

CHAPTER 1: INTRODUCTION

Mission

The Community Law Centre at the University of the Western Cape was established in 1990 and works to realise the democratic values and human rights enshrined in South Africa's Constitution. It is founded on the belief that our constitutional order must promote good governance, socio-economic development and the protection of the rights of vulnerable and disadvantaged groups. Based on high quality research, the Centre engages in policy development, advocacy and educational initiatives, focusing on areas critical to the realisation of human rights and democracy in South Africa.

Focus areas

The Centre's areas of focus are organised into four main projects:

- The Gender Project works towards the achievement of substantive gender equality and the realisation of women's human rights.
- The Children's Rights Project works towards the recognition and protection of children's rights in all spheres of society, with a particular focus on child justice.
- The Socio-Economic Rights Project focuses on the realisation of the socio-economic rights of groups and communities living in poverty.
- The Local Government Project assists local government to give effect to its constitutional mandate and promotes accountable and democratic governance and socio-economic development.

The Centre's research staff work in, and also have recognised expertise in, the following areas:

- constitutional and international human rights law;
- criminal justice;
- the rights of people living with HIV/AIDS;
- the right to equality and non-discrimination; and
- intergovernmental relations.

Nature of our work

The Centre's core activities are:

- high quality and cutting-edge research, developing jurisprudence and policy;
- developing policies and legislation for organs of state, such as state departments, provincial and local government, the South African Human Rights Commission (SAHRC) and the South African Law Commission (hereafter the Law Commission);
- informing public debate on law reform;
- education and training of state officials, civil society and students;
- building capacity in organs of state and civil society through the dissemination of accessible materials and the maintenance of a website;
- assisting in constitutional litigation on key issues; and
- collaborating with international organisations and bodies to further common aims and objectives, and with human rights organisations in Africa to advance the realisation of human rights and democracy on the continent.

Staff

The Centre is committed to the well-being and development of all its staff members through continuous learning, information sharing, equitable staff policies and a stimulating working atmosphere.

Resources

The Centre houses a vibrant Documentation Centre with a specialised collection of materials on gender equality and women's rights, as well as on children's rights, socio-economic rights, intergovernmental relations and general human rights issues. The Centre also holds a substantial collection of books dealing with international law and international human rights law. Its new, fully functional and user-friendly website can be found at www.communitylawcentre.org.za.

Social and political context

The Centre's mission is embedded in, and seeks to respond to, particular socio-economic and political realities in South Africa. Of the many human rights and democracy issues that face the country, the Centre focuses on four main areas - socio-economic rights, gender equality, children's rights and local government. These areas were selected because we believe that they are important for the transformation of the country and the achievement of social justice.

Socio-economic disparities remain a major challenge for the state and civil society. The jurisprudence on socio-economic rights that addresses these disparities is evolving rapidly, as evidenced by the Constitutional Court's *Grootboom* judgment on the right to housing and its *Treatment Action Campaign* judgment on the right of access to health services. However, there are still many barriers to the effective implementation of these rights. One of the key challenges that the realisation of socio-economic rights poses is the right to social security, particularly the child support grant and the proposed introduction of a basic income grant.

Significant advances have been made towards realising women's rights. However, these advances have not yet been translated into a consistent improvement in the delivery of services to those women who experience violence. In addition, the prevention and treatment of HIV/AIDS, a concern that disproportionately affects women, remains highly contentious. These two areas of disadvantage are exacerbated by women's continuing economic disempowerment, and pose key challenges for research and advocacy.

Children remain vulnerable. The state does not provide adequately for them, either through social support or the creation of protective legislation. A systematic means of managing those children accused of crimes is sorely lacking: at present there are no laws to ensure that they enjoy the rights that are afforded to them. Nor are they given the opportunity to make amends for their wrongdoings and be reintegrated into their communities. The Centre contributed to the development of a holistic approach to child justice, which, if it is implemented, will go a long way towards introducing intersectoral cooperation and a philosophy of restorative justice and reducing the number of children in our prisons.

