLGI data on protests.

Just Cities for Women Barometer (JC4W)

In 2015 the MLGI developed this barometer to publish statistical data and analysis on a range of indicators relating to gender inequality in women's access to local government offices, senior management positions, services, and the impact of misspending, particularly on women. The aim is to identify long-term trends in the persistent imbalances affecting women, and use this to inform advocacy, policy-making and research. Much of the research was completed in 2015, and JC4W will be published in early 2016.

Capable Cities Index (Capacity)

In the initial half of 2015 the MLGI published the first part of its three-part index on the capacity of cities, and the second (on performance) and third (on compliance with rule of law) later in 2015. The Capable Cities Index (CCI) is a composite index that ranks the 27 largest cities in South Africa on the basis of their consistency in maintaining high levels of capacity, performance and compliance over the period 2010 to 2014. A capable city is one that maintains consistently high scores in all three components of capability.

The key issues for MLGI research relate to how to measure capability and represent issues of justice and inclusion. The CCI provides an analytical framework for measuring inclusion and capability in the major cities and ranking them against those indicators. The Capacity Index (CI) measures the capacity of cities to consistently fill staff and management positions and make permanent appointments in the posts of chief financial officer and municipal manager in the period 2010-2014.

Operation Clean Audit	Serious media coverage and informed public debate	<i>Financial Mail</i> article Page 2 of <i>City Press</i> Interview on SABC
	Contributed to change in policy	Government abandoned Operation Clean Audit Government requested the MLGI on several occasions to present findings SALGA requested presentation to its Executive Prof Powell was invited to present on his research at TEDX in Cape Town Prof Powell was invited to contribute to an input on UWC's long-term research strategy (2030)



Capable Cities Index (Performance)

The performance index was published in 2015 and measures the following indicators over which municipalities have control:

- **Repairs and maintenance:** The level of spending on maintaining existing assets. Treasury has set a benchmark of eight per cent of the value of property, plants and equipment being spent on repairing and maintaining assets. Lower levels of expenditure imply that existing assets are being allowed to lose value prematurely.
- **Debt level:** Municipalities, as service providers, should be paid for their services within the stipulated period. The failure of service providers to ensure they are timeously paid gives rise to increased debt levels that undermine the municipality's financial sustainability. The second key indicator of municipal performance is the amount of money clients of the municipality owe it. This is expressed as the ratio between debts and service charges.
- **Management cost growth:** Effective management of municipalities requires that services are paid for and that the delivery of such services and the receipt of payment is performed efficiently. The third indicator of municipal efficiency is whether the cost of managing services (and obtaining revenue) rises slower than the amount of revenue accruing to the municipality.

Capable Cities Index (Compliance)

The third index measures compliance, which is a key indicator of the rule of law and has three elements:

- there is a binding statutory obligation on municipalities;
- the obligation relates to the effective operational management of a municipality, and
- the obligation relates only to functions under the direct operational control of the municipality.

The measures selected thus include only a narrow range of variables and exclude variables that reflect the impact of the external environment.

Municipal Audit Consistency Barometer 3rd edition (MAC-B3)

The third edition of MAC-B was published in 2015. MAC-B measures municipal compliance with audit standards over a five-year period broadly corresponding to the term of local government. The debate on municipal audits tends to focus on the Auditor-General's (AG) report for a particular financial year and how municipalities have performed in relation to the previous year. MLGI focuses on long-term trends in audit performance as a measure of how well the system of multilevel government is working and its impact.



Secondly, MAC-B is a barometer of how well provincial governments are using their intervention powers to address municipal problems. In some cases, provinces must intervene when municipalities experience financial distress. As poor audit outcomes are a robust predictor of when intervention is required, trends in audit data can be used as an early warning system for municipal distress. MAC-B has had considerable impact on public debate and policy.

