







# **ORGANISATIONAL OVERVIEW**

### **Advisory Board**

Prof Josè Frantz Deputy Vice-Chancellor: University of the Western Cape, represented by Prof Julian May, Director: DST-NRF Centre for Excellence on Food Security (Chair)

Prof Tyrone Pretorius Rector and Vice-Chancellor: University of the Western Cape

Prof Jacques de Ville Dean: Faculty of Law

Prof Jaap de Visser Director: Dullah Omar Institute

Adv Karrisha Pillay Advocate at the Cape Bar (until July 2020)

Adv Sibonile Khoza Advocate at the Cape Bar (since August 2020)

Judge Vincent Saldanha Judge at the Western Cape High Court

Mr Ashraf Mahomed Practising attorney

Prof Dee Smythe Professor of Public Law University of Cape Town

Prof Lea Mwambene Law Faculty representative

Ms Fairuz Mullagee Law Faculty representative

### Management Committee

Prof Julian May

Prof Jacques de Ville

Prof Jaap de Visser

Prof Lea Mwambene

### Staff

Prof Jaap de Visser - Director

### Financial Management

Virginia Brookes - Chief Operations & Financial Manager

Kirsty-Martine Wakefield - Bookkeeper

Sadieka Najaar - Consultant

### Information and Communications Management

Keathélia Sapto – Coordinator: Communications (Acting Manager until September 2020, appointed in position from October 2020)

### Office Management

Debbie Gordon - Coordinator: Institute Operations and Projects Mandy Cupido - Receptionist

### Children's Rights Project

Prof Benyam Mezmur - Project Head

Dr Usang Maria Assim - Senior Researcher

Dr Robert Nanima - Postdoctoral Research Fellow

(Until September 2020)

Dr Meseret Kifle Ande - Doctoral Researcher

Nimrod Muhumuza - Doctoral Researcher

Thandeka Khoza- Doctoral Researcher

Sideen Louw - Doctoral Researcher

Crystal Nitsckie - Administrator

### Africa Criminal Justice Reform

Assoc Prof Lukas Muntingh - Project Head

Dr Jean Redpath - Researcher

Kristen Petersen - Researcher

Janelle Mangwanda - Researcher

Tina Lorizzo - Associate Researcher / Adjunct Professor

Crystal Nitsckie - Administrator

### **Applied Constitutional Studies** Laboratory

Assoc Prof Derek Powell - Project Head Valma Hendricks - Administrator

### South African Research Chair in Multilevel Government, Law and Development

Prof Nico Steytler - South African Research Chair

Dr Tinashe Chiqwata - Senior Researcher

Dr Michelle Maziwisa - Postdoctoral Researcher

Thabile Chonco - Doctoral Researcher / NGAP Lecturer

Annette May - Doctoral Researcher

Dr Shehaam Johnstone - Postdoctoral Researcher (until February)

Xavia Poswa - Doctoral Researcher

Henry Omboto - Doctoral Researcher

Melissa Ziswa - Doctoral Researcher

Curtly Stevens - Doctoral Researcher

Phumla Hlati - Doctoral Researcher

Jennica Beukes - Research Assistant

Mandy Cupido - Administrator

### Socio-Economic Rights Project

Prof Ebenezer Durojaye - Project Head

Gladys Mirugi-Mukundi – Researcher

Paula Knipe - Researcher

Funmilola Adeniyi - Doctoral Researcher

Keathélia Sapto - Administrator

### Womxn and Democracy Initiative

Samantha Waterhouse - Project Head

Vivienne Mentor-Lalu - Researcher/facilitator

Motlatsi Komote- Research and Advocacy Officer

Laura Wellen - Administrator

# Adjunct and Extraordinary Staff and Research Fellows

Assoc Prof Zemelak Ayele Addis Ababa University

Adjunct Prof Stephen Berrisford African Centre for Cities (UCT) / **Pegasys Consulting** 

Adjunct Prof Tina Lorizzo REFORMAR

Dr Jacqui Gallinetti Plan International

Prof Henk Kummeling Utrecht University

Dr Nkatha Murungi Centre for Human Rights

Assoc Prof Christopher Mbazira Makerere University

Prof Xavier Philippe University of Paris I (Panthéon-Sorbonne)

Prof Julia Sloth-Nielsen Faculty of Law, UWC

Prof Yonatan Fessha Faculty of Law, UWC

# THE INSTITUTE **AT A GLANCE**

### **FINANCES**







### STAFF PROFILES





Number of females



Number of staff in total





Number of nationalities







### ACADEMIC OUTPUTS BY INSTITUTE STAFF



Books



Chapters in books

20



Peer-reviewed articles



Doctoral degrees

### OTHER OUTPUTS



Research reports



Submissions 38



Workshops & Seminars

48



Conference papers

11



Conferences

1

### **MEDIA**



Website views **69 154** 



TV & Radio



Print & Online 16



Facebook likes 2 585



Twitter followers 3 939



Facebook unique visits/Post

89 431

### PHDS AND MASTERS' DEGREES AWARDED





### Tinotenda Chidhawu

Thesis title: The Right to Adequate Housing in Zimbabwe: A Contextual and Jurisprudential Anatomy of Public Housing Policy Implementation; Harare (2000-2018)

**Supervisor:** Prof Ebenezer Durojaye



### **Meseret Kifle Ande**

**Thesis title:** The Right to Alternative Care of Children with Disabilities in Ethiopia and South Africa

**Supervisor:** Prof Benyam Dawit Mezmur



### Shehaam Johnstone

Thesis title: The intersection between food security and food control imperatives and the distribution of powers between different levels of government within the South African Multilevel governance system Supervisor: Prof Jaap de Visser Co-supervisor: Prof Nico Steytler



#### Jean Françoise Rednath

Thesis title: The centre cannot hold: The role of subnational governments in policing in South Africa

Supervisor: Prof Nico Steytler



Alois Madhekeni

Thesis title: Decentralisation and Recentralisation in Anglophone Southern Africa: Factors driving the EBB and flow of power

Supervisor: Prof Nico Steytler



#### **Roopanand Mahadew**

Thesis title: Land grabbing in Ethiopia and Madagascar: Balancing respect for human rights of victims with development needs through land investments

**Supervisor:** Prof Ebenezer Durojaye



### Masters

Wilson Macharia
Paula Knipe
Sideen Louw
Candice James
Fungai Paul Mudau
Gaopelelwe Mathiba
Rono Carolyne Chepchumb
Malekat Joconde
Henrico Alkaster
Asiphe Funda

We remained steadfast in our commitment to bring young African scholars to the finish line of their postgraduate studies.



# DIRECTOR'S **REPORT**

Prof Jaap De Visser

2020 was going to be a year of celebration and consolidation. We were planning to mark our 30th Anniversary, and pursue social justice and constitutionalism as we had been doing over the past three decades. However, it became the year in which Covid-19 changed the country, and indeed the world, probably forever. Over and above causing immense human tragedy of disease and loss, the pandemic exposed and compounded existing fault lines of inequity. As many had warned from the outset, the pandemic, and the measures adopted to combat it, widened the chasm between rich and poor. So too in South Africa, where the poor suffered disproportionately, both from the disease itself, and as a result of the drastic measures to combat the spread of the virus.

DOI staff and students were not spared the adverse personal impact of Covid-19. We experienced personal health challenges and lost loved ones. Furthermore, the isolation and continued uncertainty took a toll on our mental health. The 'staying at home, trying to work' scenario placed all kinds of burdens on our staff and students. We often had to combine intensified family responsibilities with working at home, contend with loneliness, manage university administration remotely, cope without the usual office infrastructure etc. In October, we conducted a survey that gave insight into our staff and students' experience. It revealed, amongst other things, that close to 50% of us experienced significant stress, that 57% struggled to switch off from work and that 50% was keen to return to the office. What was encouraging was that it also showed that an overwhelming majority knew whom to turn to for assistance, and felt supported by the Institute and by their line managers. Indeed, we all showed tremendous resilience. Our Finance Office, headed by Virginia Brookes, ensured that the Institute's budget was managed effectively and did so under very trying circumstances. Our staff and students showed courage and compassion. We were guick to applaud personal achievements, ready to support those who needed companionship, and generally displayed trust, respect and care throughout the year.

The impact of the pandemic on our institutional and personal professional plans was real, disruptive, and unpleasant to say the least. For example, we had to cancel the secondment of young DOI scholars to academic institutions in Italy, Germany and Switzerland, thereby depriving them of these precious opportunities. Our regular engagements with community leaders from informal settlements in Cape Town, as well as our parliamentary monitoring programme had to move online, with all the attendant challenges. For the first time in more than 20 years, we were not able to physically host students from across Africa as part of our role in the LLM Programme on Human Rights and Democratisation in Africa. Furthermore, all our postgraduate and undergraduate teaching was moved online. The much-anticipated first edition of the African School for Decentralisation, bringing together local government practitioners from across the continent, was postponed indefinitely. A similar fate befell our planned hosting, together with Addis Ababa University, of the annual Conference of the International Association of Centers for Federal Studies. Lastly,

an often understated effect of Covid-19 on NGOs has been the significant additional burden of renegotiating disrupted plans and budgets with a variety of funders, each with their own processes and requirements. While this took a toll, we were fortunate with funders that were compassionate, flexible and understanding.

From the early stages of the state of disaster, we engaged directly with the social justice issues thrown up by the pandemic, and by the government's response to it. For example, in the early stages of the 'hard lockdown' in April, we advocated for the relaxation of draconian restrictions on informal food traders, and urged national and provincial legislatures to get back to the business of conducting oversight. We also published info-sheets, clarifying the lockdown rules and its effects on key sectors such as the courts and prisons. In the subsequent six months, many, if not most, of our engagement in civil society campaigns focused on Covid-19. For example, we engaged, through the Budget Justice Coalition with the Special Adjustments Budget on Covid-19.

We also designed longer term research projects around Covid-19. For example, the SARChI Chair initiated a book project, bringing together 20 country case studies on how federal countries responded to the pandemic. SERP and ACSL conducted a series of webinars towards a book on constitutional resilience and Covid-19 in Sub-Saharan Africa.



# We are proud of our name, and of the association with our founding director's commitment to social justice.

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The pandemic also prompted us to innovate, particularly in how we 'convene and convince'. Forced to abandon the physical conference/ workshop format, we adapted to online webinars. We did so successfully, thanks to the agility and skill of our administrative support team, comprising of Keathélia Sapto, Crystal Nitsckie, Valma Hendricks, Debbie Gordon, Mandy Cupido and Laura Wellen. They transitioned us into this new methodology. In terms of numbers of events, participants and of geographical spread, the change significantly increased our exposure and impact. We convened an impressive 46 webinars. Webinars generally attract a higher number of participants, so our reach grew substantially. Of course, webinars serve a limited purpose and cannot replace the dynamism of a faceto-face convening. However, it is clear that they are now part of our arsenal of instruments to discuss, convince and educate. We also increased our use of other mediums such as podcasts, infographics and videos. We produced 5 podcasts on local government, and produced 7 infographics on issues such as food security for students, the National Prosecuting Authority, and access to legislatures.

We are proud of our name, and of the association with our founding director's commitment to social justice. We were thus overjoyed when Ms Fareeda Omar entrusted Dullah Omar's personal effects and documents to us for safekeeping and research purposes. They include Dullah's briefcase, but also early academic papers, letters, reports and minutes related to the constitutional negotiations, as well as documents detailing Dullah's political work dating back to the 1980s and beyond. We will publish as much as we can, and all of it will be made available for research.

We remained steadfast in our commitment to bring young African scholars to the finish line of their postgraduate studies. We're very proud to report that during 2021, four doctoral degrees were conferred to DOI members: Dr Alois Madhekeni, Dr Shehaam Johnstone, Dr Meseret Ande and Dr Jean Redpath all did their studies at DOI and were supervised by DOI staff members. Furthermore, 10 Masters' degrees were conferred to students supervised by DOI staff members.

The postings of DOI staff and students in domestic and international institutions and platforms are always impressive. They are evidence of the standing of our researchers in academia and civil society. For example, Samantha Waterhouse was re-elected to the Budget Justice Coalition Steering Committee. Valma Hendricks was appointed as election observer in Tanzania's Presidential elections. Benyam



Debbie Gordon, Coordinator: Institute Operations & Projects

Virginia Brookes, Chief Operations & Financial Manager and Kirsty-Martine Wakefield, Bookkeeper

Administrative Support Team

Mezmur was re-elected to the United Nations Committee on the Rights of the Child, and to the Eminent Persons Group (EPG) to assess the UN Secretary-General's list of parties committing grave violations against children and armed conflict. Maria Assim was appointed as associate editor of the African Human Rights Law Journal and Ebenezer Durojaye was guest editor of the Journal of African Law. Michelle Maziwisa won the prestigious Ron Watts Young Scholar award for her essay on cities and international relations.

These achievements are also a part of the contribution that our staff and students made to the academic enterprise of the Faculty of Law and the University as a whole. Benyam Mezmur continued to serve as Deputy Dean in the Faculty of Law, Thabile Chonco taught Constitutional Law in the LLB and we taught 8 modules in the Faculty's Postgraduate Programme. Furthermore, we conducted 37 peer reviews of academic publications, examined 28 theses for universities in South Africa and abroad, and were interviewed 18 times as experts in research projects by other researchers. Our teaching contribution is growing with a new Postgraduate Diploma in Public Law (Local Government), and more postgraduate teaching in the offing for 2021. These initiatives were made possible, thanks to a deepening of institutional collaboration between DOI and the rest of the Faculty.

The Institute's staff turnover is low, despite the ever-present uncertainty in donor and academic funding, and despite our inability to compete with government and tenured academia with regard to employment benefits. In a delightful testimony to DOI's commitment to building talent, three staff members were academically promoted: Jean Redpath was promoted to Senior Researcher, and both Maria Assim and Tinashe Chigwata are now Associate Professors. We also appointed Ms Keathélia Sapto as our Coordinator Communications, a position she combines with administering the Socio-Economic Rights Project. As part of our enduring partnership with REFORMAR in Mozambique, its Director Tina Lorizzio was appointed as Adjunct Professor. Lastly, Advocate Sibonile Khoza was appointed as a member of our Advisory Board, replacing Adv Geoff Budlender who served on our Board for two terms. Sibonile returns to the Institute where he worked from 2002 to 2008 and we look forward to his advice and engagement going forward.

2020 was a difficult year but I am extremely proud of the way we lifted the discourse on social justice, pushed the needle on key social justice issues, pressed for accountability and transparency of state institutions, empowered young African scholars, and conducted cutting edge research. I am grateful to all our partners and funders for accompanying us throughout this challenging year. Most of all, I wish to express my heartfelt gratitude to the amazing staff and students of DOI for their perseverance, commitment and humanity during these strange times. I invite you to read more about their remarkable achievements in the chapters that follow.