There is a dire need to improve the laws and protection for vulnerable and abused children, particularly those living in poverty, street children and children affected by or infected with HIV/AIDS. State grants are not available to all children and are minimal and difficult to access. Child victims are often brutalised and subject to secondary victimisation due to the contradictory workings of our child protection and criminal laws. At present, a law reform process is under way that could create a proper legislative framework to provide for the care of all children.

The local government elections of December 2000 heralded the final phase of local government transformation. Two hundred and eighty-four local, district and metropolitan municipalities were established. They were required to operate in terms of a totally new legal and constitutional framework. The creation of strong local authorities redefined the old,

established patterns of relationships with provincial and national governments. The key challenges of this final phase of transformation are:

- to train and educate the newly elected councillors and officials at local, provincial and national level;
- to develop appropriate policies on a range of issues; and
- to establish local government as a fully-fledged sphere of government that can exercise the right to govern, on its own initiative, the local government affairs of its community.

The Centre seeks, through its policy research, education and information dissemination, to make a contribution in meeting the formidable challenges that these social and political realities pose.

Organisation of the Centre

The Centre embarked on a policy of increased collaboration between its four projects in order to strengthen its capacity as an organisation and to enable it to explore crosscutting themes. Projects are increasingly working collaboratively.

- The Socio-Economic Rights Project and the Gender and Children's Rights Projects worked closely on the *amicus* brief in the *Treatment Action Campaign* case.
- Members of the Local Government and the Children's Rights Projects delivered papers at the *Grootboom* colloquium, organised by the Socio-Economic Rights Project.
- The Children's Rights and the Gender Projects (along with other institutions) made a joint submission to the Law Commission on the second Sexual Offences Discussion Paper.
- The Local Government and the Children's Rights Projects made a joint submission to the Law Commission on municipalities' competencies with regard to children.
- The Socio-Economic Rights and Local Government Projects developed a joint investigation into the privatisation of municipal services, in the context of the socio-economic rights obligations of local government.

Staff changes

The Centre took leave of two stalwarts of the Local Government Project in 2002. Johann Mettler took up a position as manager of intergovernmental relations for the South African Local Government Association (SALGA), while Jaap de Visser left to continue his academic career in the Netherlands. In their places Geraldine Smith and Charmaine Maré joined the Centre. The Centre also took leave of another stalwart, Faranaaz Safodien, our documentalist, who left to pursue her articles at a prestigious legal firm after completing her LLB. Jill Claassen joined the Centre in her place. Danwood Chirwa joined the Socio-Economic Rights Project as a doctoral researcher and Sibonile Khoza joined the same project as a researcher. The Centre hosted two interns, a South African in the Children's Rights Project and a Canadian in the Local Government Project.

Funders

The Centre continued to enjoy strong donor support and wishes to thank all its donors for supporting the work of its projects. Particular acknowledgement goes to the Ford Foundation for generously providing both core funding for administration and project-based funding.

Conclusion

The Centre had a very successful year in 2002, producing high quality research, developing important policy papers for government, informing public debate on issues of contention, extending its training and education activities to provincial governments, disseminating

information to a broad range of decision-makers and supporting litigation in a key Constitutional Court case.

The Centre hosted an acclaimed national colloquium in March as a culmination of an 18-month research project on the implications of socio-economic rights for transformation in South Africa. Researchers also completed the first stage of a comprehensive study on the granting of bail in sexual offences cases, as well as a research report on the state's budget allocation for the implementation of the Choice of Termination of Pregnancy Act.

In view of its expertise the Centre has been commissioned by various state bodies to develop policies for them, including the settlement of intergovernmental disputes for the Department of Provincial and Local Government and a policy on intergovernmental relations between the province, local government and traditional leadership for the KwaZulu-Natal Provincial Administration.

The Centre made submissions to various decision-making bodies, including:

- the Law Commission, on the Discussion Paper on the Review of the Child Care Act and the second Sexual Offences Act Discussion Paper;
- the Justice and Constitutional Development Portfolio Committee, on the Child Justice Bill; and
- the Local Government Portfolio Committee, on aspects of the Municipal Finance Management Bill, constitutional amendments and the Municipal Structures Amendment Act.

