

COMMUNITY LAW CENTRE

ANNUAL REPORT 2007



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Gender Project: Heléne Combrinck (co-ordinator), Lorenzo Wakefield (research assistant)

Socio-Economic Rights Project: Sibonile Khoza (co-ordinator), Dr. Lilian Chenwi (senior researcher), Siyambonga Heleba (researcher since April), Christopher Mbazira (doctoral intern), Unathi Mila (administrator until June), Renchia du Plessis (administrator since August)

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Director's Report



Prof Nico Steytler

The year 2007 marked a significant phase in the work of the Centre. First, several long-term research programmes came to completion. The Socio-Economic Rights Project celebrated its tenth anniversary and looked back at major achievements in the development of jurisprudence and in making socio-economic rights more accessible to the poor. This included the publication of the second edition of *Socio-Economic Rights in South Africa: A Resource Book*.

The year also saw the culmination of research into two doctorates. Christopher Mbazira was awarded his LLD on judicial remedies for socio-economic rights and Jacqui Gallinetti submitted her LLD thesis on the use of children in the commission of crimes (and was awarded the doctorate in March 2008). Nico Steytler and Jaap de Visser's loose-leaf legal textbook on all institutional aspects of local government was published in November. The consolidation of numerous research projects into substantive publications confirmed the quality and enduring value of our research.

A second feature of 2007 was the establishment of the Civil Society Prison Reform Initiative (CSPRI) as a fully-fledged project, bringing a much-needed focus on prison reform and punishment in the criminal justice system.

A third feature was changes in funding sources. Since donor funding is becoming more difficult to access, the Centre has been compelled to rely increasingly on competitive bids to secure government research contracts. A quarter of the R9 million raised was accomplished in this way. On one hand, this source of income is important to secure the viability of the Centre, but, on the other hand, such contracts often dictate the direction of the research. A careful balance should thus be struck between competing demands.

Finally, quality research work sustained over the years has allowed the Centre to play a meaningful role when opportunities occur in the policy domain. In the case of the Children's Rights Project, it was influential in the South African National Child Labour Programme of Action through its work on the use of children to commit crime as a worst form of child labour. When the government announced a policy review of provincial and local government in July 2007, the Local Government Project and its researchers were requested by

the Department of Provincial and Local Government to conduct research in key areas.

Staff

In the CSPRI Lukas Muntingh was appointed as co-ordinator and senior researcher and Jamil Mujuzi as doctoral intern. In the Socio-Economic Rights Project, Siyambonga Heleba joined as a researcher and Renchia du Plessis as the administrator. Annette Christmas returned to the Centre as a researcher in the Local Government Project. Dr Jaap de Visser was promoted to Associate Professor from January 2008.

Fourth Dullah Omar Memorial Lecture

The keynote speaker for the Fourth Dullah Omar Memorial Lecture on 20 March, the eve of Human Rights Day, was the Minister of Finance, Trevor Manuel, who spoke on the culture of human rights in the context of continuity and change. The Lecture was published in the journal, *Law Democracy and Development*.



Finances

The Centre maintained sound financial management. Apart from the overall audit of the University's books, three quarters of the Centre's donor agreements were further externally audited and received unqualified audits. The Centre wishes to thank all its donors for supporting its projects. Particular acknowledgement goes to the Ford Foundation for generously providing both core funding for administration and project-based funding. Support was also received from the University in the form of office space, utilities, information and communication technology assistance and human and financial management services.

Annual report

This report highlights the Centre's main activities and research products for 2007. For a full report on all the Centre's activities, please visit our website: http://www.communitylawcentre.org.za/Publications/annual-reports/annual-report-2007-_full-version.pdf/



Research

In-depth and cutting-edge research is the basis of the Centre's activities, since it informs and guides our outreach programmes. As a university-based institution, our goal is also to publish our research results in peer-reviewed publications. In this section the broad focus areas of research are set out, as well as specific research projects.

Children's Rights Project

The Children's Rights Project focused on two major research projects. Following from their work on the use of children by adults to commit crime (CUBAC) for the International Labour Organisation, the Project continued with two pilot projects relating to CUBAC in 2007. The major outcomes consisted of the following:

- amendments to the policy framework relating to children used in the commission of crime in the South African National Child Labour Programme of Action Draft 2, adopted by government in 2007;
- successful completion of the CUBAC diversion programme by 433 children at two pilot sites;
- successful completion of the CUBAC prevention programme by 2000 children at two pilot sites;
- incorporation of CUBAC training materials into the Justice College curriculum;
- incorporation of CUBAC as an issue in the Western Cape Assessment Form for children who come into conflict with the law; and
- finalisation of five CUBAC publications and a poster that was distributed to all magistrates' courts in South Africa.