Book project, bringing together 20 country case studies on how federal countries responded to the pandemic



We convened an impressive 46 webinars



We produced 5 podcasts on local government



Produced 7 infographics on issues such as food security for students



4 doctoral degrees were conferred to DOI members



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We taught 8 modules in the Faculty's Postgraduate Programme



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We were interviewed 18 times as experts in research projects by other researchers



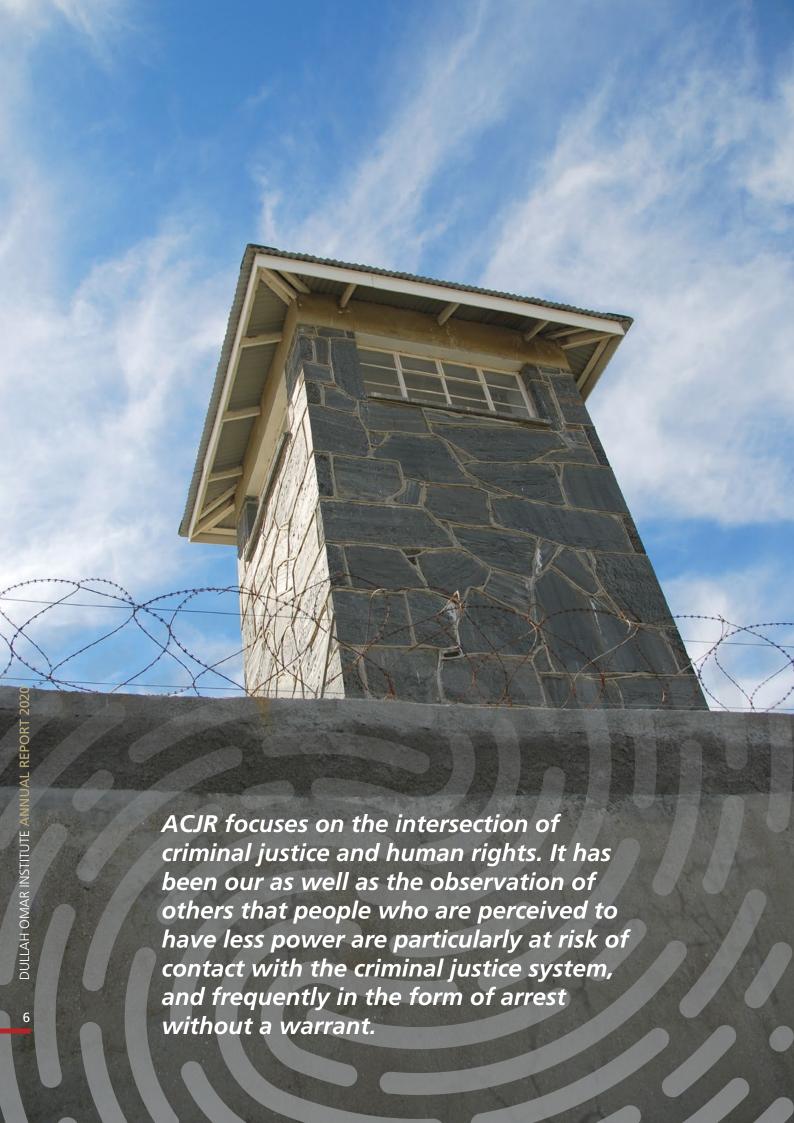
Dr Jean Redpath, Researcher

Dr Usang Maria Assim, Senior Researcher

Dr Tinashe Chigwata, Senior Researcher



Adv Sibonile Khoza, Advisory board member





### PROJECT REPORT

# AFRICA CRIMINAL JUSTICE REFORM (ACJR)

Prof Lukas Muntingh

### **KEY OBJECTIVES**

ACJR focuses on the intersection of criminal justice and human rights. It has been our as well as the observation of others that people who are perceived to have less power are particularly at risk of contact with the criminal justice system, and frequently in the form of arrest without a warrant. The problem is enabled by a myriad of laws, municipal bylaws and petty offences, and notions of social order rooted in the colonial era. ACJR is working towards two broad outcomes:

- Protecting the right to liberty by advancing democratic policing through improved protection of the right to liberty and due process through strengthening compliance with the legal requirements for arrest without a warrant through rights education and monitoring by partnering with civic actors, the media, judiciary, government and national human rights institutions (NHRI).
- Reducing discriminatory law enforcement by advancing democratic
  policing by supporting policy and practice changes reducing
  discriminatory law enforcement (i.e. targeting the poor and other
  marginalised groups) by demonstrating the cost to the economy
  of excessive and avoidable arrest and detention, and presenting
  feasible alternatives, with reference to the declassification and
  decriminalisation of petty offences.

The target countries are South Africa, Kenya, Malawi, Mozambique, and Zambia as well as regional engagements with existing networks (e.g. Pan-African Lawyers Union, International Commission of Jurists and the Network of African National Human Rights Institutions) and the ACHPR. Key outputs are: fact sheets, peer reviewed articles, research reports, workshops and workshop reports, website material and social media engagements.

### **PROMINENT ACTIVITIES IN 2020**

By early April 2020 most countries in the region had declared some form of restriction in response to the COVID-19 pandemic. In response to this uncertainty, we set out to (a) actively monitor the situation and (b) put reliable and accessible information in the public domain, supported by opportunities for engagement. It was evident that states were invoking different legal mechanisms to control citizens in response to COVID-19 and that this had significant consequences for civil and political, as well as socio-economic, rights. The restrictions that were imposed went largely unchallenged (except in Malawi) and it was generally the case that not only were criminal justice systems placed on hold, but also that a whole new range of offences were created (e.g., not wearing a mask) with resultant arrests.

In South Africa, we produced and disseminated a series of information sheets on the COVID-19 lockdown regulations presenting a simplified explanation of the lockdown regulations (this was also translated into Portuguese and adapted for use in Mozambique), the functioning of the criminal justice system, and the powers of the defence force, where deployed. These were updated as needed and we received positive feedback. An opinion-editorial drawing attention to data on rising detention on remand for COVID-19 related offences was published in July.

We also brought together a group of NGOs under the banner of the Detention Justice Forum to monitor the performance of the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT) according to the guidelines circulated by the Sub-committee for the Prevention of Torture . Three reports were compiled and submitted to the NPM, but it was unfortunately only the Judicial Inspectorate for Correctional Services (JICS) that responded to the issues raised. The reports emphasised the importance of continued monitoring of places of detention and that this should be regarded as an essential service during a state of emergency or disaster. However, it is likely that, if South Africa were to return to a Level 4 or 5 lockdown, detention monitoring will again be halted.

We have commenced with a more detailed survey in five countries (Kenya, Malawi, Mozambique, South Africa and Zambia) of the legal frameworks for states of emergency or disaster, how these were enforced and what the impact was on poor and marginalised people. This project was borne out of the deep concern about how easily civil and political rights were suspended as well as the overtly criminal justice responses, and associated abuses, to a public health problem.

In Mozambique we ran a campaign where prisoners made face masks (16 000) from donated fabric. This had the impact of raising knowledge and understanding of the issues at play and also galvanising cooperation between the state and civil society to address the pandemic.

Our research efforts resulted in ten opinion pieces and two peer reviewed publications. Our research was cited in two court decisions. The first was a judgment of the Constitutional Court of South Africa on the independence of the JICS¹. The second was a favourable advisory opinion from the African Court on Human and Peoples' Rights concerning the compatibility of vagrancy laws with the African Charter (we made a joint submission with the Centre for Human Rights). This is part of the larger campaign on the decriminalisation of petty offences in Africa, in which we play a leading role. The campaign has now extended its reach to all four regions of Africa.

The COVID-19 restrictions compelled us to work online and we hosted some 20 webinars with between 50 and 150 participants each, covering COVID-19, criminal justice system performance, prisoners' right to vote, law reform, child justice, and democratic policing. We also presented a conference paper at a virtual conference on elections and COVID-19 hosted by the Centre for Human Rights at the University of Pretoria. On behalf of the petty offences campaign, we delivered a statement at the 67th Ordinary Session of the African Commission on Human and Peoples' Rights. We continue to place high quality research findings in the public domain and create a platform for engagement on criminal justice and human rights reform.

### **OUTCOMES AND IMPACTS**

ACJR made a total of 26 submissions covering law reform, treaty monitoring bodies (UPR), COVID-19, law enforcement, child justice and expert evidence in litigation. Our information sheets during the Level 4 and 5 lock-down drew attention to the importance of continued monitoring of places of detention and all indications are that if this

should reoccur, a more robust system will be in place. The citations in the two court judgments, mentioned above also bear testimony to the impact of our research. Furthermore, we are proud to be part of the network of organisations that received a favourable opinion from the African Court on the incompatibility of vagrancy laws with the African Charter. Research by ACJR some years ago lay the factual basis for the campaign that has now expanded to all four African regions. In Mozambique we have had notable impact with reference to the enforcement and powers of arrest for COVID-19 lockdown transgressions. Following an open letter from our partner REFORMAR in Mozambique to the President of that country describing the impact of arrests and detention for lockdown transgressions, the government declassified the crime of disobedience on 30 June 2020 and it is now only subject to a fine and no longer imprisonment.

### **CHALLENGES AND OPPORTUNITIES**

COVID-19 brought new and unusual challenges. A survey of staff experiences and lessons learnt during the lockdown yielded important information. Two issues stand out: Firstly, younger staff found the hard lockdown much tougher than older staff as the former were not necessarily equipped with a home office and that the office is for many a much-needed resource. This was also true for staff with young children for whom the office was a calm space to work in. Secondly, in the academic and research environment there is much informal learning and problem-solving happening in daily office life. Informal networking (and learning) that one would ordinarily do in-person at a conference or workshop has largely disappeared and as useful as on-line meetings are, they are of a more formal and structured format.



Tina Lorizzo, Associate Researcher / Adjunct Professor



Crystal Nitsckie, Administrator



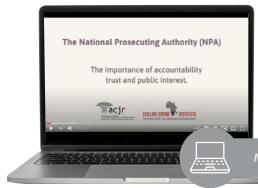
Dr Jean Redpath, Researcher



Janelle Mangwanda, Researcher



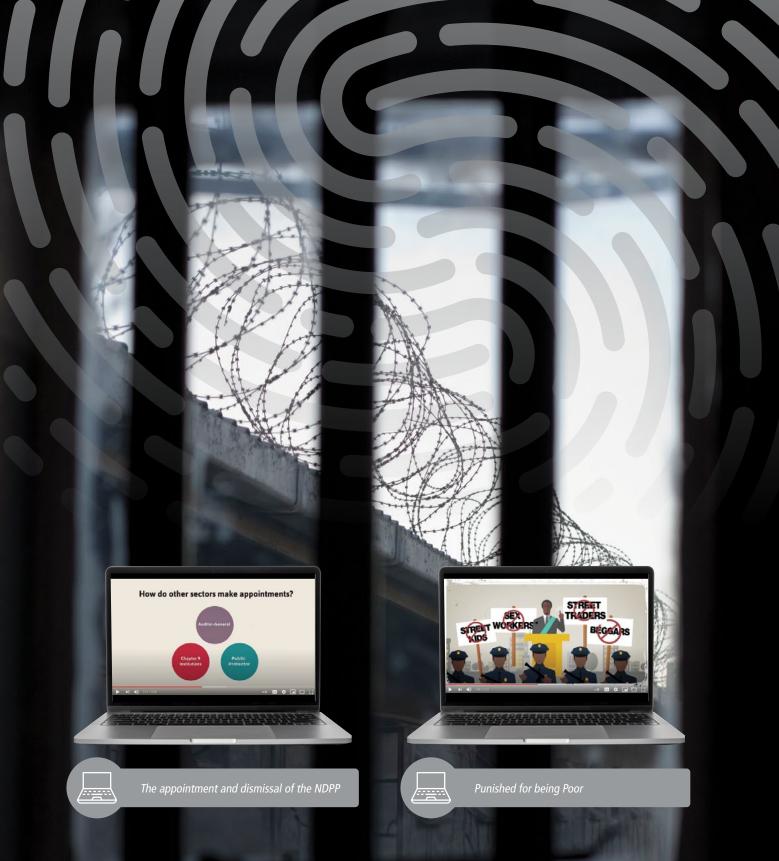
Kristen Petersen. Researcher



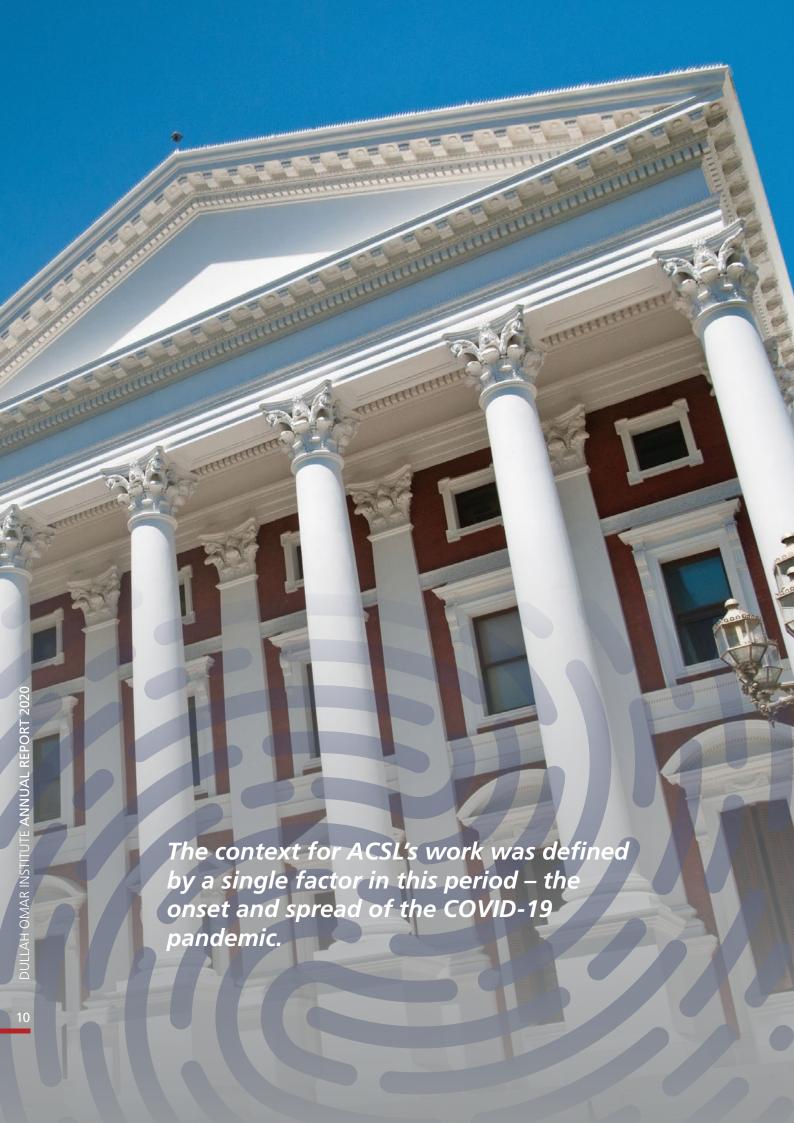
NPA accountability, trust and public interest

Sonke Gender Justice NPC v President of the Republic of South Africa and Others (CCT307/19) [2020] ZACC 26; 2021 (3) BCLR 269 (CC) (4 December 2020).

<sup>&</sup>lt;sup>2</sup>Request for Advisory Opinion by the Pan African Lawyers Union (PALU) on the compatibility of vagrancy laws with the African Charter on Human and Peoples' Rights and other human rights instruments applicable in Africa, No. 001/2018, Advisory Opinion, 4 December 2020.



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### PROJECT REPORT

# APPLIED CONSTITUTIONAL STUDIES LABORATORY (ACSL)

Prof Derek Powell

### CONTEXT

The context for ACSL's work was defined by a single factor in this period — the onset and spread of the COVID-19 pandemic. This would have two fundamental impacts on the project's work. First, it required radical adaptation to the new reality of lockdown and social distancing at a professional and personal level combined. Reliance on familiar work methods was no longer possible and all activities had to adapt to an online world.

Secondly, it required the rapid refocusing and reorganization of research work to the effects of the pandemic on constitutional governance. This was the global issue for constitutional research and practice.

Even as we scrambled to understand and adjust to the pandemic, it was clear from the outset that a threshold had been crossed and COVID-19 would become the baseline for assessing the political, economic and constitutional health of societies.

### **KEY OBJECTIVES**

### Understanding the impact on the resilience of constitutional government

From the onset it was clear that governments would have to use emergency powers to combat the pandemic, and that fact would potentially have huge implications for the resilience of constitutional law and human rights in the world, but particularly in fragile and conflict-affected countries and regions. The first objective was to assess the impact of the pandemic on constitutional government in Africa, including South Africa. This objective had three main focus areas for research: (1) case studies of 10 countries in Sub-Saharan Africa, (2) establishing a baseline for the financial impact on metros, and (3) examining the use by states of surveillance technology to combat the virus.

### Establishing an online research community

As much of the research would have to take place in dialogue rather than through traditional research means, the second objective was to establish an online community of researchers from the global south and north to share experience and research on the global impact of what was an unprecedented and continually developing phenomenon. This took the form of a webinar series.