Municipal Audit Consistency Barometer	Serious media coverage and informed public debate	Extensive coverage in the <i>Financial Mail</i>
		T Lund 'Municipal debt: Facing a terrible tangle' <i>Financial Mail Online</i> (23 July 2015)
		T Lund 'Municipalities: Ignoring the warnings' <i>Financial Mail Online</i> (7 May 2015)
		T Lund 'Municipal finance: Time for all to pay' <i>Financial Mail Online</i> (9 April 2015)
		T Lund 'Provincial intervention: Making it work' <i>Financial Mail Online</i> (11 December 2014)
		T Lund 'Municipalities: Now for the really hard job' <i>Financial Mail Online</i> (24 September 2014)
	Contributed to policy debate	Requested to present findings to CoGTA

Noise Not Numbers

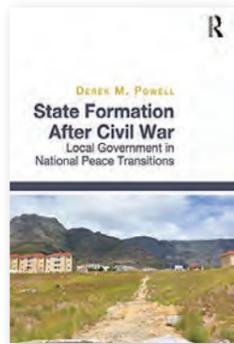
MLGI completed a paper for an international journal in order to generalise the results of the research published in 2014 on Operation Clean Audit, a policy introduced by the South African government in 2009 that instructed all 278 municipalities to achieve clean audit outcomes by 2014. The policy was ostensibly introduced in response to growing public concern about the parlous state of local government. The approach seemed misguided because the targets were unachievable in that timeframe, according to trends in the data. Using official data on municipal audit outcomes published by the Auditor-General, the research focused on the design of the intervention, its impact, and whether and how the government had used audit data to recalibrate its intervention over the years.

CONSTITUTION-BUILDING IN AFRICA

The MLGI contributed to a major new publication on constitution-building in Africa, *Constitution-Building in Africa*, edited by Jaap de Visser, Nico Steytler, Derek Powell, and Ebenezer Durojaye. The book arose from the CLC's international conference 'Constitution-Building in Africa' on 6 September 2014.

State formation after civil war

A key focus for Prof Powell during 2015 was completing his book on state formation after civil war, which is due to be published by Routledge Taylor and Francis in July 2016. This is a major work in the field of reconstituting states after civil war and one of the few written by a scholar from the global south. The book mines evidence from 19 peace processes and presents a new perspective on the local dimension of South Africa's peaceful transition to democracy in the 1990s.



In *State Formation after Civil War: Local Government in National Peace Transitions* Derek Powell argues that the starting point for building a systematic theory of state formation is to explain the distinct patterns that can be observed in practice. The book develops the concept of local peace transition to explain the key role of the local dimension in peace-making and state formation.

Professionalising local government

Professionalising local government is a priority in the National Development Plan and government's back-to-basics policy. This work is being taken forward in a major study by Phindile Ntliziywana. Major highlights of this work stream included:

- The study by Ntliziywana, which is due to be completed in 2016.
- Ntliziywana submitted a paper on the legal framework for professionalisation to the *Constitutional Court Review*.

Civic Protest Barometer	Opened relations with Auditor-General and others	AG, SALGA, MISTRA and SA Cities Network approached the MGLI to discuss research partnership
	Serious media coverage	Wide coverage in print, radio and television media
		Daily Maverick ran a five-article series featuring the CPB
		Nikki Moore 'The civic protest barometer: Episode five: So what can be done?' The Daily Maverick (24 March 2015)
		Nikki Moore 'The civic protest barometer: Episode four: Who takes part in protests?' The Daily Maverick (20 March 2015)
		Nikki Moore 'The civic protest barometer: Episode three: So what causes residents to revolt?' The Daily Maverick (17 March 2015)
		Nikki Moore 'The civic protest barometer: Episode two: So what is a public protest?' The Daily Maverick (17 March 2015)
		Nikki Moore 'The civic protest barometer: Episode one: Lies, damn lies and statistics' The Daily Maverick (16 March 2015)
	SAfm requested a full-hour interview	
	SALGA requested presentation to its Executive	