The Centre continued to coordinate the national Child Justice Alliance, an alliance of civil society groups focusing on the reform of juvenile justice.

Apart from presenting the LLM programme in Constitutional Litigation, the Centre conducted a number of training workshops for state institutions, including for:

- the Western Cape and KwaZulu-Natal Portfolio Committees on Local Government; and
- municipalities in Mpumalanga, the Western Cape and the Free State.

The Centre produced a number of publications that were distributed to key decision-makers and civil society across the country:

- four editions of the *Local Government Law Bulletin* were distributed to all 9 000 councillors, senior municipal officials and national and provincial decision-makers;
- two editions of *GenderNews*;
- three editions of the *ESR Review*, focusing on socio-economic rights; and
- four editions of *Article 40*, a newsletter on juvenile justice.

The Centre intervened as *amicus curiae* in support of the Constitutional Court case brought by the Treatment Action Campaign and others to compel government to provide Nevirapine and to roll out a comprehensive programme to prevent or reduce mother-to-child transmission of HIV.

The Centre can be proud of both the range and impact of the work it produced in 2002, achieving considerable success in fulfilling its mandate of contributing towards the promotion of good governance, socio-economic development and the protection of vulnerable and disadvantaged groups in South Africa.

CHAPTER 2: RESEARCH

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

Socio-economic rights

The fifth anniversary of the adoption of the 1996 Constitution provides an important opportunity to reflect on the progress made in realising socio-economic rights in South Africa and to identify the challenges that lie ahead. In the past year, the Centre has been involved in a research project to examine the implications of socio-economic rights for social policy in a range of social sectors, and to explore their contribution to transformation in South Africa. The

project has entailed commissioning a range of research papers from activists and academics with expertise and experience in their field.

The principles laid down in the landmark decision of *Government of RSA v Grootboom* were used to evaluate progress in implementing socio-economic rights and to identify key challenges for the future. The papers were presented at a national colloquium held in March 2002 entitled, 'Realising socio-economic rights in South Africa: Progress and challenges'. Over 150 delegates attended the event, representing a cross-section of government officials, parliamentarians, the South African Human Rights Commission, the Commission on Gender Equality, the judiciary, legal profession, academics and NGOs.

In addition, a number of international guests attended and presented papers on international developments relating to socio-economic rights. They included Judge Ariranga Pillay (Chief Justice of Mauritius and Member of the UN Committee on Economic, Social and Cultural Rights), Prof. Vivienne Taylor (Programme Coordinator [Development], UN Commission on Human Security, New York), and Mr. Sam Amadi (Director of the Centre for Public Policy and Research, Lagos, Nigeria). A summary of the research findings and the key themes emerging from the colloquium were published in a special edition of the *ESR Review*. The full research papers will be published in a special two-part edition of the UWC Law Faculty journal, *Law, Democracy and Development*, in 2003. As part of this project, a staff member prepared a substantial paper evaluating the evolving jurisprudence of the Constitutional Court on socio-economic rights and its contribution to challenging poverty in South Africa.

Two research papers were also produced and published: one on the obligations of non-state actors in relation to social, economic and cultural rights under the South Africa Constitution, and another entitled *HIV, infant nutrition and health care: Implications of the state's obligations in preventing transmission of HIV through breastfeeding*. The latter was presented at a Centre workshop in October entitled 'HIV/AIDS and infant's right to nutrition'. This workshop created a platform for information sharing between a cross-section of civil society organisations and experts in law, public policy and public health. The workshop revealed a policy gap in relation to the question of infant feeding in the context of the AIDS epidemic. It also highlighted the medical and legal complexities entailed in realising this right. Both papers have been published as booklets and distributed to a wide range of relevant stakeholders, including civil society, government officials, members of the judiciary, public institutions, legal and medical practitioners and academics.

Children's rights

In the area of children's rights the focus areas included child justice, children as victims of crime, child welfare and the socio-economic rights of children. The backdrop to this research remains the desire to promote the realisation of the rights contained in the UN Convention on the Rights of the Child and the South African Constitution.