### **KEY ACTIVITIES**

### Research project towards a book on constitutional resilience

A major collaborative book project was launched with researchers from 10 countries in Sub-Saharan Africa to examine constitutional resilience and the pandemic in the region. Worldwide the COVID-19 pandemic has put the resilience of constitutional government to the test, perhaps nowhere more so than in Sub-Saharan Africa. With the end of the Cold War this region became a proving grounds for national and transnational experiments in constitutional change. Peace and development in the region were anchored on the creation of resilient constitutional orders, often in fragile situations prone to violent conflict and beset with problems of mass poverty, economic stagnation, and institutional failure. This book examines how well constitutional democracy in the African region has withstood the shock of the pandemic in comparison with international experience.

African governments appear to have responded to the pandemic in more or less the same ways as governments elsewhere. Emergency powers were invoked and normal government and public service suspended. Commercial and business activities were abbreviated. Entire populations went indoors and into so-called lockdown, with people's movements severely curtailed for weeks and even months. Social contact was restricted and social distancing and mask-wearing in public became mandatory. The police, criminal law, and even military force were used to enforce restrictions. Freedom of speech was policed and even criminalised as governments took steps to protect society from misinformation. Scientific data on mortality and infection rates were used to design interventions and to justify restrictions of civil liberties, and technology companies and governments collaborated in the development of smartphone applications to track and trace the spread of the virus, in some cases without there being any policy or legal framework to protect privacy and data. The scale and duration of government intrusion may have differed from country to country, but the same intrusive pattern to state practice was there to see. Intrusive state interventions may have been necessary to combat the spread of the virus and save lives - But have some of the hard-won gains of constitutionalism been lost in the process? Have states, governments, and elites used the crisis to mass vast new power at the expense of constitutional democracy and human rights and to the detriment of vulnerable sectors of society pushed further into hardship by the social and economic fallout of government measures? These are the questions that the book will address.

### Constitutional Resilience and the pandemic in Africa webinar series

The Constitutional Resilience and the COVID-19 Pandemic Webinar series is an ongoing collaboration between ACSL, SERP and the Faculty of Law, that promotes conversation between scholars, civic society organisations and practitioners about the impact of the pandemic on the resilience of constitutional government in Africa and elsewhere. It is a platform where we come together to share research, discuss relevant topics, diagnose common problems, point to lessons, and suggest ways to protect and improve constitutional governance and the rule of law in this and future crisis situations. The webinar series is advertised widely, including on The Conversation and is very well attended. They have been very well received by participants, many of whom send questions ahead of time.

Establishing a baseline on the impact of the pandemic on the metros is a key focus. The metros have borne the brunt of the epidemic and are on the frontline of the national effort to combat the virus and drive social and economic recovery into the long term. Several webinars were held on this issue and three questions formed the focus of ongoing research: What has been the impact on revenues? What has been the impact on expenditure? How well have metros, provinces and national government worked together to coordinate the national health and recovery effort - what have we learned that can be used to improve intergovernmental relations in future?

### Biometric identification technology and the pandemic

The pandemic also provided the opportunity to examine how governments have used biometric identification and other forms of surveillance technology in combating the pandemic and the long-term impact of those practices on constitutionalism. Several webinars were held on the use of science and technology in combating the pandemic and the implications for privacy and human rights. An existing research project was also adapted to this unique opportunity to establish a baseline for comparative research in the use of biometric technology before and after the pandemic. This research will continue into 2021.

### A constitution for Nature

An opportunity emerged to submit a proposal for funding for a new project on how constitutional law addresses problems affecting the natural world, such as climate change and environment destruction. ACSL submitted a proposal for a two-year project to convene 22 of the world's leading constitutional scholars and judges as well as a younger generation of scholars in Bellagio Italy to examine how constitutional law is adapting. This new initiative also inspired a new webinar series called Next Generation Constitutionalism webinar series in which leading scholars talk about various topics about how constitutional law addresses problems of our time, including climate change.

### **OUTCOMES AND IMPACTS**

### 1. Book proposal accepted for review

The international research led to a book project that was substantially completed in the year and culminated in a proposal for a book on *Constitutional Resilience and the COVID-19 Pandemic: Perspective from Sub-Saharan Africa*, which was accepted for pre-publication external review by international publisher Palgrave Macmillan.

## 2. Launch of highly successful international webinar series

Two very successful webinar series were launched, attracting high level participants from all over the world, including many from Africa. We managed to hold almost one a month throughout the crisis. These webinar series provided an important platform for scholars, civil society organizations and government officials from the global south and north to come together to grapple with the unique and complex governance issues arising from the pandemic.

### 3. New long-term funding secured

The Foundation for International Law of the Environment approved in principle the award of funding for a long project of research on a constitution for nature.

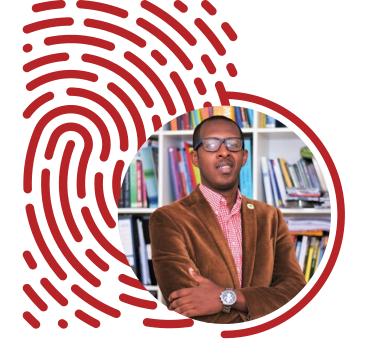
### **CHALLENGES AND OPPORTUNITIES**

The Constitution for Nature project opens a new opportunity for research and funding. The biggest challenge beside the pandemic is the continuing fact of the project's dependence on the vicissitudes of donor funding for research, employment, income and career security within the University.



Valma Hendricks, Project Administrator





### PROJECT REPORT

# CHILDREN'S RIGHTS PROJECT (CRP)

Prof Benyam Dawit Mezmur

### CONTEXT

Like with many others, the Covid-19 pandemic disruptions, including the declaration of a national state of disaster and the subsequent nationwide lockdown, resulted in changes in terms of the delivery modes for the CRP's engagements and outputs in the year 2020. This also mirrored the approach of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) with whom the CRP partners within the framework of promoting the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC).

In 2020, the ACERWC commenced holding 'virtual sessions' - instead of the traditional physical sessions. Thus, the ACERWC held two virtual sessions in 2020, which made physical meetings undesirable. The ACERWC also developed and disseminated a Guiding Note on Children's Rights during Covid-19 (https://www.acerwc.africa/guiding-note-on-childrens-rights-during-covd-19/) and organised a Virtual Town Hall Meeting on 'The impact of Covid-19 on children in conflict situations' (https://www.acerwc.africa/Latest%20News/the-impact-of-covid-19-on-children-in-conflict-situation/), convened by Prof Benyam Dawit Mezmur in his capacity as special rapporteur on children and armed conflict of the ACERWC, which the CRP participated in.

Looking into the future, the CRP will continue to engage in more resource mobilisation, not only to consolidate the work done in the past years within the African human rights system, but also to venture into important, emerging issues. These include children's rights in the context of the pandemic, digital media, climate change, and the Sustainable Development Goals.

# AFRICAN CHILDREN'S CHARTER PROJECT (ACCP)

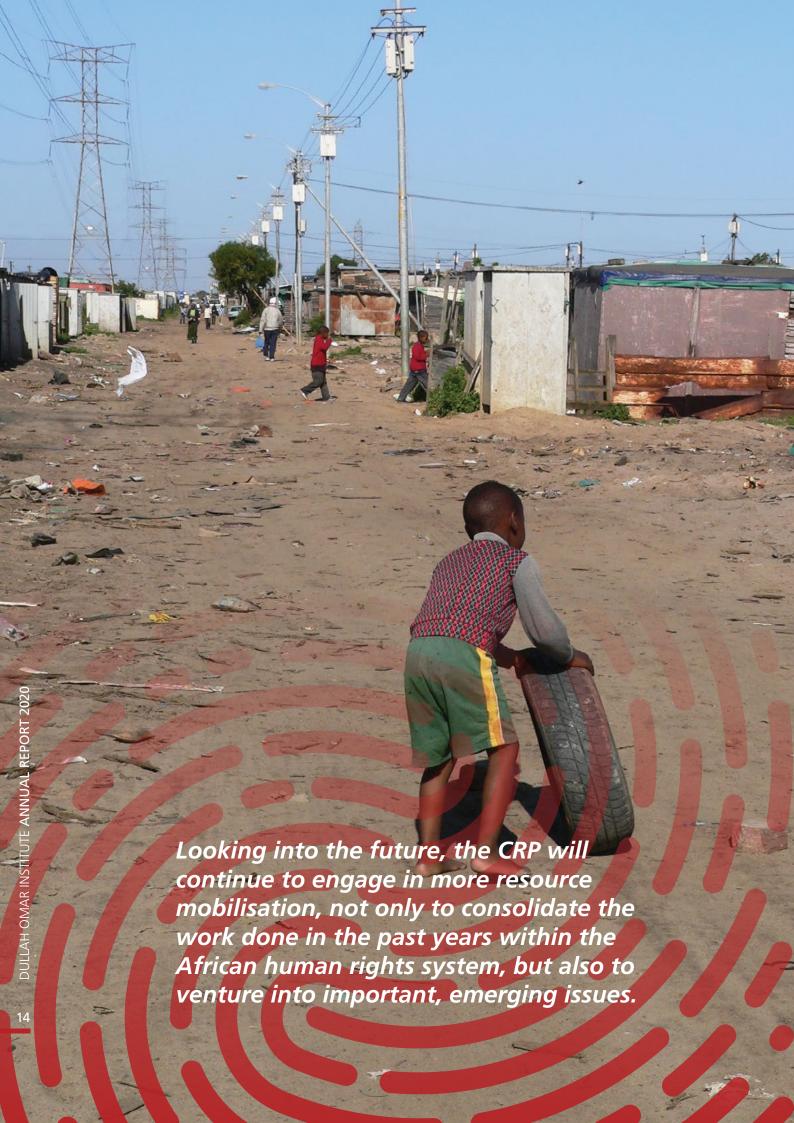
Conceived in 2009, the ACCP was established as a strategic initiative to improve the lives of children in Africa by enhancing the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC). This is achieved through the provision of direct and indirect support to the work of the ACERWC within the framework of the African Union. The Children's Rights Project has been contributing to the pursuit of the objectives of the ACCP together with four other organisations.

The year 2020 was set to be the final year of the ACCP. However, the completion of the project was postponed to the first half of the year 2021, to accommodate the impacts of the pandemic. For example, one of our main activities on 'Promoting the Communications Procedure of the ACERWC' was intended to take the format of an in-person workshop, jointly planned, organized, and facilitated by CRP and the ACERWC – with a focus on inviting mainly local NGOs and CSOs with litigating experience before the Committee, the Banjul Commission and the African Court. With Covid-19, we were presented with an opportunity to further democratise knowledge by opening up the space to allow for hundreds of participants to take part in the course, which involved completing most of the preparatory work in 2020, but its delivery was postponed to the first quarter of 2021. Similarly, while a draft of the Model Law on Children Affected by Armed Conflict was presented to the ACERWC in December 2020 during its 36th Virtual Session, its completion was postponed to the first quarter of 2021. The continental study on children involved with terrorist groups, which benefited from some substantive desktop work during 2020, is another activity requiring completion in 2021 due to the pandemic.

In 2020, CRP completed three activities under the ACCP: The General Comment on Article 22 of the African Children's Charter ('Children Affected by Armed Conflict) — the ACERWC passed a resolution for this activity in May 2016 during its 27th Ordinary Session. Following a validation workshop in 2019 hosted at UWC, and a number of rounds addressing comments, the General Comment was completed in 2020, and adopted by the ACERWC in September 2020. The General Comment (https://www.acerwc.africa/general-comments/) provides clarity to States Parties, CSOs, and other relevant stakeholders on how to secure the protection of children's rights in conflict situations, including in situations of 'tension' and 'strife'.

In 2020, the CRP also developed a Concept Note for the (annual) commemoration of the Day of the African Child (DAC) in 2021, on the theme: "30 Years after the Adoption of the Charter: Accelerate implementation of Agenda 2040" (https://www.acerwc.africa/day-of-the-african-child-dac/). The DAC is an advocacy tool for the ACERWC to enhance the visibility of the African Children's Charter as well as promote annually selected children's rights and welfare issues.

The CRP also prepared and submitted country briefs for four countries scheduled to report to the Committee on the implementation of the ACRWC within their jurisdictions: namely Ethiopia, Seychelles, Uganda, and Zimbabwe.



## TEACHING AND CAPACITY BUILDING

### Advanced Short Course on Children's Rights in Africa

In 2017, the Advanced Short Course on Children's Rights in Africa organised annually by the Centre for Human Rights at the University of Pretoria became a course jointly organised by the DOI's Children's Rights Project, the Centre for Human Rights and the Centre for Child Law — both at the University of Pretoria. In 2020, the course was presented virtually — once again making it possible to make the course available to a wider group of participants. The range of participants was also much more diverse, including a few participants from outside of Africa. We were also able to introduce new and innovative participatory elements into the course to keep the participants engaged, including the administration of random polls. With the award of certificates premised on active participation throughout the course, it was significant that no participant was left behind at the end of the programme.

### Other Capacity Building/Teaching/Advocacy Activities

In 2020, CRP staff were also involved in various academic and non-academic capacity building activities including giving technical inputs, serving as resource persons in trainings, etc. For example Prof Mezmur provided technical inputs into the draft Child Helpline International strategic plan and into the draft Global Child Protection Strategy of UNICEF. Further, he convened a Conversation session for postgraduate students on 'extreme poverty, human rights and the SDGs' with former Special Rapporteur on extreme poverty Prof Philip Alston (20 August) and another Conversation session for postgraduate students on 'The UN @75: The future of multilateralism in the context of human rights' with Ms Kate Gilmore, former Deputy at the OHCHR (28 September). Within the framework of DOI's partnership with the University of Pretoria's Centre for Human Rights in delivering the LLM/MPhil programme in Human Rights and Democratisation in Africa (HRDA), Dr Assim was appointed Field Trip Coordinator for six

students assigned to the Western Cape. Further, Dr Assim served as an External Expert to review and input into approximately 25 LLM/ Mphil thesis proposals on the HRDA programme for the year 2020, and served as an external expert for LLD Proposal Defence sessions.

Members of the CRP have also increased their advocacy efforts aimed at the realisation of the rights of the child. For example Prof Mezmur participated in a number of advocacy initiatives including a case involving a 13-year-old that was sentenced to 10 years imprisonment for blasphemy in Nigeria. In June 2020, Dr Assim was requested to make expert input into a motion of the Senate of the National Assembly of Nigeria on the 'need for the protection of children [born] outside [of] marriage' and also led the application process for DOI's membership in the global Association of Human Rights Institutes (AHRI - http://new.ahri-network.org/). She also gave an interview on Cape Pulpit 729 FM on Child Justice and the role of the Child Justice Alliance in South Africa (September). And in October, she formed part of a panel giving 'Editorial Reflections on 20 years of the African Human Rights Law Journal (AHRLI)'.

### Involvement in the Faculty of Law and UWC

CRP staff continued, albeit remotely, to be involved in academic supervision at both LLM and LLD levels, served on governance structures and as internal course moderators, adapted to teaching classes virtually, and engaged in other academic activities. For example, Prof Mezmur continued in his role as the Faculty's Deputy Dean of Research and Postgraduate Studies. Dr Meseret Ande, a doctoral researcher at the CRP for the last five years, graduated with her doctorate in Sept 2020. Conducted under the supervision of Prof Mezmur, her thesis focused on alternative care and children with disabilities. Dr Assim taught virtually on the Children's Rights LLM Course and on the Socio-Economic Rights LLM Course, among others. In October 2020, Dr Nanima, CRP's postdoctoral researcher got appointed as a Senior Lecturer in the Faculty's Department of Criminal Justice and procedure. In February, Drs Assim and Nanima co-presented to UWC's Research Ethics Committee on 'Children as the subject of research'.