Decentralisation in Zimbabwe

Zimbabwe has been a key focus of MLGI research and technical support for several years. In 2015 Tinashe Chigwata joined the MLGI as a postdoctoral researcher, focusing on decentralisation in Zimbabwe. Research outputs included:

- submitting a book proposal to Juta;
- publishing an article on decentralisation and traditional leadership in *Zimbabwe Journal of Regional and Federal Studies*;
- submitting an article on cooperative governance in Zimbabwe under the 2013 Constitution to *Journal of African Law*; and
- Dr Chigwata's invitation to be a Guest Researcher to the Institute of Federal Studies, University of Fribourg (Switzerland), which culminated in the presentation of a paper on decentralisation in Zimbabwe.

Comparative research and technical support to constitution-building

Supporting constitution-building and multilevel government in Africa has emerged as a crucial focal area of the MLGI's work. Its members have participated in numerous country missions or undertaken comparative research. Highlights include:

- Powell D 'Constructing a developmental state in South Africa: The corporatisation of intergovernmental relations' in J Poirier, C Saunders, and J Kincaid (eds) *Intergovernmental Relations in Federal Systems: Comparative Structures and Dynamics* (2015) Oxford University Press.
- D Powell 'Fudging federalism: Devolution and peace-making in South Africa's transition from apartheid to a democratic constitutional state' in Pal Ghai Y & Steytler N (eds) *Kenyan- South Africa Dialogue on Devolution* (2015) Juta.
- D Powell and P Ntliziywana 'Implementing provincial and local government in South Africa' in Pal Ghai Y & Steytler N (eds) *A Kenya-South Africa Dialogue on Devolution* (2015) Juta.
- D Powell and P Ntliziywana 'South Africa Inc: The rise of the developmental state and the corporatization of intergovernmental relations' in Palermo F & Alber E (eds) *Federalism as Decision-Making: Changes in Structures, Procedures and Policies* (2015) Brill/Nijhoff.

Zimbabwe	Comparative research impact	Dr Chigwata's article published in the Journal of Regional and Federal Studies and had more than 130 views/downloads just two months after its publication online
State formation after civil war	Comparative research impact	NYU has invited Professor Powell to teach a postgraduate course based on his book <i>The Formation of States after Civil War: Local Government in National Peace Transitions</i> and will host a symposium to launch the book in the US The editor-in-chief of the premier Journal on State Building and Intervention endorsed the book as an important contribution to the field.

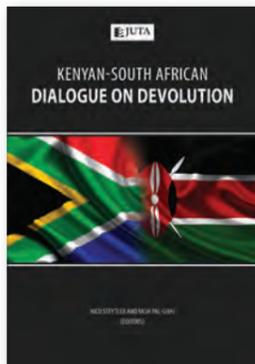


South African Research Chair (SARChI) in Multilevel Government, Law and Policy

The SARChI is supported by the National Research Foundation (NRF).

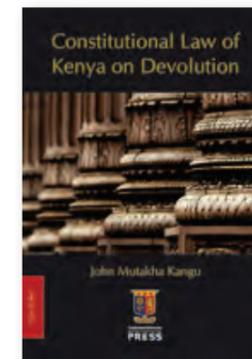
The SARChI Chair focused on three areas of multilevel government. In South Africa the Chair and Financial and Fiscal Commission (FFC) hosted a seminar interrogating the proposals of the Department of Cooperative Governance for the Municipal Demarcation Board (MDB) to abolish 'dysfunctional' and 'unviable' municipalities. The discussions showed that there is no substance to the two 'criteria', and the MDB eventually rejected a number of the proposals.

The second focus area concerned Kenya and Ethiopia and broader comparative research. The publication of Kenya-South Africa Dialogue on Devolution in December, edited by Nico Steytler and Yash Pal Ghai, brought to fruition an arduous three-year project. The book, which brings together nine South African and nine Kenyan authors, examines how South Africa's experience of 20 years of devolution can be an instructive example to Kenya (especially given that Kenya's Constitution borrowed liberally from South Africa's) and other countries. It will be used in a training workshop in March 2016 for high-ranking Somali politicians and officials seeking solutions to the challenges of rebuilding the state along federal lines.