A research report was produced, entitled *A social security system for South Africa: A summary of recommendations made by the South African Law Commission and the Committee of Inquiry in respect of Social Security for Children*. This report collates and summarises the recommendations made by the Commission and Committee and was intended to be a single reference document incorporating the key issues and recommendations.

A further research report was entitled *Research report on the contradictions between the UN Convention on the Rights of the Child, the South African Constitution and cultural practices in respect of corporal punishment, early marriages and the initiation of both girls and boys*. This research highlighted the contradictions between the protections provided by international instruments, the SA Constitution, national legislation and cultural practices on the ground.

The thesis of one of the Centre's LLM students was published, entitled *The African Charter on the Rights and Welfare of the Child*. It examined the African Charter against the UN Convention on the Rights of the Child and is the first attempt to substantively analyse the Charter's provisions.

Research was also commissioned into young sex offenders, examining statistics and trends among those children sentenced, awaiting trial and arrested for committing sexual offences.

Numerous papers were delivered on a range of themes relating to children's rights, but tend to show where the Project's expertise lies, namely, in child participation, advocacy, child justice and child victims. In late 2002, preparations began for the development of a manual on best practices in child justice in South Africa and Africa. This is intended for use by state officials, academics, NGOs and civil society to identify good practices in implementing a child justice system.

Intergovernmental relations

Intergovernmental relations within South Africa's decentralised system received considerable attention. The focus of research was on:

- developing an overarching system of intergovernmental relations for South Africa as a whole;
- designing a system for the settlement of intergovernmental disputes;
- investigating a system which is province-specific, detailing how the provincial government should relate to municipalities, traditional leaders and institutions; and
- how organised local government can better interact with the national sphere of government.

The conceptual work on the core principles of South Africa's system of decentralisation and cooperative government informed much of the policy research done for the three spheres of government.

The Centre is also participating in an international research project, called 'A global dialogue on federalism in the 21st Century: Practices, perspectives and prospects'. This is a joint project of the Forum of Federations (a Canadian-based NGO focusing on federalism) and the International Association of Centers for Federal Studies (IACFS). It offers a comparative examination of a wide range of issues on federal governance, to be carried out through a series of country workshops and international conferences, web-based discussions and the publication of practical handbooks. It aims to create forums through which practitioners, scholars and youth exchange experiences and academic research to identify lessons, best practices, and emerging challenges. The Centre has been selected as the country coordinator to prepare a chapter on South Africa on the theme 'Constitutional origins, structure and change in federal democracies'.

Local government

Research in the area of local government covered a wide range of issues, the most important being:

- the application of the right of access to water and the obligations of municipalities;
- the assignment of powers and functions to local government;
- community based planning; and
- municipal policies on indigence with regard to the payment of services.

The wide ambit of the Centre's expertise on local government is leading to the writing of a textbook on local government law. The chapters other than those dealing with municipal finance have been edited. Completion of the remaining chapters is pending passage of the final cornerstone of local government law, namely the Municipal Finance Management Bill.

Given the unique place that local government occupies in our decentralised system, research is under way on the place of local government in other federated systems. A *Background paper on the place and role of local government in federations* was prepared for the Forum of Federations conference in Rio de Janeiro on cities and federalism and entailed a comparative analysis of the place of local government in eight federations. This publication has been translated into Russian, German, Spanish, French and Portuguese and is one of the reference documents most requested from the Forum of Federations.

A researcher was also asked to assist in designing an international conference in Rio de Janeiro on the role of cities in federal states.

Gender equality and women's rights

As a member of the Consortium on Violence Against Women, the Centre continued its research on bail in sexual assault cases. During 2002, field research was concluded in areas outside Cape Town, including Lamberts Bay and Atlantis, and the first research report was published. Entitled *Implementation of bail legislation in sexual assault cases: First report 2000-2002*, the report examines the implementation of bail legislation through interviews and content analysis of police files and court documents in the jurisdiction of three regional courts. The research findings provide practical information on points of structural weakness where the criminal justice system 'breaks down' for rape survivors.