Thandeka Khoza, Doctoral Researcher

Nimrod Muhumuza, Doctoral Researcher

Dr Robert Nanima, Postdoctoral Research Fellow

# CONFERENCES, SEMINARS, WORKSHOPS AND PRESENTATIONS

The CRP staff participated in a number of seminars and workshops and made presentations. In January, Prof Mezmur was at the Pan-African Child Rights Forum in Addis Ababa with a presentation titled 'The Convention on the Rights of the Child and the African Children's Charter: 30 years in Africa'. Subsequent to the onset of the pandemic. CRP staff continued to participate in and present at various webinars virtually. For example, Prof Mezmur made a presentation to the UN Human Rights Council on 'the situation of children and armed conflict in Central African Republic' (19 June), and in commemoration of the Day of the African Child on 16 June, Prof Mezmur joined an Instagram live video discussion with UNICEF/UNFPA – a Joint Project on Harmful Practices. Dr Nanima facilitated several webinars, and presented on various topics, including on the impact of Covid-19 on constitutionalism, on those living in informal settlements, etc. In October 2020, Ms Thandeka Khoza gave three presentations at the Future Law Virtual Summit (Global COVID-19 Roundtable: Just Transitions'), hosted by the Future Law Institute, including on 'The theory and reality of article 22(2) of the African Children's Charter: Children (still) affected by armed conflict in Africa'.

# APPOINTMENTS AND MEMBERSHIPS

CRP's Project Head, Prof Mezmur was re-elected in November 2020 to the UN Committee on the Rights of the Child (2021-2025), and also joined the Eminent Persons Group (EPG) to assess the UN Secretary-General's list of parties committing grave violations against children in armed conflict (https://watchlist.org/wp-content/uploads/eminent-persons-group-report-final.pdf). Dr Assim, among others, was promoted to Associate Professor (effective from 1 January 2021),

and was also appointed as associate editor for the African Human Rights Law Journal, and as a member of the Editorial Board for the Journal of Public Law, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria. Following in the footsteps of CRP's Profs Sloth-Nielsen and Mezmur, Dr Nanima was nominated (and elected in Feb 2021) for election to the ACERWC.

### **PUBLICATIONS**

CRP members produced several academic and other publications in the course of 2020 covering topics such as the African Children's Charter after 30 years of its adoption; state reporting on the realisation of children's rights children's right to education; ending child marriage; and the relationship between children's rights to education and recreation



Crystal Nitsckie, Dr Meseret Kifle Ande and Sideen Louw

In 2020, CRP staff were also involved in various academic and non-academic capacity building activities including giving technical inputs, serving as resource persons in trainings, etc.



### PROJECT REPORT

# SOCIO-ECONOMIC RIGHTS PROJECT (SERP)

Prof Ebenezer Durojaye

# CAPACITY BUILDING FOR COMMUNITY LEADERS IN INFORMAL SETTLEMENTS

During this reporting period, SERP organised a series of webinars captioned 'Our Voices Matter' highlighting the impact of COVID-19 on people in informal settlements. The objective was to amplify the voices and concerns of vulnerable and marginalised groups in informal settlements. While the pandemic impacted everyone, its impact is more severe for people in informal settlements. These webinars provided opportunities for people in informal settlements to share their experiences and express their concerns about the socio-economic implications of the pandemic. SERP organised four of these webinars in 2020 focusing on different issues such as the impact of COVID-19 on the socio-economic well-being of people in informal settlements (part 1 and 2), and the link between COVID-19 and gender-based violence in informal settlements (part 1 and 2). The webinars drew the participation of different participants nationally and across the world. However, most of the panellists were community leaders who spoke directly from their experiences. The webinars also featured the participation of Chapter 9 institutions such as the Commission for Gender Equality (CGE). Some of the panellists shared personal experiences of GBV during the lockdown, while the CGE and other civil society organisations shared their thoughts and experiences about the nature of interventions and their importance in addressing GBV during the pandemic.

During 2020, the Socio-Economic Rights Project engaged in advocacy, research and teaching to advance the realisation of socio-economic rights within South Africa and the continent as a whole. The outbreak of COVID-19 and the imposition of lockdowns across the world impacted vulnerable and disadvantaged groups in particular. It resulted in job losses, an increase in incidences of gender-based violence (GBV), food insecurity, and disruption of education. Also in South Africa, many people in informal communities experienced dire consequences such as hunger, unemployment, increased violence and a lack of access to sanitation and health care services. In response to some of these challenges, SERP embarked on several activities to highlight the human rights consequences arising from the pandemic and the lockdown imposed by the government. The outbreak of the pandemic also occasioned a review of some of our strategies and plans.



Funmilola Adeniyi, Doctoral Researcher



Keathélia Sapto, Project Administrator



Gladys Mirugi-Mukundi, Researcher



In addition, SERP developed an infographic on the right to food for students. The infographic highlighted the constitutional rights provisions on the right to food and the need for the government and other stakeholders to take concrete measures to address hunger and food insecurity among students in tertiary institutions. Also, SERP produced a booklet on the topic. The booklet was written in plain language and serves as an important resource for students, civil society groups, university administrators and policymakers in understanding the relevance of a rights-based approach to hunger and food insecurity on campuses.

# RESEARCH ON RECOGNITION OF COMMUNITY-BASED PARALEGALS

As part of its activities to realize access to justice for vulnerable and marginalized groups, SERP continued its research to assess the role of community-based paralegals in Africa. The study being conducted together with African Centre of Excellence for Access to Justice (ACE-AJ) aims at examining issues in relation to the recognition of the work of CBPs in six selected African countries, including, Ghana, Nigeria,, Uganda, Tanzania, Zambia and Mozambique. Through focus group discussions and interviews with policy makers, the study seeks to understand the contribution of CBPs to access to justice in poor communities and the challenges they encounter in performing their duties. This is one of the first comprehensive studies to assess the role and challenges of CBPs in Africa. It is hoped that the findings of this study will be very useful to policy makers and government across Africa. . Moreover, it will assist African countries in understanding the link between poverty and access to justice as well as working towards meeting the targets in SDG 16 .3 on access to justice.

### SOUTH AFRICA ICESCR CAMPAIGN

The SERP has continued to coordinate the South African Civil Society Campaign on the International Covenant on Economic, Social and Cultural Rights (ICESCR). In 2020, SERP together with its partners held meetings and sent letters to the Department of Justice and Correctional Services to follow up on the concluding observations by the United Nations Committee on Economic, Social and Cultural Rights (CESCR). In 2018, the CESCR issued its first concluding observations to the initial report of South Africa urging the government to implement some immediate recommendations in relation to poverty levels, social security for unemployed adults between 18-65 years, as well as develop a composite report on inequality and poverty in the country. The SERP also held a series of meetings with partners to devise a means of ensuring that the government implements the recommendations of the CESCR timely.



Prof Ebenezer Durojaye, Project Head

### **TEACHING AND SUPERVISION**

As part of contributing to knowledge and producing the next generation of scholars to advance socio-economic rights, SERP has continued to coordinate the LLM Module in Socio-economic Rights for postgraduate students. In 2020, four SERP staff members were involved in teaching this Module. In addition, SERP members were involved in the supervision of postgraduate students. For 2020, 1 LLM and 2 LLD/PhD students graduated under the supervision of SERP staff members.



### RESEARCH PUBLICATIONS

As part of its commitments to advancing scholarship and knowledge on socio-economic rights, SERP has continued to produce high-quality research. In 2020, SERP members of staff were involved in the following publications

#### Books

E Durojaye and G Mirugi-Mukundi *Exploring the link between Poverty and Human Rights* 

### Chapters in books

E Durojaye and A Adebanjo 'Dialogical Constitutionalism and Banning of Hijab in Nigerian Public Schools' in T Yerima et al (eds) Emerging Issues and Thoughts in Contemporary Public Law: A Compendium of Essays in Honour of Justice Paul Adamu Galumje (Constellation Publishers; Abuja 2020) 388-401.

R Nanima and E Durojaye 'Access to justice in Kenya in the context of the Sustainable Development Goal (SDG) 16.3 on the Rule of Law: Lessons from forthcoming Voluntary National Review Report 2020 in M Mutabi and L Hamasi (eds) *Politics and Sustainable Development Goals in Africa*.

E Durojaye 'Advancing sexual and reproductive health and rights in Africa: A key to realising the Sustainable Development Goals (SDGs)' in Carol Ngang and K Serges (eds) *Insights into Policies and Practices on the Right to Development* (Rowan and Littlefield International, London/New York 2020) 333-353.

E Durojaye 'UN Security Council Resolution 1325: A Catalyst for women's participation in conflict resolution and development in Africa? in Serges Kamga (ed) *The Right to Development in Africa: Issues, constraints and prospects* (Pan African University Press, Texas 2020) 561-584.

### Journal articles

E Durojaye and R Nanima 'From Muhammed and others to De Beer and others: striking the balance between public health measures and human rights during Covid-19 era in South Africa' (2020) 47(1) Commonwealth Law Bulletin 175-

E Durojaye, G Mirugi-Mukundi and O Adeniyi 'Legal Empowerment as a tool for engendering Access to Justice in South Africa (2020) *International Journal of Discrimination and the Law* https://doi.org/10.1177/1358229120969602.

Dr Michelle Maziwisa, Postdoctoral Researcher

Henry Paul Gichana, Doctoral Researcher

The SARChi Chair promotes the study of the role of multilevel government in furthering peace, democracy and development in South Africa, elsewhere in Africa, and worldwide. It focuses on research, teaching, and policy engagement.





# SOUTH AFRICAN RESEARCH CHAIR IN MULTILEVEL

# GOVERNMENT, LAW AND DEVELOPMENT

(SARCHI)

Prof Nico Steytler

The SARChi Chair promotes the study of the role of multilevel government in furthering peace, democracy and development in South Africa, elsewhere in Africa, and worldwide. It focuses on research, teaching, and policy engagement.

In 2020 the Chair worked closely with a team of researchers: Prof Jaap de Visser and Dr Tinashe Chigwata as well as post-doctoral fellows, Dr Michelle Maziwisa and Dr Shehaam Johnstone, and doctoral researchers Henry Omboto, Melissa Ziswa, Phumla Hlati, Curtly Stevens, Jennica Beukes, Xavia Poswa and Thabile Chonco. This report covers work done both directly under the SARChI Chair as well as work associated with it.

### CONTEXT

The advent of the Covid-19 pandemic in March put the multilevel system of government under considerable strain, both in South Africa and further afield. The system in South Africa was already under considerable pressure, deteriorating year after year as measured by the Auditor-General's annual Reports, service delivery failures and provincial interventions. While the system of multi-level government is under stress in South Africa, it is still seen as the only system to bring peace to a number of conflict-ridden countries elsewhere in Africa, including South Sudan, Somalia, and Ethiopia.

### **OBJECTIVES**

Within this context, our objectives are fourfold. First, with respect to South Africa, the aim is to examine the functioning and future of our system of multi-level government, and where possible and appropriate, engage with the governments at the various levels of government. Second, as multilevel government is seen as an important governance tool for peace and development, the objective is to do research, build a network of scholars, and engage with practitioners and government on the topic. Thirdly, the work on multilevel government must be situated in the global discourse on non-centralism, and, where requested, we assist countries in the Global South with the use and value of systems of multilevel government. Fourthly, closely linked to our research endeavours is building through teaching and training a new generation of scholars and practitioners in South Africa, elsewhere in Africa, and internationally.

### **PROMINENT ACTIVITIES IN 2020**

Covid-19 has had an impact on federal systems, centralising some and strengthening others, and it prompted three major research projects:

First, at the outbreak of the pandemic, working in collaboration with members of the International Association of Federal Studies, the Chair initiated a project entitled 'Comparative Federalism and Covid-19: Combating the Pandemic'. The product will be a book with 19 case studies of federations across the world, published by Routledge in 2021. It promises to be one of the first academic analyses examining federal governance under extreme and unprecedented pressure.

Secondly, the Research Chair was invited to join a major research project from University College London, King's College London, and the Max Planck Institute Heidelberg, called Lex Atlas: Covid-19, which will provide a scholarly analysis of national legal responses to Covid in 60 countries, published online in 2021 as 'The Oxford Compendium of National Legal Responses to Covid-19'. As the area editor for federalism and local government, the Chair is responsible for producing comparative papers on these areas.

Thirdly, focusing on South Africa, the Chair initiated a research project on the role played by provinces and local governments in combating the pandemic. With a team of both young and senior researchers, the roles of each province and a representative sample of municipalities in each have been documented during 2020.

The pandemic also affected our activities negatively. The first African School on Decentralisation (ASD), established in 2019 by the SARChI Chair and the Centre of Federalism and Governance Studies (Addis Ababa University), in collaboration with the Institute of Federalism Fribourg, and the Institute of Comparative Federalism, EURAC Research, was planned for the end of May. The two week course on decentralisation and development in Africa course attracted over 600 applicants for 30 places, and had to be postponed — another casualty of Covid-19.

Also the Stellenbosch Annual Seminar on Constitutionalism in Africa, which the Chair co-organises with Charles Fombad, planned for September on 'Constitutional Identity and Constitutionalism in Africa', was postponed to 2021.

Before Covid-19 confined us to home, the expertise of the Chair in MLG was sought by the United Nations Development Program (UNDP): presenting an Issue / Policy on federal options in Africa, for the National Dialogue of South Sudan, Juba, South Sudan. This paper was followed by a position paper on 'Federal options for South Sudan'. Also, the Chair formed part of the UNDP team assisting the Joint Select Committee of the Parliament of Trinidad and Tobago, on the Constitutional Amendment Bill proposing an autonomy status for Tobago, Port of Spain. It was pleasing to note that a year later, the Committee's Bill, published in May 2021, contained some of the recommendations we proposed.

The Chair was also requested by the Forum of Federations to provide an opinion for the House of Federations, Ethiopia, on the constitutionality and practicality of the draft Proclamation on intergovernmental relations.

### CONFERENCES AND TEACHING

The Chair organised and hosted with the DOI a two-day virtual conference of the International Association of Centres for Federal Studies (IACFS) (with 29 member centres) on the Impact of Covid-19 pandemic on Federal Systems, 15-16 October.



### **PUBLICATIONS**

2020 saw the publications of a number of books, chapters in books and a journal article that have been long in the pipeline:

### On multilevel government in South Africa:

- With Jaap de Visser, 'From the Community Law Centre to the Dullah Omar Institute: The Path of Engaged Research', in Bharuthram and Pokpas (eds) From Hope to Action through Knowledge: the Renaissance of the University of the Western Cape 2001-2014 (UWC Press); and
- 'Human Dignity, Identity and Multilevel Governance', in Patel et al (eds) *Essays in Honour of Chief Justice Ismail Mahomed (1997-2000) (Juta, 2020).*

### On multilevel government in Africa:

- 4th Volume in the Oxford University Press series Constitutional Law in Africa, entitled 'Corruption and Constitutionalism in Africa: Revisiting control measures and containment strategies', edited by Charles Fombad and Nico Steytler.
- The Chair also contributed two chapters: 'The "Financial Constitution" and the Prevention and Combating of Corruption: A Comparative Study of Nigeria, South Africa and Kenya' and the concluding chapter 'Towards Understanding and Combating the Crime of Corruption in Africa', in which Nico Steytler presented a new analytical optic on the topic.
- Another achievement was the publication of Tinashe C
   Chigwata, Nico Steytler, Jaap de Visser and Frank Kunda
   (eds) Local Government Reform in Zambia: The 2016
   Constitution's Framework for Devolution (Cape Town:
   Juta, 2020) pp 222, which brought together the research
   work of Zambian local government officials, which they
   did during their Masters study at the Institute. Copies of
   the book were also distributed to key stakeholders.

### On multilevel government globally:

 Nico Steytler, Balveer Arora and Rekha Saxena (eds) The Value of Comparative Federalism: The Legacy of Ronald L. Watts (Routledge India, 2020) pp 196, in which the Chair contributed the lead-in chapter 'Ronald L. Watts: The Pragmatism and Practice of Comparative Federalism'. A number of virtual presentations at webinars were done for international audiences:

- 'Federalism, Intergovernmental Coordination and Covid-19 Pandemic: Comparing Experiences', hosted by MacKell Chair in Federalism, McGill University, Montreal, 21 May;
- Overview 'Federalism and the Corona-crisis International Experiences', Forum of Federations and Free University of Berlin, 27 May; 'What can Syrians learn from other countries', Syrian Constitutional Committee and European Center for Kurdish Studies, Berlin, 23 June.