As co-ordinator of the Child Justice Alliance, the Project produced two research reports: *Child Justice Alliance: A Baseline Study of Children in the Criminal Justice System in Three Magisterial Districts* and *Child Justice Alliance: A Quantitative Overview of Children in the Criminal Justice System: 2007*.

Civil Society Prison Reform Initiative

CSPRI's research focused on promoting good governance, preventing and combating torture, sentencing reform, offender reintegration and general prisoners' rights.

To make the final 1800-page report of the Jali Commission of Inquiry into prison corruption more

accessible, a plain language summary was prepared and released at a seminar on 4 June in Cape Town.

Research was conducted on the use of life imprisonment in South Africa in an effort to better understand the rapid increase of this category of prisoners since 1995, from 400 to over 7500 prisoners.

To reach a deeper understanding of the constitutional position of prisoners in South Africa, a critical examination of the role and purpose of the prison system was undertaken, which culminated in a report entitled *Prisons in South Africa's Constitutional Democracy*.

Research assessed the Special Court for Sierra Leone's justification of punishment in cases of serious violations of international humanitarian law and human rights law, resulting in a paper that was published in the *African Yearbook on International Humanitarian Law*. Research was also carried out on life imprisonment in Uganda and the right to a fair trial in Kenya.

Gender Project

The Gender Project researched sub-regional policy frameworks aimed at addressing gender-based violence and HIV/AIDS in the Southern African context (for example, the SADC Strategic Framework on HIV/AIDS 2003-2007). The purpose was to establish the extent to which these frameworks acknowledge each other and are interlinked.

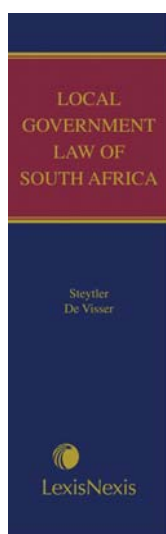
Local Government Project

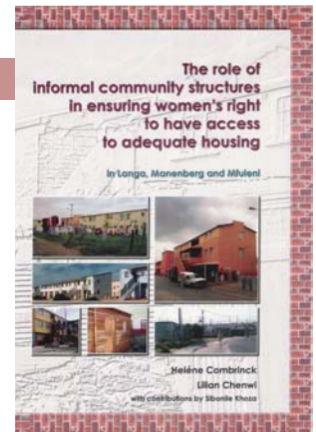
Nico Steytler and Jaap de Visser's textbook on local government law, *Local Government Law of South Africa*, was published in November. It will be updated annually and will undoubtedly become a flagship of the Project.

The Project participated in a research programme called "A Global Dialogue on Federalism", which entails a series of country reports in a peer-reviewed publication due in 2008.

The Department of Provincial and Local Government initiated a policy review of the system of provincial and local government. This provided an important context for much of the Local Government Project's work in 2007.

Research was conducted on a normative model for the distribution of responsibilities between national, provincial and local government, the role and function of district municipalities and on specific institutional requirements of urban municipalities. All three themes were identified in the policy review as key impediments to municipalities fulfilling the promise of developmental local government.





The role of local government in encouraging communities and citizens to participate in matters of governance, service delivery and development is another of the Project's research areas. Two staff members were involved in an international research project on the role of municipalities in facilitating access to government for disadvantaged groups. The papers were presented at the Fourth International Conference on Federalism held in New Delhi, India.

Socio-Economic Rights Project

The Socio-Economic Rights Project conducted research on several topics including housing rights (the protection against evictions), the obligations of local government in realising socio-economic rights, social security and food rights (nutrition), as well as the role of judicial remedies in socio-economic rights cases.

A doctoral intern, Christopher Mbazira, completed his PhD thesis, entitled "Enforcing the economic, social and cultural rights in the South African Constitution as justiciable rights: The role of judicial remedies". The thesis analyses the notion of judicial remedies from corrective and distributive justice perspectives. A shorter version of it will be published by PULP in 2008.

Collaboration between projects

The **Gender** and **Socio-Economic Rights Projects** (in partnership with the Saartjie Baartman Centre for Women and Children in Manenberg) finalised its project on the role of informal community structures in ensuring access to housing for women experiencing domestic violence. The research findings and recommendations were published as a report entitled *The Role of Informal Community Structures in Ensuring Women's Right to Have Access to Adequate Housing*.