The research project subsequently moved on to its second phase of work, namely the documentation of the perspectives and experiences of victims of sexual assault regarding bail. Working closely with Rape Crisis Cape Town Trust, a Consortium partner, researchers designed interview schedules and worked with the Rape Crisis counsellors who conducted interviews with victims. A second report, setting out the research findings from this second phase, will be published in 2003.

The Centre drafted a study aimed at exploring the interface between HIV/AIDS and gender-based violence. The preliminary findings of the study, which was undertaken in the form of a survey and needs assessment among NGOs providing services to victims of gender-based violence in the Western Cape, were presented at a national conference on gender-based violence and health.

Further research projects included an analysis of the allocation of state resources towards the implementation of the Choice on Termination of Pregnancy Act of 1996, as well as the completion of a report on legal measures dealing with adult commercial sex work in a number of foreign jurisdictions.

Documentation Centre and website

The Documentation Centre houses a specialised collection to assist the Centre's research staff, academics and postgraduate students to find information for research papers and articles. The growing collection consists of material on international law, gender equality, children's rights, civil and political rights, intergovernmental relations and economic and social rights. It includes books, journals, United Nations materials, comparative case law and legislation, research reports, conference and video material, a small CD ROM collection and NGO newsletters focusing on the varied subject of human rights. Through the generous donation of books and journals from the Raoul Wallenberg Institute of Human Rights and Humanitarian Law the collection on international human rights has increased.

CHAPTER 3: COMMISSIONED RESEARCH

Based on its reputation for high quality research, the Centre and its researchers are increasingly requested and commissioned to do applied research for government and non-governmental bodies. Through this work they not only make a major contribution to policy formulation, but also place the Centre at the coalface of key issues confronting government and civil society. During the year the Centre and its staff members were engaged in the development of policies and legislation for national departments, provinces, municipalities, trade unions and an international agency.

National departments

A Centre researcher developed a discussion document entitled 'Towards a national policy on intergovernmental relations' for the Department of Provincial and Local Government. This commenced the process leading towards a national policy on intergovernmental relations and cooperative government and the relevant legislation required by section 41 of the Constitution.

An integral part of cooperative government is the settlement of intergovernmental disputes. The Centre, with the assistance of Prof. Laurence Boulle from Bond University, Australia, developed a dispute settlement design for the same department, which included the professionalisation of the process. To test the model, two workshops were held with national departments, the provinces and selected municipalities, one in Cape Town and the other in Pretoria.

Finally, a Centre researcher produced guidelines for the settlement of intergovernmental disputes for the Department, which will be distributed to all organs of state to guide them in how avoiding litigation through the prevention of disputes and, failing this, in how to use alternative dispute resolution mechanisms.

The Centre revised and completed a guideline document on provincial/local government relations for the Department of Provincial and Local Government. This will become the Department's official guideline document and will be distributed to all provinces and municipalities.

Provinces

The Centre was commissioned by the Director-General of the KwaZulu-Natal Provincial Administration to research and draft a discussion document on strengthening intergovernmental relations in KwaZulu-Natal. The project's aim was to analyse intergovernmental relations in that province, including the relations between traditional leaders and institutions and the provincial and local governments, and to propose possible options for improvements. The KwaZulu-Natal Cabinet has accepted the broad framework proposed for both the internal organisation of the provincial administration and the mechanisms and procedures for engaging with local government and traditional leaders.

The Centre, in conjunction with Organisation Development Africa, completed a comprehensive report for the Department of Local Government in the Western Cape on its role in relation to municipalities, and assisted in the preparation of a strategic plan for it to fulfil its legislative mandate.

Municipalities

The Director was requested by SALGA to convene a commission to inquire into the restructuring of SALGA's political leadership. Other members of the commission were Mr Yunis Carrim MP, chair of the Portfolio Committee on Local Government, Mr Buti Mkhalihi, chair of the Standing Committee on Local Government in the National Council of Provinces (NCOP), and Mr Zam Titus, a special adviser to the Minister of Provincial and Local Government. The commission investigated and reported on various options for restructuring SALGA's political leadership structures to make it more effective in playing its part in South Africa's system of intergovernmental relations.