In April five LLM degrees were awarded to students, supervised or co-supervised by the Chair. Furthermore, three doctoral degrees were awarded: Alois Madhekeni – co-supervised with Dr Jan Erk; Shehaam Johnstone – co-supervised with Jaap de Visser; and Jean Redpath.

The Chair was also appointed as visiting professor, University of Paris I (Panthéon Sorbonne), giving lectures on constitutional law in January.

Although we did not produce a 2020 update to Steytler and De Visser's *Local Government Law of South Africa*, the book made its mark on jurisprudence. In 2020 the Eastern Cape High Court used the text as the key authority for holding for the first time that there is an enforceable duty on a provincial executive to intervene in a municipality in case of a financial crisis.

# LOCAL GOVERNMENT AND COVID-19

A number of activities in 2020 were conducted with a focus on local government. Ordinarily, we would have carried out, with our partner IBP-SA, the annual Metro Open Budget Survey, which measures participation, transparency and oversight in South Africa's metros. COVID-19 forced us to postpone this project. In its place, we developed a new project on municipal governance during COVID-19. It involved research, the organisation of webinars and publication of webinar proceedings. The webinars provided a platform for municipal officials, researchers and civil society to engage on municipal governance during the extraordinary times of COVID-19. We discussed integrated development planning, budgeting and procurement during COVID-19. We drafted background notes which informed discussions in webinars. The webinars, background notes and reports drew significant media attention. We were, for instance, invited on Cape Talk to speak about procurement at the local government. An opinion piece originating from webinar discussions titled "The Devil is in the Detail - Transparent Procurement Leaves Thieves with Nowhere to Hide" was published in the Daily Maverick.







Dr Tinashe Chigwata, Senior Researcher

### TRANSPARENCY IN LOCAL **GOVERNMENT PROCUREMENT**

The controversies surrounding procurement during the pandemic confirmed once again that transparency in procurement is key for good governance. Together with IBP-SA, we developed a new project on procurement by municipalities. We surveyed the websites of 34 municipalities to establish whether municipalities are transparent about the goods and services they procure. We found that, when it comes to procurement, the information furnished via municipal websites is often insufficient for the public to know what municipalities are procuring with taxpayers' money. The findings were discussed at a webinar, attended by key stakeholders and in a number of media interviews. We were subsequently approached by various organisations working in the space of procurement for potential partnerships in this space.

### LOCAL GOVERNMENT WEBINAR **SERIES**

We convened a series of webinars on local government, with the financial support of the Hanns Seidel Foundation. The webinars provided a platform for stakeholders to engage on key issues affecting local government during the pandemic. We covered three topics namely the impact of the lockdown on municipalities, the upcoming 2021 local government elections, and the latest legislative amendments to improve municipal governance. The webinars were convened in partnership with the South African Local Government Association. We attracted high profile speakers, such as the SALGA President, the CEO of the Independent Electoral Commission and the Chairperson of the National Assembly's Portfolio Committee on Cooperative Governance. The webinars recordings were published on DOI website while webinar reports were circulated through the Local Government Bulletin.

### LOCAL GOVERNMENT BULLETIN

The Local Government Bulletin publishes short, accessible articles related to local government in South Africa and the region. It continues to grow in readership. In 2020, we published four editions with 24 articles, many of which were written by young scholars at DOI. We also produced 27 podcasts for articles in the Bulletin, in order to expand our communication with the audience of this influential newsletter.

### **FACTSHEETS ON MULTILEVEL GOVERNMENT IN AFRICA**

Decentralisation features on the reform agenda of a growing number of African countries. However, there is not a lot of clear and accessible material to assist policymakers, practitioners, students and members of the public to understand what it means and how best it is implemented. In response to this need, we produced ten factsheets on key themes relating to multilevel government/decentralisation in Africa. The fact sheets discuss issues such as the difference between federalism and decentralisation, the importance of local democracy, intergovernmental finance, traditional leadership etc. The factsheets are already proving to be useful resources on the subject.

### SECONDMENTS UNDER EU-RISE

We are part of an international research collaboration on "Local Government and the Changing Urban-Rural Interplay". This is funded by the European Union under the EU-RISE programme and includes staff and student secondments across the consortium. COVID-19 thwarted the planned secondments but the research continued with improvements to our dossier on local government in South Africa. In 2020, we revised all five thematic intros and seven practice notes. Furthermore, we submitted six new practice notes.

### COMBATING CORRUPTION IN LOCAL GOVERNMENT

We finalised a large research project on corruption in local government. The study was done for the Western Cape Department of Local Government, with co-funding from HSF. We finalised an overview of the law governing this topic, as well as a study into the experiences of municipal managers and councillors in using the law to combat corruption. The research showed that, while the legal framework is comprehensive, there are serious difficulties in implementation, with a lack of successful criminal prosecutions standing out as a pertinent issue.



Doctoral Researchers

Curtly Stevens, Doctoral Researcher







### PROJECT REPORT

# WOMXN AND DEMOCRACY INITIATIVE (WDI) Samantha Waterhouse

### **CONTEXT**

South Africa has struggled to realise constitutional promises of social justice and people-centred democracy. The C19 pandemic deepened and drew attention to existing fault lines. While the pandemic provided an opportunity for governments to go back to the drawing board, most measures taken have maintained or exacerbated the status quo. At the same time, the crisis spurred on new formations for resistance and social justice across civil society.

Hope for the 'new dawn' has not yet materialised, especially for those most marginalised, who are hardest hit by policy failures, corruption, and mismanagement. 2020 fiscal policy and budget decisions have deepened austerity measures, effectively cutting public spending and blatantly resisted introducing a basic income grant or solidarity taxes.

Indicators continue to show that Black womxn, poor and working class womxn, womxn in informal employment, womxn living with disabilities or caring for people with disabilities, migrant womxn, and those living in poor urban and rural contexts are worse off. Under C19, the additional free labour expected of women and girls was dramatically increased. Risks of Gender-Based Violence (GBV) increased, but were met with decreased protections.

The announcement of the National State of Disaster (NSoD) saw an immediate increased role for the executive, however the necessity for quick decision-making in the crisis led to further weakening of the legislatures as the site of representative democracy - indeed, being entirely relinquished in the first months. Few decisions taken under the Disaster were challenged, and little direction was provided by legislatures. This increase of executive power has been protracted for a questionable period.

The imperative for public claims on democracy continues, and the powerful tradition of activism generally and womxn's activism specifically in South Africa forms a bedrock for this. CSO approaches have continued to diversify, with successful movement towards actions outside the structures of the state added to the more common deliberative approaches.

The release of the Gender-based Violence and Femicide National Strategic Plan (GBVF NSP) allows more focus for civil society to ensure that its implementation is founded on the experiences of womxn, evidence and good practice.

### **KEY OBJECTIVES**

WDI works towards realising human rights and social justice, increasing practices of deliberative and aspects of radical democracy within our constitutional framework — to achieve 'feminist governance'. Realising social justice is influenced by political systems, and systems of patriarchy, racism, and capitalism. Thus we take an intersectional feminist approach to participatory democracy and social justice — focussing on realising womxn's and gender rights, and working towards structural and systemic change. This affects both what we work on and how we undertake that work.

We look at indicators across sectors tracking policy, budgets and progress on womxn's rights (what is prioritised/achieved) and at issues of leadership and governance (how things are achieved). We focus on increasing civil society's influence through strengthening and leveraging constitutional mechanisms for democratic participation. We emphasise the role of elected representatives, legislatures, and political parties.

We invest in collaboration and strengthened civil society to increase impacts of advocacy for social justice, including exchange of information and skills, promoting debate, pluralism, and encouraging consensus where possible. Recognising the vast inequalities of resources and access to sites of influence among CSOs, we work to challenge the negative exercise of privilege and power within civil society including being reflective of WDI's relative privilege.

### **PROMINENT ACTIVITIES**

### Feminist democracy: Leadership and womxn.

WDI tracked questions of leadership and womxn in two ways: how leadership prioritises womxn's equality and rights; and womxn as leaders. We produced commentary on political statements such as the State of the Nation Address (SoNA), engaged with the Department of Women Youth and Persons with Disabilities (DWYPD) and Parliamentary committees on the National Gender Machinery (NGM) progress, and contributed to the Women's Charter review. We participated in womxn's sector strategic conversations and led a conversation on the role of academics to address GBV during lockdown. Developing our 'Indicating Feminism' work, WDI presented exploratory research on *Patriarchy as currency for corruption and Corruption's effects on womxn*. We undertook exploratory research on questions of womxn, food systems and food security, and developed links between work on petty offences, women in informal employment, and sex work.



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### **GENDER-BASED VIOLENCE**

We focussed on issues of the governance, content, and financing of the GBVF NSP. In addition to monitoring and engaging with government, we participated in, collaborated with, or led initiatives to promote its strong governance with Call to Action, Shukumisa Campaign, Shayisfuba, Budget Justice Coalition, and Feminist Budget Collective. We participated in the DWYPD, Presidency and Parliament's Multi-Party Women's Caucus meetings and monitored statements regarding NSP leadership, undertaking analysis, providing commentary, and making submissions. Upon release, we undertook comparative analysis of the content of the GBVF NSP, Government's three 'GBV bills' and the Victim Support Services bill.

We served on the Shukumisa SC, and with other partners, led activities on questions of members' participation, and the role of Shukimisa in the changing women's sector landscape.

# FEMINIST BUDGETING AND PUBLIC FINANCE

Our research and advocacy on 'Feminist budgeting' and public finance are undertaken in collaboration with the Budget Justice Coalition (BJC) and included activities with the Women's Budget Collective. WDI focusses on 1) Feminist budgeting and 2) increasing public information and participation in public finance. WDI is a member of the steering committee, and provided support to various BJC events such as the Anti Austerity gathering, post budget speeches, we facilitated the BJC AGM. In collaboration with feminist partners in BJC, WDI leads on integrating feminist analysis across BJC activities and advocacy. We seek to deepen gendered questions and intersectional feminist analysis linked to budget justice.

We undertook budget analysis of the GBVF NSP and of department budgets linked to the NSP. Including analysis of the SoNA and Budget in February, the Special Adjustment Budget in June, and the MTBPS/ Adjusted budget in October. We also analysed departmental strategy and budget documents of SAPS and departments of Justice, Social Development, Agriculture, Presidency, Treasury, Small Business, and Labour. WDI analysis contributed to BJC public statements, various submissions to the Finance and Appropriations committees, and media. WDI drafted a working paper, *Democracy and Public Finance under the State of Disaster* considering legislative oversight in the circumstances.

# DELIBERATIVE DEMOCRACY: LEGISLATURES

Our leadership of *ParlyWatch* (PW) alliance of nine partners and the Putting People in People's Parliament (PPiPP) projects are linked. WDI

initiated the Action on Legislatures network, leading advocacy to re-open legislatures and increase public access after the NSoD was announced. We led drafting of a series of open letters and submissions calling on legislatures to reopen, we provided recommendations to increase public access, and followed this with deeper engagements to enhance participation.

PW works with activists from CBOs in rural and urban Western and Eastern Cape and national NGOs to deepen engagements and expand the 'usual suspects' of who accesses legislatures. PW considers 1) oversight over the executive, and 2) legislatures' performance against their constitutional mandates. 19 National and 17 WC committees were monitored on issues including social security, GBV, education, communications, rural development, policing, public finance, and budget oversight. Under lockdown, we supported activist monitors to access data and devices to continue online engagements.

We worked with partners to increase CSO engagements with the WC and EC provincial legislatures and produced four podcasts and one short video increasing information available on the role of and access to legislatures.

Partnering with PMG we completed research: Testing the limits of openness, transparency and access to information: Public access to information Parliament requests from departments. As a result of lockdown shifts we commenced the design and data collection for research on access to online committee meetings. We collaborated with partners advocating on provincial Money Bills Amendment Bills, monitored and compiled a tracking document on NHI public participation, and worked with the ACJR on advocacy related to transparency, public engagement and oversight of SOE board appointments.

# CIVIL SOCIETY – INTERNAL FEMINISM AND DEMOCRACY

In addition to our work on internal feminism and democracy of PW, BJC and Shukumisa, WDI fielded requests from three CSOs to support internal processes on sexual harassment. We provided resources, advice, and referrals and engaged with donors on the question of resources to CSOs for this work.

### **OUTCOMES/INFLUENCE**

### Women and leadership

We supported collective advocacy, monitoring high level government policy statements and providing public commentary on intersectional women's rights realisation through government programmes. WDI fills gaps in the scope of issues addressed with government through creating more connected narratives across issues and departments.

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Laura Wellen, Project Administrator



Vivienne Mentor-Lalu, Researcher/facilitator



Motlatsi Komote, Research and Advocacy Officer and Samantha Waterhouse, Project Head

WDI collaboration with coalitions stalled DWYPDs problematic governance proposals on the NSP.

### Feminist budgeting and public finance

After investments over the past five years, public and CS discourse on budget justice with feminist analysis for 'gender responsive' budgeting is increased. After consistent messaging for integrating gendered budgets, driven through the BJC, in early 2021 Treasury introduced guidelines for departments to 'tag' expenditure linked to a gender-responsive framework. Our research on GBVF NSP financing, and analysis of departmental budgets has influenced, augmented and been augmented by the research and advocacy of other CSOs. We increased our capacity on macro-economic questions impacting on womxn's rights.

### Legislatures

Our leadership to call for and support the legislatures to ensure online committee meetings were public, is likely to have sped up that process and increased the platforms on which information was available. CSOs report that the targeted information on committee meetings we provide, increases their engagement on executive performance. Our Investments into capacity and support to activists have demonstrated higher rates of direct contact with elected representatives, and many of our partners report that the quality of their interactions is enhanced.

### **CHALLENGES/OPPORTUNITIES**

#### What is this Feminist Governance?

To an extent, our concepts of Feminist Governance, and indicating feminism are aspirational, an opportunity for learning and debate to deepen our own, CS, and government's understanding of what it means to realise social justice and human rights within a feminist paradigm.

### Going beyond NGOs

A number of organisations we partner with are CBOs and Community Advice Offices, and many people are also activists in their communities. Most were 'in survival mode' working at the coal face of the pandemic. Their priority to respond to the requests for help, including facilitating access to food, advising on access to grants, and responding to state and family violence. Partners from these contexts faced additional challenges such as weak ICT infrastructure and coverage, high costs of data, poor electricity access, no child care, and so forth. Womxn disproportionately shouldered additional household burdens and tended to have less access to technology. We attempted to provide appropriate and respectful human and resource support, linking people up, and supporting provision of data.

Given the significantly changed circumstances for legislative oversight, moving legislature meetings online increases access in broad terms but this is passive observation. It decreased access for partners who previously attended meetings and who don't have infrastructure — web coverage, electricity, devices, data, space, privacy, interruption-free

environment. Administrative barriers to joining online meetings, the time limits on these meetings, and no chat function have lowered the depth of engagements. These point to the need for ongoing advocacy for the role of the public broadcaster, and measures to increase interactions with representatives e.g. the utilisation of WhatsApp and other 'zero rated platforms' for engagement, and bigger picture work for access to free data for the public.

In terms of shifts in the CSO womxn's sector, we stayed connected, continue to consider our positionality, and how our work can add value in new spaces.

#### Collaboration in an online environment

WDI developed skills and methods to offset the silencing nature of most online platforms that favour those with privilege and work against collaboration amongst more diverse groups. In order to ensure the voices of people in our coalitions, particularly those working at community level under C19, found place in meetings, we undertook one on one engagements to understand their personal and social challenges and tested our approaches through BJC and PW strategy workshops.