The **Socio-Economic Rights** and **Local Government Projects** continued their research on the enjoyment of basic services as human rights. They focused on delineating the obligations of local government in realising socio-economic rights and the importance of public participation at the local government level.

Commissioned research

Based on its reputation for high quality research, the Centre is frequently requested and commissioned to undertake applied research for various government departments and non-governmental bodies. Through this work, the Centre and its staff not only make a major contribution to policy formulation, but also are placed at the coalface of the key challenges confronting government and civil society.

The Children's Rights Project

was again requested by Save the Children Swaziland to assist them in their child law reform efforts. This required the drafting of a discussion paper incorporating recommendations on the content of the new child law. The discussion paper was then presented to the working group on the new child law in Swaziland and met with its approval. This formed the basis for the drafting of a new Children's Bill for Swaziland, which is currently underway.

CSPRI is managing, on behalf of the University of the Western Cape (UWC), a three-year project to monitor the implementation of the Correctional Services Act. It was commissioned by the Open Society Foundation (SA) and is the result of a partnership agreement between the Foundation and the Department of Correctional Services. A multi-disciplinary team of senior researchers from UWC was assembled for the project to monitor six themes: conditions of incarceration, protection of human rights, health, parole administration, offender reintegration and management.

The **Gender Project** completed a research report on bail and HIV/AIDS for the Law, Race and Gender Research Unit at UCT. This report, as well as one on domestic violence and HIV/AIDS, completed in 2006, formed the basis of training materials developed on the topics of HIV/AIDS and domestic violence and bail respectively. The training materials will be included in the Law, Race and Gender Research Unit's training manual for magistrates on HIV/AIDS and the Law.

The Department of Provincial and Local Government policy review of provincial and local government provided the **Local Government Project** with an opportunity to engage with law and policy reform on quite a number of levels. Jaap de Visser assisted the Department with the initial conceptualisation of the review and with drafting a baseline paper on local government. He also drafted a specific theme paper outlining the main challenges in local government and assisted with the consolidation of a series of theme papers into a first draft discussion paper on local government. Project members drafted a chapter for the White Paper process on provincial legislatures and provincial executives and also drafted a chapter on the institutions of local government.

Sibonile Khoza of the **Socio-Economic Rights Project** was commissioned by the World Bank to conduct a study on the impact of human rights, with a specific focus on health care and housing rights, on social policy provision and entitlements.

Informing public debate on law reform

On the basis of its research, the Centre informs public debate on key issues of law reform. On a number of occasions, parliamentary committees requested its comment on draft legislation in 2007.

Children's Rights

The Children's Rights Project made submissions on corporal punishment in the section 76 version of the Children's Act to the Western Cape Provincial Legislature and to the NCOP. The Bill was passed in November but, to the disappointment of civil society, is completely silent on the issue of corporal punishment of children in the home and thus the common law situation allowing parents to reasonably chastise their children still prevails.

The Project also made a written and oral submission to the Portfolio Committee on Justice and Constitutional Development on the Criminal Law (Sentencing) Amendment Bill 15 of 2007. It submitted that imposing minimum sentences on children of 16 and 17 was not only unconstitutional but contrary to South Africa's international obligations in terms of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Bill was passed into law at the end of 2007, with some changes effected to the proposed clause dealing with children but it essentially still allows for minimum sentences for 16 and 17 year-olds.

Civil Society Prison Reform Initiative

CSPRI participated in a two-day workshop and held follow-up meetings with local NGO partners, as well as an international NGO, to strategise on the promotion of the Optional Protocol to Torture, Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Presentations were made on the prospects of OPCAT being ratified and the criminalisation of torture under South African law. CSPRI is also now a member of the SAHRC Section 5 Committee on Torture.

CSPRI made a number of written and oral submissions to various parliamentary portfolio committees. These submissions dealt with the Correctional Services budget vote, Correctional Services Amendment Bill, Criminal Law Amendment Bill (Sentencing), Correctional Services Annual Report and the Children's Amendment Bill. A submission was also made to the Department of Justice and Constitutional

Development on proposed services mandated by the Victim's Charter and another to the panel appointed by the Speaker of Parliament to assess the work of Parliament.

Gender

The Gender Project again focused its attention on the Criminal Law (Sexual Offences and Related Matters) Amendment Bill B50-2003. At the end of 2006, the Speaker referred the Bill back to the National Assembly Portfolio Committee on Justice and Constitutional Development to consider whether the Bill had been correctly dealt with in terms of section 75 of the Constitution. The Gender Project made a written submission to the Speaker, arguing for the finalisation of the Bill in terms of section 75.