Kenyan-South African Dialogue on Devolution, edited by Nico Steytler and Yash Ghai, offers the first detailed comparative discussion of Kenyan and South African systems of devolution. It will be a valuable point of reference for other African countries that have embarked on devolution or decentralisation with the aim of curbing the centralised abuse of power and promoting political stability and development.

In April the Chair participated in a seminar on the jurisprudence of devolution organised by the Kenyan Judicial Training Institute and Katiba Institute, Nairobi, delivering two presentations, 'South Africa: Defining subnational governments' powers' and 'South Africa's devolution design: The initial objective(s) and reality after 20 years'.



In March 2015 John Mutakha Kangu graduated as the first SARChI doctoral bursary holder. The thesis received glowing examiners' reports and was soon published as *Constitutional Law of Kenya on Devolution*.

The cooperation with the Center of Federal Studies at Addis Ababa University, Ethiopia, was further strengthened during 2015. In June, Professor Steytler and Dr Zemelak Ayele, the SARChI postdoctoral fellow, taught a module in Addis Ababa for doctoral students on multilevel government in the Horn of Africa, and hosted and gave papers at the conference 'Federalism in Ethiopia and the Horn of Africa'. Also in June, a SARChI Policy Dialogue on 'Constitution building in the aftermath of the Arab Spring: The case of Tunisia and Yemen' was held at DOI.

Prof Steytler was appointed as an expert consultant by Democracy Direct International for a workshop with the Libyan Constitutional Assembly's Committee on Devolution in Tunis, Tunisia. Planning began for the Fourth Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA) in September 2016, which the Chair will be co-hosting with the Institute for International and Comparative Law in Africa (ICLA), University of Pretoria, and the Stellenbosch Institute for Advanced Study (STIAS).

As part of the third focus area on the BRICS partnership and MLG, an international conference was held in October at the School of Public Health, University of the Western Cape, on 'The BRICS partnership and multilevel governance in member countries: An unexplored dimension'. Hosted by the SARChI Chair (lead), the Human Sciences Research Council (HSRC, the official South African BRICS think tank), and the Financial and Fiscal Commission (FFC), the conference was an achievement in itself as it had to bridge deep linguistic and cultural divides. Fifteen papers were delivered by academics and practitioners from Brazil, Russia, India, China and South Africa, and the keynote address was delivered by the Hon. Thandi Modise, the Chairperson of the National Council of Provinces.

The Chair hosted two visiting scholars in 2015: Prof Jan Erk (Leiden University, the Netherlands), a leading international theorist on federalism, diversity and multilevel government, who taught seminars in March in the Master's programme on multilevel government; and Prof Xavier Philippe (University of Aix-Marseille), who was a guest speaker at the SARChI Policy Dialogue in June.



Dullah Omar Institute 2015 Funders List

Multilevel Government Initiative (MLGI)

- Charles Stewart Mott Foundation
- Ford Foundation

Socio-Economic Rights Project (SERP)

- 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)

Children's Rights Project (CRP)

- International Organization for Migration (IOM)
- Nelson Mandela Children's Fund
- Open Society Foundation – South Africa
- Plan International
- Save the Children International
- United Nations High Commissioner for Refugees (UNHCR)

South African Research Chair Initiative (SARChI)

- National Research Foundation (NRF)

Women and Democracy Initiative (WDI)

- DST-NRF Centre of Excellence Food Security - University of the Western Cape
- DST-NRF Centre of Excellence in Human Development – University of Witwatersrand
- Heinrich Böll Stiftung Southern Africa
- Open Society Foundation - South Africa

Civil Society Prison Reform Initiative (CSPRI)