Parliament Watch Reflection workshop



**Budget Protest 2020** 





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## **INCOME AND EXPENDITURE STATEMENT**

2020

2019

	R	2017 R
INCOME		
Funders	20 277 385	27 467 433
Consultancies	1 678 775	766 933
University of Western Cape		
2 x Professorial posts - R1 950 000		
Faculty of Law - Salaries - R980 000		
Premises, Utilities and IT		
TOTAL INCOME	21 956 160	28 234 366
EXPENDITURE		
Contribution to Operating Expenses		
Contribution to Administration salaries		
Salaries	11 687 596	12 811 898
Stationary	128 635	104 893
Photocopying	4 666	31 556
Postage and Distribution	-	171
Telephone	131 259	87 569
Travel and Accommodation	936 744	2 294 973
Printing and Publications	571 348	502 831
Subscriptions and Books	382 617	392 417
Audits Fees	-	35 650
Workshops / Meetings	50 376	1 185 174
Consultation Fees	560 258	744 002
Partner Activities	1 848 852	1 622 898
Post-Graduate Bursaries	2 706 600	2 833 713
Conferences and Seminars	19 069	-
Research	318 990	483 375
Website and Social Media	173 529	294 914
Rent (CT Office)	2 538 731	2 538 731
Catering for Meetings and Socials	51 491	166 246
Computer Equipment (including Maintenance)	52 736	132 144
Funders returned to donors	-	-
Interest-bearing borrowings	199 256	212 431
TOTAL EXPENDITURE	19 662 698	23 833 756
CLOSING BALANCE FOR THE YEAR	2 293 462	4 400 610
Surplus carried forward from previous year	17 047 654	12 102 122
Prior Year Adjustment	33 070	544 922
NET CLOSING BALANCE 31-12-2020	19 374 187	17 047 654

Prepared by: V. Brookes & S. Najaar







# THE INSTITUTE'S **OUTPUTS**



### **PUBLICATIONS**

### **Books**

Chigwata T.C, Steytler N, de Visser J and Kunda F (eds) *Local Government Reform in Zambia: The 2016 Constitution's Framework for Devolution* (Juta, 2020) pp. 238.

Durojaye E and Mirugi-Mukundi G (eds.) *Exploring the Link between Poverty and Human Rights in Africa* (Pretoria University Press, 2020) pp. 293.

Fombad C.M and Steytler N (eds) *Corruption and Constitutionalism in Africa: Revisiting Control Measures and Strategies* (Oxford: Oxford University Press, 2020) pp. 560.

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### Chapters in books

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Ayele Z (2020) 'The Rise of Corruption in Ethiopia: Is a Lack of Constitutionalism to Blame?' in Nico Steytler and Charles Fombad (eds.) *Corruption and constitutionalism in Africa: Revisiting control measures and strategies* (Oxford University Press) pp. 168-191.

Chigwata T (2020) 'Endemic Corruption in Zimbabwe: Why Are Anti-Corruption Agencies Ineffective?' in Fombad C and Steytler N (eds) *Corruption and Constitutionalism in Africa* (Oxford University Press) pp. 279-306.

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Khoza T.N (2020) 'When life gives you law, make lemonade: Exploring the 'legalised' oppression of Black women in the United States of America and South Africa and their musical response thereto' in Simon Motshweni (ed) **Pretoria Student Law Review 2020-14-2** (Pretoria University Law Press, Pretoria) pp. 298 - 320.

Khoza T.N and Zuma C (2020) 'The pas de deux between education and recreation: Facilitating the realisation of articles 11 and 12 of the African Charter on the Rights and Welfare of the Child in schools' in Simon Motshweni (ed) *Pretoria Student Law Review 2020-14-2* (Pretoria University Law Press, Pretoria) pp. 381 - 401.

Mezmur B.D, 'African Committee of Experts on the Rights and Welfare of the Child (ACERWC)' in *Max Planck Encyclopedia of International Law* https://bit.ly/33HOcts

Nanima R.D (2020) 'Adjudication of Corporal Punishment and the Implementation of Sustainable Development Goal 16.2: An evaluation of the Kenyan Experience' in Maurice Amutabi and Linnet Hamasi (eds) **Diversity and Sustainable Development in Africa** (CEDRED) pp.148-159.

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Steytler N (2020) 'Human Dignity, Identity and Multilevel Governance', in Quraysh Patel, Mohamed Enver Surty and Tseliso Thipanyane (eds) *Essays in Honour of Chief Justice Ismail Mahomed (1997-2000)* (Juta, Cape Town) pp. 167-184.

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Steytler N and de Visser J 'From the Community Law Centre to the Dullah Omar Institute: The Path of Engaged Research', in Ramesh Bharuthram and Larry Pokpas (eds) *From Hope to Action through Knowledge: the Renaissance of the University of the Western Cape 2001-2014* (Cape Town: UWC Press) pp. 335-354.

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Durojaye E, Mirugi-Mukundi G and Adeniyi O, 'Legal empowerment as a tool for engendering access to justice in South Africa' (2020) Vol 20(4) *International Journal of Discrimination and the Law*, pp 224–244.

Durojaye E & Nanima R.D, 'From Muhammed and others to De Beer and others: striking the balance between public health measures and human rights during Covid-19 era in South Africa' (2020) Vol 47(1) *Commonwealth Law Bulletin*, pp 175-194.

Maziwisa M.R and Lenaghan P, 'Rethinking the right to water in rural Limpopo' (2020) Vol 20(1) *African Human Rights Law Journal* (AHRLJ), pp 233 - 260.

Mezmur B.D., 'The African Children's Charter @ 30: A distinction without a difference?' (2020) Vol 28(4) *The International Journal of Children's Rights*, pp 693–714.

Mezmur B.D. 'Taking measures without taking measurements?: An insider's reflections on monitoring the implementation of the African Children's Charter in a changing context of armed conflict' (2020) Vol 101(911) *International Review of the Red Cross*, pp. 623-651.

Muntingh L, 'Africa, Prisons and COVID-19' (2020) Vol 12(2) *Journal of Human Rights Practice*, pp 284–292.

Nanima R.D, 'A right to a fair trial in Uganda's Judicature (Visual-Audio Link) Rules: embracing the challenges in the era of Covid-19' (2020) Vol 46(3) *Commonwealth Law Bulletin*, pp 391-414.

Nanima RD, 'Evaluating the jurisprudence of the African Commission on evidence obtained through human rights violations' (2020) 53 *De Jure*, pp 307-311.

Steytler N and Ayele Z, 'The Judiciary in Federal Systems in Africa', (2020) Vol 12(2) *Perspectives on Federalism*, pp 102-134.



### **RESEARCH REPORTS**

### **Africa Criminal Justice Reform (ACJR)**

Lorizzo T, Alternatives to Imprisonment: The Implementation of Community Service 2014-2019 translated into Portuguese English - https://reformar.co.mz/publicacoes/tsu-moz-english.pdf/view Portuguese - https://reformar.co.mz/publicacoes/tsu-em-portugues\_

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Mangwanda J, *Fact Sheet 17: The right of prisoners to vote*, https://acjr.org.za/resource-centre/fact-sheet-17-prisoners-vote.pdf.

Mangwanda J, **Proposed Practice Directions on Delayed Judgements in Zambia**, 31 March 2020.

Muntingh, L Appointing Directors to the Boards of State-Owned Enterprises A proposed framework to assess suitability Cape Town: Dullah Omar Institute https://bit.ly/2RQMELh

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Muntingh L, Fact Sheet 24: Arrest without a warrant: Kenya (12 May 2020).

Muntingh L and Redpath J, **Recommendations for reform of the National Prosecuting Authority**, https://acjr.org.za/acjr-publications/npa-recommendations-21-8-2020.pdf.

Petersen K, Fact sheet 3 - COVID-19 and the defence force: Powers and functions (15 May 2020).

Petersen K, Proposed Practice directions on Access to Bail, Bond and Sureties in Zambia (31 March 2020).

Petersen K and Mangwanda J, Fact Sheet 22: Arrest without a warrant in Zambia: Law reform to prevent arbitrary arrest (7 February 2020).

Redpath J, *Fact Sheet 25: Arrest without a warrant: Malawi* (12 May 2020).

Redpath J, *The contribution of prosecutors in the lower courts to safety in South Africa* (30 March 2020) report to the NDPP.

### **Children's Rights Project (CRP)**

Assim U.M, Concept Note for the Commemoration of the Day of the African Child 2021: '30 years after the adoption of the Charter: Accelerate implementation of Agenda 2040 for an Africa fit for children'.

Assim U.M, Four country briefs (Ethiopia, Seychelles, Uganda and Zimbabwe) to the ACERWC during its 36th Virtual Session (23 November - 4 December 2020)

Khoza T, Background document to inform a discussion paper on the treatment of children accused of terrorism related offences by the juvenile justice systems in Africa (with Muhumuza N, Ande M).

### Socio-Economic Rights Project (SERP)

Durojaye E and Knipe P, Laws and Policies Relating to Access to Sexual Reproductive Health Services for Young People in Tanzania, Zambia and Botswana.

Knipe P, Mirugi-Mukundi G and Durojaye E, 'Barometer on Sexual and Reproductive Health Rights in Malawi, Zimbabwe, Tanzania and Kenya – how they comply with Article 14 of the Maputo Protocol' (2020) (To be published)

Knipe P, Report on the third Webinar on 'Constitutional Resilience and COVID-19 pandemic in Africa' (13 August 2020).

Knipe P, Report on Webinar on 'Constitutional Resilience and COVID-19 pandemic in Africa', hosted by the Dullah Omar Institute (16 June 2020).

Knipe P, Report on Webinar on 'Our Voices Matter - Impact of COVID-19' (17 June 2020).

Knipe P, Report on Webinar two on 'Constitutional Resilience and COVID-19 pandemic in Africa', hosted by the Dullah Omar Institute (30 June 2020).

Nanima R, Durojaye E, Mirugi Mukundi G, Knipe P, 'Exploring the Constitutionality of the Measures Adopted by Selected African Countries in Response to Gender-Based Violence during the COVID-19 Pandemic'.

Nanima R, 'Paying Lip Service to Access to Justice?: A review of African Countries' Voluntary National Reviews on SDG 16.3 to the High-Level Political Forum on SDGs 2019

Nanima R and Durojaye E, 'The socio-economic rights impacts of Covid-19 in selected communities in informal settlements of Cape Town'.

## South African Research Chair in Multilevel Government (SARCHI)

Beukes J, Hlati P, Poswa P, Maziwisa M.R, Gichana H, Stevens C, Chonco T, Ziswa M, De Visser J and Chigwata T 'How transparent are municipal websites about the goods and services that municipalities procure?' (2020) International Budget Partnership & Dullah Omar Institute Available at https://bit.ly/2VJTWyN

Chigwata T, 'Introduction to local government in South Africa' **EU-RISE** Lo-Gov (Revised 2020)

Chigwata T, (with J de Visser) a background note on Municipal Planning and Budgeting during COVID-19.

Chigwata T, Co-authored (together with Jaap de Visser and Carlene van der Westhuizen) a background note titled 'Transparency in local government procurement during COVID-19'

Chigwata T, De Visser J, Maziwisa M.R, Practice Note - 'Procurement' EU-RISE Lo-Gov (2020)

Chigwata T, Drafted (with de Visser J) a summary of key issues and observations from the Webinar on Municipal Planning and Budgeting during COVID-19.

Chigwata T, 'Local Government Finance' *EU-RISE Lo-Gov* (Revised 2020)

Chonco T, Practice Note - 'The Accreditation of Municipalities to Administer Housing Programmes' EU-RISE Lo-Gov (Revised 2020)

Chonco T, 'Thematic Introduction on Local Responsibilities and Public Services in South Africa' EU-Rise Lo-Gov (Revised 2020)

De Visser, J, Steytler, N and Chigwata T, Fact Sheets on Decentralisation.

De Visser J, Beukes J, Chonco T, Chigwata T, Combating Corruption in Local Government in the Western Cape Field Research Report for Western Cape Department of Local Government (September 2020).

De Visser J, Beukes J, Chonco T and Chigwata T, 'Combating Corruption in Local Government in the Western Cape - Field Research Report' (2020) Western Cape Department of Local Government

De Visser J, Steytler N, Chigwata T, Beukes J The Legal Framework for Combating Corruption in Local Government in the Western Cape Research Report for the Western Cape Department of Local Government (March 2020).

De Visser J and Chigwata T, Practice Note - 'Municipal Budgeting and Planning During Covid-19' EU-RISE Lo-Gov (2020)

De Visser J and Chigwata T, Practice Note - 'Transparency in Local Government Procurement during COVID-19' **EU-RISE Lo-Gov** (2020)

Gichana H, Practice Note - 'Participatory Budgeting' **EU-RISE Lo-Gov** (Revised 2020)

Gichana H, 'Thematic Introduction to People's Participation in Local Decision-Making in South Africa' **EU-RISE Lo-Gov** (Revised 2020)

Maziwisa M.R, (with Lungelwa Kaywood) Practice Note - 'Cooperative Approaches to Fiscal and Financial Management across the three Spheres of Government through Bulk Resources for Municipal Services' **EU-RISE Lo-Gov** (Revised 2020)

Maziwisa M.R, (with Lungelwa Kaywood) 'Thematic Introduction to Intergovernmental Relations in South Africa' **EU-RISE Lo-Gov** (Revised 2020)

Maziwisa M.R, Overseen revisions for the South Africa Dossier, and revised the specific section on intergovernmental relations, and revised new dossier entries on transparency and public participation under the *EU-Rise LoGov* Project.

Maziwisa M.R, Practice Note - 'Division of Revenue' **EU-RISE Lo-Gov** (2020)

Maziwisa M.R, Practice Note - 'eThekwini Metropolitan Municipality Expanded Public Services during the COVID-19 Emergency' **EU-RISE Lo-Gov** (2020)

Maziwisa M.R, Practice Note - 'Intergovernmental Relations in Integrated Development Planning' **EU-RISE Lo-Gov** (2020)

Ziswa M, Practice Note - 'How Amalgamations are Planned and Implemented' *EU-RISE Lo-Gov* (Revised 2020)

Ziswa M, 'Thematic Introduction- Structure of Local Government' **EU-RISE Lo-Gov** (Revised 2020)

### Womxn and Democracy Initiative (WDI)

De Visser, J and Waterhouse S, SOE **Boards and Democracy** Cape Town: Dullah Omar Institute https://bit.ly/2SGY9VO

Waterhouse S, Questions of transparency, public engagement and oversight linked to public money and sources of funding during the National Disaster Discussion Document.