It also made a joint submission on the Bill (with the Gender, Health and Justice Research Unit at UCT, Rape Crisis and the Women's Legal Centre) to the NCOP. The Bill was finally passed in November 2007.

The Gender Project made a written submission to the UN Special Rapporteur on Adequate Housing on the outcomes of the project examining women's access to housing. Helène Combrinck also made an oral submission at the meeting of the Special Rapporteur with representatives from civil society organisations.

Local Government

The focus of Parliament's Joint Constitutional Review Committee this year was the distribution of responsibilities between the three spheres of government, which provided an ideal opportunity for the Local Government Project to make a submission to Parliament on this topic.

Socio-Economic Rights

The Socio-Economic Rights Project made two submissions to the National Department of Housing on the Prevention of Illegal Eviction from and Unlawful Occupation of Land Amendment Bill (2006) and the Rental Housing Amendment Bill (2006).

It also made a submission to the parliamentary *ad hoc* Committee on the Review of State Institutions Supporting Constitutional Democracy on the mandate of the South African Human Rights Commission to both monitor socio-economic rights and compile periodic reports.

Furthermore, as part of its endeavour to ensure the effective protection of socio-economic rights, it has, together with the Centre for Housing Rights and Evictions (COHRE), embarked on a campaign for the ratification of the ICESCR by the South African government.

Education, training & information sharing

One of the Centre's core activities is to disseminate its expertise and research results to the broader community through education programmes, training workshops, publications and the website.

Education programmes

Once again, the Centre presented the bulk of the LLM Module on constitutional litigation at UWC. It consisted of courses on:

- children's rights;
- criminal justice and the Constitution;
- socio-economic rights;
- intergovernmental relations; and
- constitutional law practice.

The Centre continued its partnership with the Universities of Pretoria, Makerere, Ghana, Cameroon, the American University in Cairo and the Eduardo Mondlane University in Maputo to present the LLM in Human Rights and Democratisation in Africa for students from across the continent.

In the second semester, it hosted six students who attended the LLM courses offered by UWC and completed their dissertations with the Centre.

The documentation centre and its extensive collection on national and international materials was the students' primary legal resource during the LLM programme.

Staff offered expert knowledge as guest lecturers, including lectures on prison reform, prison corruption and the investigation of prison corruption, the international protection of women's rights, judicial enforcement of socio-economic rights in South Africa, health care and food rights, as well as on the protection accorded by the African human rights systems to these rights.

Information sharing: Popular publications

The Centre produces a number of journals that communicate its research results to a wider audience.

Article 40

This popular journal, circulated on a quarterly basis, addresses legal development, case law and innovations in child justice development in South Africa

and other African countries. Some of its articles have been reproduced in international publications and cited in High Court judgments. It is favourably received by magistrates, judges, prosecutors, police, probation officers, academics and NGOs.

In addition, the Children's Rights Project receives many queries regarding child justice due to the exposure created by *Article 40* being available electronically on the Centre's website.

Article 19

This popular journal disseminates diverse and relevant information advocating a prohibition on corporal punishment to South African stakeholders in order to change mindsets and create an environment committed to eradicating corporal punishment of children. It is distributed to teachers, social workers, commissioners of child welfare, parliamentarians, NGOs, places of safety and children's homes and regional and international organisations.

CSPRI Newsletter and CSPRI 30 Days/Dae/Izinsuku

Five issues of the *CSPRI Newsletter* were published in 2007, focusing on the use of mechanical restraints, the Correctional Services budget, the use of the African Commission in protecting prisoners' rights, medical parole and the quality of prison oversight.

CSPRI 30 Days/Dae/Izinsuku is a review of media reporting on prison related issues in South Africa and Africa. The first issue was circulated in April and monthly issues were subsequently published.



Maintenance Update

The Gender Project (in partnership with the Saartjie Baartman Legal Advice and Training Project) continued the publication of *Maintenance Update*, which is distributed to magistrates' courts and civil society organisations working in the area of child maintenance in the Western Cape.

Iminyango

Iminyango focuses on the intersections between gender-based violence and HIV/AIDS in Southern Africa. Feature articles in 2007 examined how the African Protocol on Women's Rights deals with the issues of gender-based violence and HIV/AIDS and





summarised information from the 2007 UNAIDS and WHO AIDS Epidemic Update. *Iminyango* is now available on the website, www.gbvhiv.org.za.

