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# ESR REVIEW

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Review in Africa

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



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# Editorial

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This is the third issue of ESR Review in 2019. It includes two feature articles and a case review that discuss various areas of economic and social cultural rights.

In the first feature, Agaba Daphine Kabagambe examines the Life Esidimeni debacle with a human rights lens. This comes at a time when we witness an ongoing struggle for the rights of people with psychosocial disabilities – it has to be kept in mind that the tragedy occurred despite the protective policy and legislative framework in place in South Africa.

In the second feature, Robert Doya Nanima explores the implications of the Joint General Comment of the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on Ending Child Marriage (2017). The Joint General Comment describes legislative, institutional and other measures that should be taken by African countries to give effect to the prohibition of child marriage and to protect the rights of those at risk of or affected by child marriage.

Since time immemorial, women have been side-lined in issues to do with the right to matrimonial property upon dissolution of marriage. In a case review, Bright Sefah and Patrick O'phade Phiri dissect a recent decision by the Constitutional and Human Rights Division of the High Court of Kenya in the matter of Federation of Women Lawyers Kenya (FIDA) v Attorney-General (2018). The case was a missed opportunity to correct historical wrongs in the realisation of this right.

In the events section, Michelle du Toit discusses a strategic consultation on forced sterilisation in Africa that the Initiative for Strategic Litigation in Africa (ISLA) convened in August 2018. The objective of the consultation was to facilitate a conversation about empowering social movements with litigation strategies appropriate for the varying and complex contexts where rights violations occur.

We acknowledge and thank all the contributors to this issue. We trust that the readers will find it stimulating and useful in the advancement of socio-economic rights.

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*Gladys Mirugi-Mukundi*  
Co-Editor