### **CONFERENCES**

Steytler N, Organised and hosted virtual IACFS conference on Covid-19 (Online, 15-16 October 2020)



### WORKSHOPS/SEMINARS/ WEBINARS

Chigwata T and De Visser J, Hosted a webinar on transparency in local government procurement during COVID-19 in partnership with IBP-SA (Online, 15 July 2020)

Chigwata T and De Visser J, Hosted a webinar on 'Municipal planning and budgeting during Covid-19' (together with IBP South Africa and SALGA) (With Jaap de Visser) (Online, 4 June 2020)

Chigwata T and De Visser J, Hosted a 'Report Launch: Transparency in Municipal Procurement' (Online, 27 November 2020)

De Visser J, Hosted a webinar on 2021 Local Elections - Governance and Stability (Online, 4 September 2020)

De Visser J, Hosted a webinar on Amending municipal governance laws: new rules, new direction? (Zoom, 30 October 2020)

De Visser J and Chigwata, T, Hosted a webinar on 'Local Government and Covid-19 (with Tinashe Chigwata) (Online, 14 April 2020)

Durojaye E, Adeniyi O & Knipe P, Hosted webinar on 'Student Hunger and Covid-19: Realising the Right to Food of Vulnerable Groups' (Online, 10 September 2020)

Durojaye E, Hosted a webinar on 'Our Voices Matter: The impact of Covid-19 on informal settlements in Cape Town - The effectiveness of government palliatives in informal settlements (Online, 17 June 2020)

Durojaye E, Hosted a webinar series on Our Voices Matter: The impact of the lockdown on gender-based violence in disadvantaged communities (Zoom meeting, 6 October 2020)

Durojaye E, Hosted a webinar series on 'Our Voices Matter: Impact of Covid-19' (Online, 15 July 2020)

Durojaye E, Hosted a webinar series on 'Our Voices Matter: The impact of the lockdown on gender-based violence in disadvantaged communities' (Online, 7 September 2020)

Durojaye E, Hosted a workshop on 'Inception meeting on Research on Community Paralegals in Africa' (Kigali, Rwanda, 21-22 February 2020)

Durojaye E, Hosted a 'Community Leaders Training Workshop on Human Rights' (Bellville, 10-11 March 2020)

Durojaye E, Knipe P and Adeniyi O, Hosted a webinar on 'Student Hunger and Covid-19: Stakeholders Roles in Realising the Right to Food of Vulnerable Groups' (Online, 1 October 2020)

Durojaye E and Powell D, Co-hosted a webinar on 'Constitutional Resilience and the Covid-19 Pandemic in Africa' (Malawi, Zambia, Kenya, Nigeria) (Online, 12 June 2020)

Durojaye E and Powell D, Co-hosted a webinar on 'Constitutional Resilience and the Covid-19 Pandemic in Africa' (Mauritius, Switzerland, Ghana) (Online, 30 June 2020)

Durojaye E and Powell D, Co-hosted a webinar on 'State Practice and the Covid-19 Pandemic: Global Comparison of Trends' (Online, 23 September 2020)

Durojaye E and Powell D, Co-hosted the webinar on 'Constitutional Resilience and Covid-19 Pandemic in Africa (Topic: to assess the impact of state practice on constitutionalism by assessing the evidence from four countries South Sudan, Rwanda, South Africa and Australia) (Online, 13 August 2020)

Durojaye E and Powell D, Co-hosted the webinar on 'Science and International State Practice during the Pandemic (Online, 9 September 2020)

Durojaye E and Powell D, SERP and ACLS hosted a Webinar on Constitutional Resilience in Africa: Privacy, Digital Technology and Covid-19 (Zoom meeting, 18 November 2020)

Lorizzo T, REFORMAR hosted a seminar on 'Human rights applied to criminal justice to Parliamentarians of the Committee of Legality, Human Rights and Constitutionality of Parliament in Maputo' (Southern Sun Hotel, Maputo, 26 and 27 October 2020)

Mentor-Lalu V, Komote M, (with Wellen L) Hosted 3 small groups and 1 collective reflection meetings with monitors to analyse monitoring and identify advocacy opportunities. The first small group meeting was a virtual meeting which took place on 5 November with 3 participants from PSAM (PPIPP Eastern Cape partner). The second group meeting was a face to face meeting with four monitors from R2K and took place on 13 November. The third small group meeting was virtual meeting with four participants from EELC, SJC, PMG, WFP and took place on 16 November. The collective reflection meeting was a hybrid of face to face and virtual and took place on 25 November with 12 participants from 6 orgs. (5 November, 13 November, 16 November and 25 November 2020)

Mentor-Lalu V & Komote M, Co-hosted a workshop (Action on Legislature) on 'Understanding Communications for Public Participation in the South African legislative sector' with communication expert and ex-parliament staff member (Online, 15 July 2020)

Mezmur B.D, Co-Convened (with the University of Pretoria) an event on Covid-19 and international law for PG students (Online, 4 June 2020)

Mezmur B.D, Convened a Conversation session for PG students on 'The human rights situation of the Rohingya in Myanmar', (with Prof Yanghee Lee as a speaker) 'The Rohingya crisis and the situation of human rights in Myanmar: Reflections by the former UN Special Rapporteur' (Online, 29 May 2020)

Mezmur BD, Convened a Conversation session for PG students on 'Extreme poverty, human rights and the SDGs' (with former Special Rapporteur on extreme poverty, Prof Philip Alston) (Online, 20 August 2020)

Mezmur BD, Convened a Conversation session for PG students on 'The UN @75: The future of multilateralism in the context of human rights' (with Ms Kate Gilmore, former Deputy at the OHCHR) (Online, 28 September 2020)

Muntingh L, ACJR/REFORMAR organised a series of workshops on 'Human rights applied to criminal justice in the Nampula province'. The event was in collaboration with the CFJJ (Nampula, Mozambique, 22-24 September 2020)

Muntingh L, ACJR/REFORMAR organised the webinar on 'Children in Conflict with the Law in the Province of Sofala' (Online, 13 August 2020)

Muntingh L, ACJR/REFORMAR organised the webinar on 'The role of the Police in a Democratic State of Law: Possibilities and Challenges from the Province of Sofala', in collaboration with the Legal Training College (Centro de Formação Jurídica e Judiciaria). (Online, 28 July 2020)

Muntingh L, ACJR/REFORMAR organised the webinar on 'The socioeconomic impact of pre-trial detention in the Province of Sofala' in collaboration with the CFJJ. Muntingh L Presented.(Online, 4 August 2020)

Muntingh L, Co-hosted webinar on 'Seven country reports (Ghana, kenya, Malawi, south Africa, Guyana, Trinidad & Tobago) — Prisons and COVID-19' (Online, 7 May 2020)

Muntingh L, Hosted a webinar on 'Democratic policing with the Civilian Secretariat of Police Services and released the infographic', Panelists were Muntingh L, Redpath J, Petersen K, Rapea A and Faull A. (Online, 28 October 2020)

Muntingh L, Hosted a webinar on 'Life imprisonment' (with Dirk Van Zyl Smit and Jamil Mujuzi as panellists) (Online, 23 July 2020)

Muntingh L, Hosted a webinar on 'Petty offences in West Africa' (Online, 4 June 2020)

Muntingh L, Hosted a webinar on 'Prisoners' right to vote' (Online, 19 November 2020)

Muntingh L, Hosted a webinar on 'SAPS Amendment Bill', Redpath J as panellist (Online, 11 November 2020)

Muntingh L, Hosted a webinar on 'The appointment and dismissal of the NDPP' (with Mangwanda J (Online, 16 July 2020)

Muntingh L, Hosted a webinar on 'The history and structure of the NPA'. (Online, 16 July 2020)

Muntingh L, Hosted a webinar on 'Their publication "The Enablers"'. (with Open Secrets) (Online, 1 April 2020)

Muntingh L, Hosted a webinar on 'The performance of the NPA' (Online, 21 July 2020)

Muntingh L, Hosted a webinar on 'The W-Cape Police Ombudsman' (J Brand) (with the Ombudsman the main presenter and Chumile Salie from APCOF responding) (Online, 12 August 2020)

Muntingh L, Hosted a webinar to release report on 'NPA Recommendations for reform', Panelists: included Redpath J, and Muntingh L (Online, 3 November 2020)

Muntingh L, Hosted a 'Detention Justice Forum webinar' (with SAHRC) (Online, 4 June 2020)

Muntingh L, Hosted webinar on 'Monitoring Performance on National Preventive Mechanism under Covid-19 lock-down' (Online, 8 April 2020)

Powell D, Hosted a webinar on 'Next Generation Constitutionalism: Climate Change: Implications for Constitutional law' (Online, 8 December 2020)

Steytler N, SARChI hosted the African School on Decentralisation hosted a webinar on the impact of Covid-19 pandemic on decentralisation (Online, 28 August 2020)

Waterhouse S & Mentor-Lalu V, (Co facilitate with Gondo R from the PSAM) with Komote M as workshop logistics and flow organiser and with Wellen L as administrative support. Hosted (in partnership with the SC) the Budget Justice Coalition Annual General Meeting as a workshop using an online platform. Komote also participated in the Election Committee. (Online, 21-23 September 2020)



### **CONFERENCE PAPERS**

Adeniyi O, 'The constitutional right to food' Presented at conference on Food Dialogues 2020,' hosted by the SA Urban Food & Farming Trust (Online, 13 July 2020)

Adeniyi O, 'Food trade and access to food as a human right: perspectives from South Africa' Presented at the 4th International Conference on Global Food Security (Online, 7-9 December 2020)

Adeniyi O, 'Student Hunger as Rights Violation' Presented at a conference on What do students eat: Causes, Complicities and Contexts organised by the Critical Food Studies Programme (Online, 19 October 2020)

Mangwanda J, 'African Pandemic Elections: a case study of Malawi and Burundi' Presented at the Virtual Conference on Elections And COVID-19: Harnessing the Pandemic to Improve Elections', hosted by Centre for Human Rights, University of Pretoria (Online, 4-5 November 2020)

Maziwisa M.R, 'The Role of South African Cities in External Economic Engagements' Presented at the International Conference on Public Administration and Development Alternatives (IPADA) (Durban, 7 October 2020)

Mezmur B.D, 'Knowledge for Prevention (K4P) on children and armed conflict' Presented at 'Knowledge for Prevention (K4P) Online Symposium', hosted by the Dallaire Institute for Children, Peace, and Security at Dalhousie University (Online, 29 September 2020)

Mezmur B.D, 'The Convention on the Rights of the Child and the African Children's Charter: 30 years in Africa' Presented at the Pan-African Child Rights Forum (Addis Ababa, 15 January 2020)

Mirugi-Mukundi G, 'Housing: A case study of TRAs in Cape Town' Abstract submitted for a paper presentation at the 5th conference of the Law and Development Research Network themed 'Challenges for Law and Development: Responses' (Faculty of Law, Nelson Mandela University, South Africa, 21-23 September 2020)

Nanima R, 'From Rwanda to Benin (and Cote D'Ivoire) through Tanzania: evaluating the 'peculiarities' informing states' withdrawals from the African Court' Presented at an online conference on the 2nd Strathmore University Research and Innovation Conference on 'Collaborative Research for Sustainable Development' organised by Strathmore University Research and Innovation Conference (Online, 6 November 2020)

Nanima R, 'The realization of the right to health of persons with disabilities in the COVID-19 era: Evaluating South Africa's (non) inclusive response' Presented at an Annual 8th Disability Conference by the University of Pretoria's Centre for Human Rights (Online, 19 November 2020)

Nanima R and Durojaye E, 'Access to Justice in Kenya in the Context of Sustainable Development Goals (SDG) 16.3 on the Rule of Law: Lessons for the upcoming 2020 Voluntary National Review Report' Presented a paper at a conference on 10th Online Interdisciplinary Conference organised by Multimedia University Nairobi's 10 African International Scholars Association (Online, 29-30 October 2020)

## PRESENTATIONS

Adeniyi O, 'The #EndSARS movement and the role of African human rights institutions in promoting good governance and democracy on the continent' Presented at a webinar on African Leadership Academy (ALA) Community Discussion in the Light of #EndSARS hosted by African Leadership Academy (Online, 24 October 2020)

Assim U.M, 'Children as the subject of research' Presented at the Research Ethics Committee Training Workshop (UWC, Bellville, 28 February 2020)

Assim U.M, 'DOI Application for AHRI membership' Presented to Association of Human Rights Institutes (AHRI) Assembly Meeting (Online, Zoom, 4 September 2020).

Assim U.M, 'Editorial Reflections on 20 years of the African Human Rights Law Journal (AHRLJ)' Presented at webinar on Marking 20 years of the African Human Rights Law Journal, hosted by PULP, CHR, UP (Online, 7 October 2020)

Assim U.M, Chaired session for the Virtual Doctoral Colloquium (Online, 5 August 2020)

Assim U.M, Mezmur B.D and Nanima R, 'Draft Model Law on Children and Armed Conflict' Presented at the 36th ACERWC Session (Online, 1 December 2020)

Assim U.M, 'The Higher Education Landscape: African Continent' Presented at The Higher Education Landscape: P4APL' (Programme for Academic and Professional Leaders - UWC, DVC Academic's Office)(Online, Google Meet, 18 June 2020)

Assim U.M and Nanima R, '30 years after the adoption of the Charter: Accelerate implementation of Agenda 2040 for Africa fit for children' Presented: Concept Note for 2021 DAC Commemoration at the 36th ACERWC (Online, 2 December 2020)

Beukes J, 'The Legislative Framework for Coalition Governments in Municipalities: Towards Collision or Cooperation?' Presented at the Virtual Doctoral Colloquium (Online, 3-4 December 2020).

Beukes J, 'The Value and Challenges of Coalition Governments and Factors to Promote Stable Coalition Governance' Presented at UWC Research Week (Online, 28 September 2020).

Beukes J 'Aspects of Coalition Building' Presented at the Virtual Doctoral Colloquium (Onlinee, 4-5 August 2020).

Chonco T, Panelist at Book launch: All Rise - A Judicial Memoir, hosted by DOI and the Law Faculty (Online, 13 October 2020).

De Visser J, 'Combating Corruption in the local government' Presented to the Western Cape Minister of Local Government (Cape Town, 30 November 2020)

De Visser J, 'Pandemic & dysfunction: what has Covid-19 revealed about the interface between national and local governance' Presented at Dispatch dialogue' Panel input at Dispatch dialogue Afesis Corplan/Daily Dispatch (Online, 30 July 2020)

De Visser J, 'The Impact of Covid-19 on Decentralisation in South Africa' Presented to African School for Decentralisation (Online, 28 August 2020)

De Visser J, 'The second term of democratic local government 2006 – 2011 Local government coming of age or losing its innocence?' Presented at SALGA National Members' Assembly (Online, 3 December 2020)

De Visser J, 'Writing a Research Proposal' Presented LLM/Mphil Research Workshop (online 22 October)

De Visser J, Presentation on Masters in Multilevel Government to Delegation from Ministry of Local Government / Chilambana Institute Zambia (with Chiqwata T) (10 February 2020)

De Visser J, 'Writing a research proposal' Presented to LLM/Mphil Law Faculty Workshop (Cape Town, 22 February 2020)

De Visser J and Steyltler N, 'Local Government Powers and Functions' Presented at 25 Years of Local Government (hosted by SALGA) (Online, 25 November 2020)

Durojaye E, 'Advancing the rights of persons with Disabilities in COVID 19 Era' Presented at a webinar on Covid-19: Implications for persons living with intellectual and developmental disabilities and the way forward. Organised by the University of KwaZulu-Natal (Online, 10 November 2020)

Durojaye E, 'Lessons from the COVID-19 pandemic and main challenges to the realisation of the right to health in Africa' Presented at a Panel on the right to health and its financing towards building health systems for universal access to health care during the 67th Session of the African Commission on Human and Peoples' Rights (Online, 17 November 2020)

Durojaye E, 'Understanding the determinants of the right to health' Present at Community Leaders Training Workshop on Human Rights. Hosted by Dullah Omar Institute (Bellville, 10-11 March 2020)

Durojaye E and Nanima R, 'Two strange bedfellows? Public Health and Human Right during COVID 19 era in South Africa' Presented at the UWC Research Office Conference (Online, 29 September 2020)

Durojaye E and Nanima R, 'The Realization of the right to health of persons with disabilities in the Covid-19 era: Evaluating South Africa's (non)inclusive response' Presented at the 8th Annual Disability Rights Conference organised by the Center for Human Rights University of Pretoria (Online, 17 and 18 November 2020)

Hlati P, 'Role of South African local government in post COVID-19 economic recovery' Presented at a webinar on African School on Decentralisation hosted by DOI (Online, 28 August 2020)

Khoza T, 'COVID-19 and Prisoners Rights in Africa, Toward a Regional Instrument' Presented at the Future Law Virtual Summit hosted by the Future Law Institute (Online, 19 October 2020)

Khoza T, 'The measures taken by South Africa during the 2020 COVID lockdown and their implications on human rights' Presented at 'Global COVID-19 Roundtable: Just Transitions' for the Future Law Virtual Summit, hosted by the Future Law Institute (Online, 17 October 2020)

Khoza T, 'The theory and reality of article 22(2) of the African Children's Charter: Children (still) affected by armed conflict in Africa' Presented at the Future Law Virtual Summit hosted by the Future Law Institute (Online, 20 October 2020)

Khoza T, 'The impact of COVID-19 on the right to education' Presented at a webinar on The enjoyment of socio-economic rights during the COVID-19 pandemic in Africa, hosted by the CHR (Online, 4 June 2020)

Knipe P 'Gender Inequality as a Social Determinant of HIV and AIDS in South Africa' Presented at Community Leaders Training Workshop on Human Rights, Hosted by Dullah Omar Institute (Bellville, 10-11 March 2020)

Komote M, 'Addressing the weakening of the criminal justice system' and 'Transparency and accountability in SOEs' Presented at Breakfast Briefing - A Joint Submission by the Civil Society Working Group on State Capture''. The oral submissions on DOI's section on the criminal justice sector and state owned entities to other CSOs and members of the media (Daily Maverick, GroundUp,News24 and others) as part of a team of representatives from CSOs such as EE, R2K, MVC and Open Secrets which form part of the Civil Society Working Group that made a joint submission to the Zondo Commission. (OSFSA Office, 19 February 2020)