Local Government Bulletin

Five issues of the *Local Government Bulletin* were produced in 2007. The *Bulletin* increased its length from 20 to 28 pages and three quarters of all municipalities purchased bulk subscriptions. Aside from servicing municipalities, the *Bulletin* continues to provide quality information to national and provincial government departments and civil society. Its circulation is 12,000 copies per issue.

ESR Review

Two of the four issues of the ESR Review in 2007 were special issues: the first contained presentations made at the Project's tenth anniversary celebrations and the second focused on the sixth report of the South African Human Rights Commission. More than 2,500 copies of each of the four issues have been widely distributed nationally and internationally.

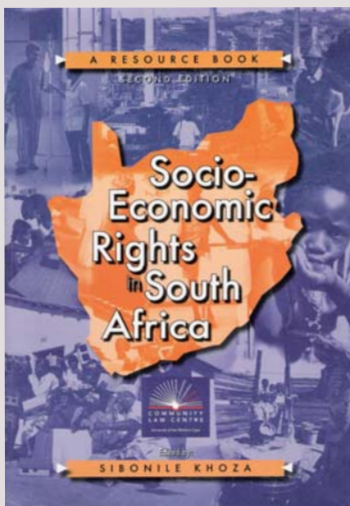
Other popular publications

The Children's Rights Project produced two publications that summarised the findings of research conducted on behalf of the Child Justice Alliance:

- *Child Justice Alliance: A Baseline Study of Children in the Criminal Justice System in Three Magisterial Districts*; and
- *Child Justice Alliance: A Quantitative Overview of Children in the Criminal Justice System: 2007*.

The long overdue second edition of the resource book entitled *Socio-Economic Rights in South Africa: A Resource Book* was launched at the celebration of the tenth anniversary of the Socio Economic Rights Project. While the second edition retains much of the first edition's structure, it contains significant updated content.

The Gender and Socio-Economic Rights Projects published their research findings on women's access to housing. The report, entitled *The Role of Informal Community Structures in Ensuring Women's Right to Have Access to Adequate Housing, in Langa, Manenberg and Mfuleni*, sets out the results of a one-year project aimed at investigating and strengthening the role of informal community structures (for example, street communities) in determining access to housing for women at risk of gender based violence and HIV/AIDS in three communities in Cape Town.



Workshops and training programmes

The Centre hosted a number of workshops and conferences in 2007.

Various training and information sharing workshops were held by the **Children's Rights Project** in relation to the CUBAC project. These included training workshops on the diversion and prevention programmes for probation officers and service providers in Gauteng.

The Project convened and hosted a national workshop on the use of children to commit crime, and the CUBAC pilot programmes conducted in Mamelodi and Mitchell's Plain. The outcomes and recommendations of the workshop influenced the new draft of the South African National

Child Labour Programme of Action. The Project also facilitated a workshop on the research findings of the Child Justice Alliance Baseline Study.

The Project's researchers also facilitated consultative workshops on the drafting of regulations to the Children's Act, 38 of 2005, in the Western Cape, Northern Cape, Limpopo, Eastern Cape and Mpumalanga provinces.

Three training workshops with civil society organisations were held during July and August in Port Elizabeth, Bloemfontein and Durban by the CSPRI. The workshops focused on prisoners' rights, parole, the prevention of torture and dealing with prison corruption.

The **Gender and Children's Rights Projects** jointly presented a seminar on the Convention on the Rights of Persons with Disabilities and the right to education of disabled children in South Africa, with internationally renowned disability law expert and Extraordinary Professor at the UWC Law Faculty, Prof Theresia Degener, as one of the speakers.

In February the **Local Government Project** hosted a national Roundtable in Stellenbosch to discuss "Local Government and Metropolitan Regions in Federal Systems". This formed part of the Global Dialogue on Federalism, a research initiative of the Forum of Federations and the International Association of Centres for Federal Studies. The Project also organised and hosted the international roundtable on the theme in Johannesburg in April. Experts from 12 countries from around the world prepared country reports and then compared the role and place of local government and metropolitan regions in federal systems.