The Centre shared its expertise in local government with numerous municipalities on a range of issues, including on internal auditing of performance measurement committee, the differences in functions of the various council committees, the interpretation of the rules and orders of a municipality, and the responsibility of close corporations for the payment of rates and taxes where a member of a close corporation is a councillor.

The Land Use Management Department of the City Council of Cape Town commissioned the Centre to compile a contextual analysis of the current legal position regarding adult entertainment.

South African Law Commission

The Centre completed a research report on behalf of the Law Commission on legal measures to address adult commercial sex work, with specific reference to HIV/AIDS. This report formed the basis of the Law Commission's *Issue Paper 19 (Project 107) Sexual offences: Adult prostitution*, published in August. The Project subsequently presented a summary of the Law Commission's analysis of the legal options at a national conference of adult commercial sex workers, convened by the Sex Worker Education and Advocacy Taskforce (SWEAT) in order to invite comments on the *Issue Paper*.

Trade Unions

The Centre was approached by Cosatu to conduct research for municipalities on policies on indigence. The research mainly focused on what a policy on indigence is and what its main features are. Cosatu's main concern was whether such a policy would be sufficient to address the poverty in the country.

International organisations

The Centre undertook research for the United Nations Development Programme's (UNDP's) Child Justice Project, which is a technical assistance project to government. The research involved drafting a report on minimum standards for children deprived of their liberty, based on international instruments and South African legislation and policy.

This report has been presented to an inter-sectoral committee on child justice comprising officials from the Departments of Justice, Safety and Security, Social Development and Correctional Services.

The Centre also presented its commissioned research study on young sex offenders to a workshop of justice, social development and correctional service departmental officials, funders and professionals. This workshop was hosted by the UNDP's Child Justice Project and was convened to specifically address the issue of young sex offenders.

A Centre researcher was invited to participate in an international review of the criminalisation of sexual assault conducted by the World Health Organisation and was appointed as the researcher coordinator for the African region.

CHAPTER 4: INFORMING PUBLIC DEBATE ON LAW REFORM

On the basis of its research, the Centre informs public debate on key issues of law reform. It was regularly requested by parliamentary committees and the Law Commission to comment on draft legislation and to address the committees on matters falling within its areas of expertise.

Local government

On local government reform, the Centre made submissions to the parliamentary committees listed below.

- The Finance Portfolio Committee, on the Municipal Finance Management Bill. At the request of the Committee's Chair, additional comments were submitted.
- The Justice and Constitutional Development Portfolio Committee, on the proposed changes to the Constitution to allow for crossing of the floor by elected politicians. An additional submission was made at the request of the Committee's Chair. Subsequently, project members were regularly interviewed for radio and by the press to comment on the constitutionality of, and legal issues around, defections from one party to another.
- The Justice and Constitutional Development Portfolio Committee, on the proposed amendments to section 139 of the Constitution that deals with interventions in

municipalities. At the public hearings reference was made to the Centre's submission and the usefulness of its contribution.

- The Local Government Portfolio Committee, on the Local Government General Amendment Bill, which proposed to change a host of local government legislation.

The Centre also made a submission to the Law Commission on its proposals to reform the Child Care Act. The focus was on the implications for local government and the submission sought to assist the Law Commission on the issue of assignment of functions to local government.

Socio-economic rights

The Centre has been actively involved in raising public debate and providing research expertise in the area of social security rights. It has worked closely with the Basic Income Grant Coalition, the Black Sash and the Alliance for Children's Entitlement to Social Security Rights (ACCESS). A submission was drafted and forwarded to government in response to the call for submissions on the Report of the Commission of Inquiry into a Comprehensive Social Security System in South Africa (the Taylor Commission). An oral presentation was also made to the Parliamentary Portfolio Committee for Social Development, based on the Centre's submission.