Komote M, 'Corruption and its Effects on Women', Present on panel for parallel session: Consider(ing) the impact of corruption on advancing gender equality, particularly in the face of Coronavirus COVID-19 state procurement and social and economic relief delivery with Prof Amanda Gouws and Amanda Jane Wilde at the Gender Expert Roundtable: A project of the Law Trust Chair in Social Justice, Faculty of Law, Stellenbosch University, in collaboration with Blavatnik School of Government, Oxford University. Presentation interrogated the multiple burdens and effects that corruption at both a local and national level affects women before and during the pandemic.(Online, 28 August 2020)

Lorizzo T, 'The new challenges for children incarcerated' Presented at seminar on 'The New Penal Code and Children Rights' organised by the OSC ROSC. (Maputo, 11 March 2020)

Lorizzo T, 'The prisoners' right to vote in Mozambique' Presented at the ACJR webinar on prisoners' right to vote (19 November 2020)

Lorizzo T, 'The work of REFORMAR in Mozambique and situation of access to justice in Mozambique' Presented at a webinar on The African Centre of Excellence for Access to Justice features its new members, organised by the ACE-AJ (Online, 4 November 2020)

Lorizzo T, Launched the research article on 'Alternatives to Imprisonment: The Implementation of Community Service 2014-2019' in an event organised by the National Correctional Service (Maputo, 7 October 2020)

Lorizzo T, Presented some of the findings of the research report Alternatives to Imprisonment. Implementation of the Community Service Order 2015-2019 at the event organised by the UNDP at the Legal Training College in Maputo. The event validated the new judges curricula with the introduction of the module on alternative to imprisonment. (Matola, 18 June 2020)

Lorizzo T, 'Challenges for access to justice in Mozambique' Presented at a webinar on 2020 Virtual Conference. ACE-AJ 3rd Anniversary

Celebration, hosted by the African Centre of Excellence for Access to Justice (Online, 1 September 2020)

Lorizzo T, 'The Mozambican punitive legal culture and police repression' Presented at a webinar on Mozambique' s Covid-19 State of Emergency, hosted by Aliança Moçambicana da Sociedade Civil (Online, 18 August 2020)

Lorizzo T, 'The role of civil society organisation for upholding prisoners' rights during the pandemic' Presented at webinar on Reflecting on Human Rights in Prisons in the days of COVID-19, hosted by the UNHCHR in collaboration with the Mozambican NHRC. The webinar was attended by Joao Nataf, Secretary of the Subcommittee on the Prevention of Torture and the Director of Correctional Service in Mozambique. (Online, 11 August 2020)

Mangwanda J, 'Campagne pour la dépénalisation et la déclassification des infractions mineures en Afrique' Presented and chaired at the French-language Campaign meeting on the Decriminalisation of Petty Offences (Online, 12 November 2020)

Mangwanda J, Participated and facilitated discussions on Day 1 and provided an update on South Africa's experience on 'The situation of torture in Africa during COVID-19' during Pan-African Reparation Initiative (PARI) Regional Consultation (Online, 28 September - 1 October 2020)

Mangwanda J, 'Exploring problematic COVID-19 laws or measures adopted by South Africa to combat and prevent the spread of COVID-19' Presented at Virtual Regional Conference on Decriminalisation of Petty Offences (Online, 14 September 2020)

Mangwanda J, 'The impact of COVID-19 on the criminal justice system in South Africa and beyond' Presented at the University of the Western Cape webinar on The role of Higher Education in advancing Global Citizenship: Responding to the COVID-19 pandemic (Online, 16 September 2020)

Mangwanda J, "An update on the situation in South Africa' Presented at a webinar on 'The situation of torture in Africa during COVID-19', hosted by Pan African Reparation Initiative (Online, 23 June 2020)

Maziwisa M, Moderated a few sessions in the African School on Decentralisation Webinar on 'The impact of Covid-19 on Decentralisation in Africa' (Online, 28 August 2020)

Maziwisa M.R, 'Gender and Trade' Presented at the Global South Women's Forum on Sustainable Development (GSWF) (Online, 16 December 2020)

Maziwisa M.R, 'The Transparency Report (Items 1-4)' Presented at the Report Launch - Transparency in Municipal Procurement (Online, 27 November 2020)

Maziwisa M.R, Moderated Session 1 of the UWC Doctoral Colloquium (Online, 4 December 2020)

Maziwisa M.R, 'The Role of South African Cities in External Economic Engagements' Presented at the International Association of Centres for Federal Studies (IACFS) Board Meeting (Online, 14 October 2020)

Mentor-Lalu V, Presented on panel at the DSI-NRF Centre of Excellence in Food Security webinar: Strengthening communities to end poverty and inequality. Mentor-Lalu V drew on WDIs Indicating Feminism research to provide an account of how the state responds to womxn's needs and rights. Included WDI team meeting to discuss the topic; a meeting with the organisers and the moderator; and finalising the presentation. Komote M attended the webinar and live-tweeted from WDI's twitter account. There were approximately 45 participants. (Online, 1 September 2020)

Mezmur B.D, Moderated and presented, 'Mainstreaming children's rights' at the Human Rights Council High Level Segment (Geneva, 25 February 2020)

Mezmur B.D, 'African Children's Committee and COVID-19' Presented at a webinar hosted by the UP Centre for Human Rights on the African human rights system and COVID-19 (Online, 23 April 2020)

Mezmur B.D, 'Children's rights in disaster' Presented at the International Federation of the Red Cross launch of report on disasters and children's rights (Online, 30 June 2020)

Mezmur B.D., 'Monitoring the Convention on the Rights of the Child and COVID-19' Presented at a webinar convened by Arigatou International on child rights and religious communities in the time of COVID-19 on (Online, 5 May 2020)

Mezmur B.D, 'Reflections on how the COVID pandemic affected—or indeed caused—armed violence and also impacted children' Presented at webinar on Covid-19 and international law for PG students (Online, 4 June 2020)

Mezmur B.D, 'The situation of children and armed conflict in Central African Republic' Presented at the Human Rights Council (Online, 19 June 2020)

Mezmur B.D, "Children and war' Presented at the launch of the most recent publication of the International Review of the Red Cross (Online, 8 June 2020)

Mirugi-Mukundi G, Facilitated Webinar series on Our Voices Matter: The impact of the lockdown on gender-based violence in disadvantaged communities (Online, 7 September 2020)

Muntingh L, 'Prisons and COVID-19' Presented at webinar on The impact of COVID-19 on incarcerated populations, hosted by University of Berkeley (SF)(Online, 14 July 2020)

Muntingh L, 'The appointment and dismissal of the NDPP' Presented at Webinar on the appointment and dismissal of the NDPP hosted by ACJR (Online, 16 July 2020)

Muntingh L, Facilitated first day session on Regional Decriminalisation Campaign Conference on the balancing of rights. (Online, 14-16 September 2020)

Muntingh L, 'Conceptual framework on democratic policing' Presented at a Series of workshops on human rights applied to criminal justice co-hosted with Reformar on democratic policing in Nampula (Online, 22-23 September 2020)

Muntingh L, 'Democratic Policing' Presented at a Series of workshops on human rights applied to criminal justice co-hosted with Reformar in Nampula (Online, 22 September 2020)

Muntingh L, 'Democratic policing' Presented at webinar on The role of the Police in a Democratic State of Law: Possibilities and Challenges from the Province of Sofala, hosted by ACJR/REFORMAR (Online, 28 July 2020)

Muntingh L, 'NPA, trust and accountability' Presented at a webinar on NPA accountability, trust and public interest (Online, 22 July 2020)

Muntingh L, 'Socio-economic impact of pre-trial detention' Presented at a Series of workshops on human rights applied to criminal justice co-hosted with Reformar in Nampula (Online, 22 September 2020)

Muntingh L, 'The socio economic impact of pre-trial detention in Kenya, Malawi and Zambia' Presented at webinar on 'The socio-economic impact of pre-trial detention in the Province of Sofala' in collaboration with the CFJJ.(Zoom meeting, 4 August 2020)

Nanima R, 'Children as the subject of research' Presented at the Research Ethics Committee Training Workshop (University of the Western Cape, Bellville, 28 February 2020)

Nanima R, 'Examining the right to a fair trial in the Covid-19 era in South Africa: A challenge or a missed opportunity?' Presentation of a keynote address at the 1st LLM Constitutional Rights and Criminal Justice Conference (Online, 19 October 2020)

Nanima R, Facilitated a webinar on the Series: Our Voices Matter - Impact of Covid-19 Pandemic: Gender-Based Violence, hosted by SERP, DOI (Online, 6 October 2020)

Nanima R, Facilitated Webinar by the Applied Constitutional Study Laboratory (ACSL) and the Socio-Economic Rights Project on Privacy, Digital Technology, and Covid-19 on (Zoom, 18 November 2020)

Nanima R, Facilitated Webinar on Next Generation Constitutionalism 'Climate change: Implications for constitutional law' organised by the Applied Constitutional Study Laboratory (ACSL), DOI (Zoom, 8 December 2020)

Nanima R, 'The Legal Recognition of Paralegals in Africa: Lessons, Challenges and Best Practices' Presented at the Inception meeting on Research on Community Paralegals in Africa (Kigali, Rwanda, 21-22 February 2020)

Omboto H, 'A South African perspective on the legislative process in the division of revenue' Presented at Webinar on Understanding the Supreme Court Advisory Opinion on Division of Revenue and Its Implications on the National Budget Process organized by Katiba Institute and TISA Kenya (Online, 17 June 2020)

Omboto H, 'The practice of revenue division in South Africa:Lessons for Kenya?' Presented on behalf of Prof Steytler at a Webinar themed 'Understanding Supreme Court Advisory Opinion on Division of Revenue and Its Implications on the National Budget Process' organised by Kenya's Katiba Institute (Online, 17 June 2020)

Petersen K, 'A Six Month Update on the situation in Malawi, Kenya, South Africa, Jamaica, Guyana, Trinidad & Tobago' Presented at Webinar on Prisons and COVID-19 (Online, 30 November 2020)

Petersen K, 'A statement in response to the activity report of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa' Presented on behalf of the Campaign to Decriminalise Petty Offences in Africa, 67th Ordinary Session of the African Commission on Human and Peoples' Rights (Online, 21 November 2020)

Petersen K, Participated in a panel discussion at webinar on 'COVID-19 and Prisoner's rights in Africa, Towards a regional human rights Instrument on prisoners' rights?' (Online, 19 October 2020)

Petersen K, 'COVID-19, the criminal justice system and oversight' Presented at Western Cape's Research Week 2020 - Global Impact, Local Relevance (Online, 30 September 2020)

Petersen K, 'Exploring problematic COVID-19 laws or measures adopted by South Africa to combat and prevent the spread of COVID-19' Presented at Virtual Regional Conference on Decriminalisation of Petty Offences Campaign (Online, 14 September 2020.)

Petersen K, 'Guidance from human rights bodies on human rights standards that States are expected to observe in adopting a COVID-19 response' Presented at a webinar on COVID-19 and Petty Offences in West Africa (Online, 4 June 2020)

Petersen K, 'The situation of COVID-19 and Prisons in South Africa' Presented at a webinar on 'Seven country reports (Ghana, kenya, Malawi, south Africa, Guyana, Trinidad & amp; Tobago) — Prisons and COVID-19' (Online, 7 May 2020)

Redpath J, 'The contribution of prosecutors in the lower courts to safety in South Africa', Presented to the NPA Strategic Session of Senior Prosecutors of the Lower Courts, hosted by the National Director of Public Prosecutions (Johannesburg, 9 March 2020)

Redpath J, 'The decentralisation of policing in South Africa' Presented at a Roundtable Discussion on Decentralisation of Policing in the Western Cape and discussion on proposed amendments to the SAPS Bill hosted by the Western Cape Department of Community Safety and attended by the Premier of the Western Cape (River Club, Cape Town, 18 November 2020)

Redpath J, Panellist for an Institute for Security Studies online seminar on Alcohol and South Africa's drop in crime (Online, 12 May 2020)

Redpath J, 'Trends in the contribution of the JCPS cluster to justice and safety in South Africa' Presented at the request of the National Director of Prosecutions to the Justice, Crime Prevention and Security (JCPS) Restructuring Task Team (Reserve Bank building, Pretoria, 9 September 2020)

Stevens C, 'Better-Regulation in South Africa's Multilevel Government System: A fundamental step towards Constitutionalisation' Presented at Federalism and the Regulatory Policies of Local and Regional Government Workshop (Online, 3-4 October 2020)

Steytler N, 'Assessing the basic assumptions underlying Chapter 7 of the 1996 Constitution after 25 years' Presented at a virtual conference: 'Celebrating 25 years of Local Government', hosted by Salga, Government and Public Policy, and CAD (Online, 25- 26 November 2020)

Steytler N, 'Final Reflections' Presented at webinar on 'Federalism and the Coroma-crisis – International Experiences', Forum of Federations and Free University of Berlin (Online, 27 May 2020)

Steytler N, 'South Africa' Presented at webinar on 'Federalism, Intergovernmental Coordination and Covid-19 Pandemic: Comparing Experiences', hosted by MacKell Chair in Federalism, McGill University, Montreal (Online, 21 May 2020)

Steytler N, 'South Africa' Presented at webinar on 'What can Syrians learn from other countries', Syrian Constitutional Committee and European Center for Kurdish Studies, Berlin (Online, 23 June 2020)

Waterhouse S and Komote M, 'Patriarchy as Currency for Corruption', Co-presented at webinar on Corruption Through a Gendered Lens.. Hosted by Corruption Watch with co-panelists Thutula Ndunge (National Business Initiative) and Kirsten Pearson (BJC) which interrogated the effects that corruption has on women. (Online, 26 August 2020)

Waterhouse S and Mentor-Lalu V, Collaborate, co-plan, implement, and moderate a webinar hosted by the Deputy Vice-Chancellor Academic, Prof Lawack, titled: GBV during COVID-19: A reflection on the role of the university. Planning meetings held on 13, 16 July, 11 August. This webinar sought solutions on how the university community and academics can contribute to efforts to prevent GBV during the Covid-19 pandemic. Panelists included Adv Tarisai Mchuchu-Macmillan (MOSAIC), Seeham Samaai (Women's Legal Centre), Prof Naeema Abrahams (SAMRC) and Dr Sisa Ngabaza (Women and Gender Studies, UWC). Laura Wellen and Motlatsi Komote from WDI attended the webinar. (11 August 2020)





## Africa Criminal Justice Reform (ACJR)

- Open Society Foundation Human Rights Initiative
- Open Society Foundation South Africa
- Sigrid Rausing Trust

### **Applied Constitutional Studies Laboratory (ACSL)**

• Open Society Foundation - South Africa

### Children's Rights Project (CRP)

- Plan International
- Save the Children International
- University of Pretoria, Centre for Human Rights

### Core

- Faculty of Law, University of the Western Cape
- Ford Foundation
- University of Pretoria, Centre for Human Rights
- University of the Western Cape

### Socio-Economic Rights Project (SERP)

- Amplify Change
- Charles Stewart Mott Foundation
- DST-NRF Centre of Excellence in Food Security University of the Western Cape
- Ford Foundation
- Open Society Foundation South Africa

# 2020 **FUNDERS LIST**

### SARChI / Multilevel Government Project

- DST-NRF Centre of Excellence in Food Security University of the Western Cape
- European Union (EU-RISE)
- Hanns Seidel Foundation
- International Budget Partnership
- National Research Foundation (NRF)
- Western Cape Department of Local Government

### Womxn and Democracy Initiative (WDI)

- European Union
- Ford Foundation
- Heinrich Böll Stiftung Southern Africa
- Open Society Foundation South Africa











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2020 was a difficult year but I am extremely proud of the way we lifted the discourse on social justice, pushed the needle on key social justice issues, pressed for accountability and transparency of state institutions, empowered young African scholars, and conducted cutting edge research.

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