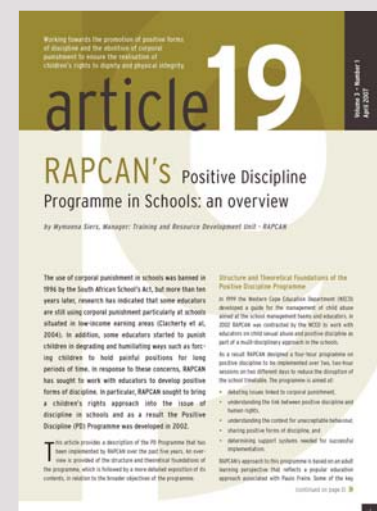
In July the Project hosted a Roundtable Conference, funded by the Conflict and Governance Facility of the EU, on the reform of local government. Three background research papers by the Project served as a platform for debate on evaluating the powers and functions of local government, the role of district municipalities and urban municipalities.

The Project co-facilitated a training workshop, hosted by the Department of Provincial and Local Government, for senior officials in the nine provinces. The workshop aimed at training the officials on the use of the intergovernmental relations toolkit.

The **Gender and Socio-Economic Rights Projects** held workshops in Langa, Manenberg and Mfuleni to present provisional research findings on the role of informal community structures in determining access to housing for women experiencing gender-based violence and HIV/AIDS, and to develop community strategies to address "burning issues" identified as a result of the research. The workshop proceedings were minuted and included in the final research report.

The highlight of the year for the **Socio-Economic Rights Project** was the celebration of its tenth anniversary, attended by more than 70 people from civil society, the judiciary, academia, government and legal practice. A panel discussion took place on the question of whether socio-economic rights are fulfilling their potential ten years after the Bill of Rights came into effect.

The Project co-hosted an information-sharing workshop, together with Black Sash and the South African Council of Churches, on the comprehensive social security and the basic income grant. It also organised a seminar in which Christopher Mbazira presented the findings and recommendations of his PhD thesis.



Other activities

International participation and collaboration

The Projects of the Community Law Centre made a joint submission to the UN Human Rights Council in view of South Africa's assessment under the Universal Periodic Review that will take place in April 2008. The submission highlighted some areas of concern in the realisation of human rights in South Africa as well as recommendations aimed at improving the situation in the country.

The Children's Rights Project's Research Fellow was active internationally. Prof Sloth-Nielsen and Benyam Mezmur were requested to brief the Tenth Ordinary Meeting of the African Committee of Experts on the African Charter on the Rights and Welfare of the Child. They presented a paper entitled "A dutiful child: The implications of Article 31 of the African Children's Charter".

They were also asked by Save the Children Sweden to examine the right to education in Africa and produced a report entitled *Free Education is a Right for Me: A Report on the Right to Free and Compulsory Primary Education*.

In addition, they attended a seminar hosted by the African Child Policy Forum on the harmonisation of child laws in Eastern and Southern Africa where they presented various papers.

Prof Sloth-Nielsen also headed a consortium and prepared a submission to the United Nations Committee on the Rights of the Child General Day of Discussion on available resources for children's rights. She followed this with an oral submission to the Committee in Geneva.

The Children's Rights Project attended the Ninth Ordinary Meeting of the African Committee of Experts on the African Charter on the Rights and Welfare of the Child.

The CSPRI made a submission to the UN Committee against Torture in respect of the list of issues

to be raised with the South African government when its next report is considered by the Committee. Contact and mutual assistance with the Association for the Prevention of Torture was maintained throughout 2007. CSPRI also participated in the Seventh Human Rights Colloquium hosted by Conectas SUR in Sao Paulo, Brazil. On the African front, CSPRI participated in the All Africa symposium on Corrections in Africa.

Dr Jaap de Visser, from the **Local Government Project**, assisted the Ethiopian Ministry of Federal Affairs in its efforts to explore the notion of intergovernmental relations in Ethiopia and participated as the international expert in a three-day workshop.

Assistance was also provided to the Democratic Republic of the Congo (DRC) in its process towards adopting an organic law on decentralisation. The Project prepared comments on early drafts of the Organic Law that were submitted, on behalf of the South African Department of Provincial and Local Government, to lawmakers in the DRC.

The Project also drafted a research paper on the South African experience of establishing a local government system. The paper was presented and circulated at a conference on decentralisation in the DRC. The Project's participation is part of South Africa's bilateral support to the DRC, channeled through the Department of Provincial and Local Government.

Dr Lilian Chenwi of the **Socio-Economic Rights Project** attended an advanced course on the international protection of human rights organised by the Institute for Human Rights, Abo Akademi University, Finland and was a guest researcher at the same institution. Dr Chenwi also participated in the guest research programme at the Norwegian Centre for Human Rights (Oslo).