Children's rights

The Centre continued to coordinate a civil society campaign to support informed debate around the Child Justice Bill, in the form of the Child Justice Alliance. The Alliance comprises NGOs, CBOs, academics and individuals committed to the transformation of the juvenile justice system in South Africa and has approximately 460 members and 'friends'. The Centre's Children's Rights Project works closely with NGOs that participate in the Alliance's steering committee, namely Nicro, UCT's Institute for Criminology, Lawyers for Human Rights, the Restorative Justice Centre, the CSIR and Idasa. The website, www.childjustice.org.za, continues to be maintained and is dedicated to child justice issues and the Bill. On behalf of the Children's Rights Project, SAYStOP and the Child Justice Alliance, submissions were made to the Justice and Constitutional Development Portfolio Committee on the Child Justice Bill.

A presentation was made on this Bill at the Child and Violence Forum, which comprises NGOs and CBOs working with children in the Western Cape. To raise awareness of the issues the Bill contains, further presentations were made to Western Cape Nicro diversion workers, a Guguletu ward meeting, Guguletu community and ward members, the Steenberg Community Policing Forum and the children's magazine, *Molo Songololo*.

The Children's Rights Project continues to serve on the Western Cape Child Justice Forum, which comprises officials from the Departments of Justice, Correctional Services and Social Development and the South African Police Service. It deals with issues relating to child justice in the Western Cape, such as monitoring children awaiting trial in prison and the establishment of a one-stop child justice centre in Cape Town. The Centre assisted the Forum in drafting its written submission to the Portfolio Committee on Justice and Constitutional Development in respect of the Child Justice Bill.

In collaboration with the Amy Biehl Foundation and funded by the Ford Foundation, an intern was appointed to work in the area of child justice. He facilitated seminars on the Child Justice Bill at a Guguletu Ward Meeting as well as with the Guguletu community. He actively participated in the organisation of a restorative justice Heritage Day event, hosted by the Guguletu Community Network. He also chaired a panel discussion at a national conference on restorative justice hosted by the Department of Correctional Services.

The Centre's participation in the SAYStOP programme is still ongoing. This project is run by the Centre, UCT's Institute for Criminology, Nicro and Rapcan and is a diversion programme for juvenile sex offenders. In addition, the Children's Rights Project published three editions of *SAYStOP* (a newsletter), and participated in the training of probation officers for the Eastern Cape region. It also participated in the UNDP's Child Justice Project's provincial diversion indabas. Two presentations on the SAYStOP programme were delivered at the North-West Province and Gauteng indabas respectively.

Submissions were made to the Law Commission on the discussion paper on the review of the Child Care Act and, with other institutions, on the second sexual offences discussion paper. A joint submission was made to the Taylor Commission, and written and oral submissions were also made to the Parliamentary Task Group on Child Abuse.

Through the development of questionnaires and affidavits the Children's Rights Project also assisted ACCESS with the collection of evidence and research reports on the difficulties experienced by caregivers in accessing the child support grant.

Gender equality and women's rights

The Centre presented a submission to the Parliamentary Portfolio Committee on Health on the implementation of the Choice on Termination of Pregnancy Act, with specific reference to budget allocation on national and provincial levels. This submission formed part of the National Oversight Hearings, which were organised by the Portfolio Committee and the Reproductive Rights Alliance in order to reflect on the impact of the legislation five years after its introduction in 1997.

The Centre compiled extensive comments on the Law Commission's second *Discussion paper on sexual offences (procedure and evidence)*. This submission was completed in collaboration with the Institute of Criminology (UCT), the Women's Legal Centre and the Department of Forensics and Toxicology (UCT).

CHAPTER 5: EDUCATION, TRAINING & INFORMATION DISSEMINATION

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

Education programmes

The Centre presented the LLM programme on constitutional litigation. Researchers developed and present innovative courses on children's rights, criminal justice and the Constitution, socio-economic rights, intergovernmental relations and constitutional practice. From 2003 a module on gender law will be presented.

The Centre continued its partnership with the Universities of Pretoria, Makerere, Ghana and Cameroon to present the LLM in Human Rights and Democratisation in Africa for students from across the continent. During the first semester the Centre presented modules on electoral law and an introduction to the South African Bill of Rights. In the second semester it hosted six students who attend the LLM courses and wrote their dissertations. The Documentation Centre, with its extensive collection on national and international materials, was students' primary base for information gathering during the LLM programme.