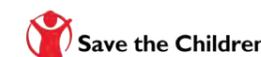
- European Union
- Open Society Foundation - South Africa
- Open Society Institute Budapest Foundation (OSI)
- The Sigrid Rausing Trust

Core

- DST-NRF Centre of Excellence in Food Security- University of the Western Cape
- Ford Foundation
- National Research Foundation (NRF)
- Open Society Foundation - South Africa
- University of Pretoria, Centre for Human Rights

Dullah Omar Memorial Lecture (DOML)

- Ford Foundation
- Foundation for Human Rights (FHR)
- Juta Law
- LexisNexis
- Open Society Foundation - South Africa
- Webber Wentzel



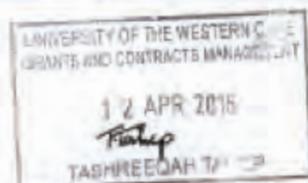


FINANCIAL STATEMENT

DULLAH OMAR INSTITUTE - UWC		
Income and Expenditure Statements		
	2015	2014
INCOME	R	R
Funders	16 508 107	13 426 793
Consultancies	2 408 921	2 560 144
University of the Western Cape (includes 2 * Professional posts, premises, utilities & IT)		
TOTAL INCOME	18 915 028	15 986 937
EXPENDITURE		
Advertising	7 305	69 364
Bank Charges	565	1 152
Salaries	9 884 521	8 569 566
Stationery	75 622	79 574
Photocopying	32 997	23 351
Postage & Distribution	7 503	7 770
Telephone	60 848	68 098
Travel & Accommodation	1 277 336	1 465 767
Printing & Publications	297 251	233 353
Subscriptions & Books	280 538	20 097
Audit Fees	31 122	44 790
Workshops / Meetings	439 015	396 673
Consultation Fees	277 362	893 293
Partner Activities	505 724	392 979
Post-Graduate Bursaries	1 892 808	1 398 934
Conferences & Seminars	541 247	271 284
Research	611 620	
Website & Media	103 224	190 961
Rent (CT Office)	90 864	68 421
Catering for Meetings & Socials	24 016	11 433
Computer Equipment (incl Maintenance)	106 679	160 109
Funders returned to donors	359 060	
TOTAL EXPENDITURE	16 907 226	14 367 186
CLOSING BALANCE FOR YEAR	2 007 802	1 619 751
Surplus carried forward from previous year	7 135 765	5 545 937
Prior Year Adjustment	31 720	(29 923)
NET CLOSING BALANCE 30-12-2015	9 175 287	7 135 765

Prepared by: V. Brookes

Approved by:



STAFF OUTPUTS

BOOKS

Assim UM *Understanding Kinship Care of Children in Africa: A Family Environment or an Alternative Care Option?* (2015) Eleven International Publishing, 280pp.

De Visser J, Steytler N, Powell D & Durojaye E (eds) *Constitution-Building in Africa* (2015) Nomos, 334 pp.

Durojaye E (ed) *Litigating the Right to Health in Africa: Challenges and Prospects* (2015) Ashgate, 302 pp.

Steytler N & Ghai Y (eds) *Kenyan-South African Dialogue on Devolution* (2015) Juta, 498 pp.

CHAPTERS

Ayele Z 'The of existence of local government and its institutional security within Ethiopia's federal system' in Kefale A & Fiseha A (eds) *Federalism and Local Government in Ethiopia* (2015) Addis Ababa: Centre for Federal Studies, Addis Ababa University 200-218.

Ayele Z & Ntliziywana P 'Inclusion of marginalized groups through devolution in South Africa' in Steytler N & Ghai Y (eds) *Kenyan-South African Dialogue on Devolution* (2015) Juta 342-364

Chilemba E 'They keep saying, "My President, my Emperor and my All": Seeking the antidote to the perpetual threat to constitutionalism in Malawi' in De Visser J, Steytler N, Powell D & Durojaye E *Constitution-Building in Africa* (2015) Nomos 200-34.

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