At the international level, the Project made joint submissions, together with other organisations forming the NGO Coalition, to the Open Ended Working Group for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Through the membership of Dr Lilian Chenwi on the steering committee of the NGO Coalition for an Optional Protocol, the Project has been actively involved in the drafting process of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Amicus curiae litigation

The **Socio-Economic Rights Project** intervened in two court cases as *amici curiae*. In the first case, the Project, in partnership with COHRE, intervened in both the Supreme Court of Appeal and the Constitutional Court cases (*City of Johannesburg v Rand Properties (Pty) Ltd and Others* 2007(8) BCLR 643 (SCA); and *Occupiers of 51 Olivia Road and Others v City of Johannesburg and Others* CCT24/07). This case was about the eviction by Johannesburg City authorities of people from dilapidated buildings in the inner city. The Project's main aim in intervening was to protect the principle that eviction orders may only be granted after due consideration of all relevant circumstances of the case affecting both parties.

The Supreme Court upheld the city's right to evict the residents. It held that the residents were interdicted from occupying the property and gave them one month to vacate. It also ordered the city to provide, to those residents who were desperately in need of housing assistance, temporary settlement in accordance with the

emergency housing programme of the National Housing Code. The residents appealed against the SCA judgment to the Constitutional Court, which only heard the case and issued an interim order compelling parties to consult one another with a view to finding solutions to the problem. Judgment was reserved.

In the second case, the Project, together with the Centre for Applied Legal Studies, intervened in the Pretoria High Court case of *Christian Roberts and Others v Minister of Social Development and Others* (2005). This case concerns the constitutional challenge of section 10 of the Social Assistance Act of 2004 and the relevant regulations which prescribes the eligibility for accessing pension at 60 for women and 65 for men. The applicants (older men) argued that the differential eligibility criteria violate their constitutionally guaranteed rights to equality and social assistance. By intervening, the Project aimed to ensure the equalisation of the pension age for men and women without taking away the existing women's entitlement to pension at 60. The case was heard in September and judgment was reserved.



The *amici* team at the Constitutional Court for the inner city eviction case

Publications & research reports

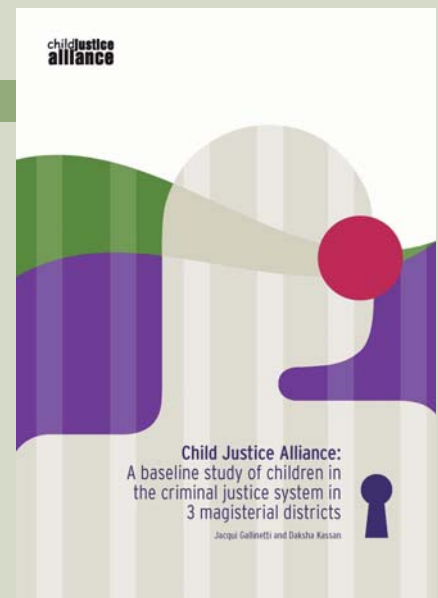
Books, chapters in books and articles

Books

- Chenwi, Lilian, *Towards the Abolition of the Death Penalty in Africa: A Human Rights Perspective* (Pretoria: Pretoria University Law Press, 2007), pp 239.
- Khoza, Sibonile (ed), *Socio-Economic Rights in South Africa: A Resource Book* (Bellville: Community Law Centre, University of the Western Cape, 2007), pp 441.
- Steytler, Nico and Jaap De Visser, *Local Government Law of South Africa* (Durban: LexisNexis, 2007), pp 800.

Chapters in books

- Combrinck, Heléne and Lillian Artz, 'Sexual Assault', in E Bonthuys & C Albertyn (eds), *Gender, Law and Justice* (Wetton: Juta, 2007), pp 298–320.
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The complete list of publications and research reports is available on our website:

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Funders

The Centre wishes to thank all its donors for supporting the work of its projects.

	Donors
Core funding and project activities	Ford Foundation
Children's Rights Project Child Justice Alliance Article 40 Article 19 Children's Bill Advocacy CUBAC Project	Open Society Foundation of SA SIDA and Open Society Foundation of SA Save the Children Sweden Save the Children Sweden International Labour Organisation
CSPRI	Open Society Foundation of SA Rockefeller Brothers Foundation
Gender Project HIV/AIDS and Gender-based Violence	Heinrich Boell Stiftung
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Socio-Economic Rights Project Implementing socio-economic rights in SA	Atlantic Philanthropies Norwegian Centre for Human Rights, University of Oslo
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LLM in Human Rights & Democratisation in Africa	Centre for Human Rights (University of Pretoria)
Dullah Omar Memorial Lecture	Webber Wentzel Bowens

Income and expenditure

Apart from the overall audit of the university's books, three quarters of the Centre's donor agreements were also externally audited and all of them received an unqualified audit.

INCOME	2007 R	2006 R
Save the Children Sweden	300,000.00	266,574.00
North South Institute	479,000.00	300,000.00
Ford Foundation	702,929.70	708,429.10
Institute for Security Studies	96,025.00	0.00
International Labour Organisation	529,142.14	1,198,489.20
LLM Courses	290,649.00	276,272.20
Open Society Foundation	1,613,056.34	1,275,992.66
SDC	0.00	209,923.31
Rockefeller Brothers Fund	121,133.18	0.00
Norwegian Centre for Human Rights (Uni Oslo)	1,600,000.00	1,812,000.00
ICCO	575,000.00	540,100.00
Conflict & Governance Facility - EU	100,000.00	140,454.60
CWCI - EU	492,576.00	0.00
Australian Aid	0.00	125,000.00
Consultancies	1,578,019.33	1,385,781.52
Other	575,318.91	908,934.46
TOTAL INCOME	9,052,849.60	9,147,951.05
EXPENDITURE		
Advertising	0.00	50,041.87
Audit Fees	45,140.00	28,322.10
Bank Charges	2,022.83	0.00
Computer Equipment	40,245.87	120,934.29
Conferences & Seminars	113,390.46	449,375.96
Consultation Fees	1,214,593.82	1,313,582.19
Equipment	41,865.64	43,841.60
Functions & Catering	96,227.87	30,489.66
Litigation	70,256.94	21,878.91
Partner Activities	256,782.20	847,131.07
Distribution	283,726.58	177,514.40
Post-Graduate Bursaries	231,642.00	344,394.05
Publications	1,014,595.38	1,206,538.00
Research	207,500.00	0.00
Returned to Funder	190,384.05	61,524.47
Salaries	3,971,426.73	3,298,527.25
Security	7,278.90	0.00
Staff Development	38,935.21	50,936.93
Stationery	119,893.41	115,833.76
Subscriptions & Books	61,170.46	68,973.05
Telephone	63,053.10	71,526.07
Travelling	948,329.50	578,328.07
Website	36,788.72	73,411.90
TOTAL EXPENDITURE	9,055,249.67	8,953,105.60
CLOSING BALANCE FOR YEAR	-2,400.07	194,845.45
Surplus carried forward from previous year	4,953,769.47	4,792,266.60
Prior Year Adjustment	-33,500.02	33,342.58
NET CLOSING BALANCE 2007	4,917,869.38	4,953,769.47



About the Community Law Centre

Mission statement

The Community Law Centre, established in 1990, works to realise the democratic values and human rights enshrined in South Africa's Constitution. It is founded on the belief that our constitutional order must promote good governance, socio-economic development and the protection of the rights of vulnerable and disadvantaged groups. Given the need for regional integration to encourage development in Africa, the Centre also seeks to advance human rights and democracy in this broader context. Based on high quality research, the Centre engages in policy development, advocacy and educational initiatives, focusing on areas critical to the realisation of human rights and democracy in South Africa and Africa in general.

Focus areas

The Centre's areas of focus are:

- The **Children's Rights Project**, which works towards the recognition and protection of children's rights in all spheres of society, with a particular focus on child justice.
- The **Civil Society Prison Reform Initiative**, which focuses on prisons and corrections to improve human rights in South African prisons through increased oversight by civil society.
- The **Gender Project**, which works towards the achievement of substantive gender equality and the realisation of women's rights.
- The **Local Government Project**, which assists local government to give effect

to its constitutional mandate and promotes accountable and democratic governance and socio-economic development.

- The **Socio-Economic Rights Project**, which focuses on the realisation of the socio-economic rights of groups and communities living in poverty.

These objectives were pursued by means of four interrelated activities: research, informing public debate, teaching, training and education, and, to a limited extent, test case litigation as *amicus curiae*.

Resources

The Centre houses the Documentation Centre, which has a specialised collection of material on gender equality and women's rights, as well as children's rights and socio-economic rights, intergovernmental relations, and general human rights issues. The Documentation Centre also holds a substantial collection of books on international law and international human rights law, built up by sustained support from the Raoul Wallenberg Institute at the University of Lund in Sweden. This support is currently in its eleventh year of co-operation. The Centre has an accessible and user-friendly website (<http://www.communitylawcentre.org.za>) including a searchable database of the Documentation Centre's unique collection.