Training courses

Following requests from a number of government institutions, the Centre ran training workshops as follows:

- for the KwaZulu-Natal Parliamentary Portfolio Committee on Local Government, on the oversight by the provincial legislature of local government;
- for the Western Cape Parliament Portfolio Committee on Local Government, a three-day workshop dealing with the new local government dispensation;
- for the Namibian Ministry on Decentralisation and Planning in Windhoek, Namibia, a seminar was facilitated comparing South African and Namibian experiences in decentralisation.

The Centre participated as facilitators in a national conference for magistrates on the improvement of service delivery in domestic violence, maintenance and sexual assault cases.

The conference was convened by the Gender Directorate of the Department of Justice and Constitutional Development.

A number of workshops were held for municipalities and community groups, focusing on their particular issues of concern:

- for the City of Cape Town's Water Services Directorate, on integrated development planning (IDP);
- for the Southern Cape Land Commission, on the constitutional obligations of municipalities;
- with community members and councillors in Guguletu and Mitchells Plain, on IDP;
- for the Boland District Council and Tubatse Local Municipality, Mpumalanga, on the roles and responsibilities of municipal managers, speakers and mayors;
- for the Departments of Social Services in the Western Cape and the Northern Cape, training seminars on the Child Justice Bill;
- to the Constitution and Bill of Rights Education Project, assistance in training paralegals in Clanwilliam and Franschoek on the Child Justice Bill;
- to the Alliance for Children's Entitlement to Social Security, assistance in facilitating a workshop on the various children's grants in Polokwane;
- for volunteer community workers in Atlantis, a workshop on the Domestic Violence Act of 1998; and
- at a conference on workplace solutions for HIV/AIDS, a presentation on the legal aspects of HIV/AIDS in the workplace, and a presentation on constitutional rights and legal provisions relating to HIV/AIDS at the Treatment Action Campaign's Treatment Literacy Coordinator Training.

Information dissemination through publications

The Centre produced five publications, aimed at informing various target audiences about recent developments in the Centre's focus areas.

Local Government Law Bulletin

At the beginning of the year, after three volumes and 12 editions of the *Local Government Law Bulletin*, improvements were made to the publication's layout and presentation in order for it to reach its intended audience (mainly councillors) more effectively. Four editions with a circulation of 11 000 copies were distributed, to all 9 000 councillors and to senior local government managers, national and provincial government, traditional leaders, NGOs and other stakeholders.

Judging from numerous letters complimenting the editors and contributors on the content of the *Bulletin*, it is apparent that it continued to serve a pivotal role in strengthening local governance by informing its target audience of developments in local government law.

Councillors and officials regularly approach the Centre with enquiries and requests for legal advice. The frequency of these requests has prompted the launch of a new section in the *Bulletin*, called 'Legal Briefs', where the editors provide short answers to frequently asked legal questions.

ESR Review

Three editions of *ESR Review* were produced in 2002, including a special edition featuring the research project and colloquium on socio-economic rights and transformation in South Africa. This publication has a circulation of 3 000 and is distributed to key decision-makers in all spheres of government and the NGO community. An electronic newsletter subscription was also developed, a pro-active measure in promoting usage of the website, which enables direct communication with the *ESR Review's* audience.

Article 40

This quarterly newsletter on child justice continues to be published and is received extremely well by state officials working in the criminal justice system, academics and civil society.

Three special editions were published in 2002. These looked at the Child Justice Bill's passage through parliament, child justice training in the North-West Province and the new Mangaung one-stop child justice centre. The last-mentioned edition has elicited very favourable comments from the Inspecting Judge of Prisons.

SAYStOP

The Centre produced and distributed three editions of the *SAYStOP* newsletter. Articles focused on the due process rights of child offenders when being considered for diversion, how intervening with young sex offenders impacts on the effort to prevent violence against women, and the experiences of various facilitators in running the SAYStOP Diversion Programme. This newsletter builds the capacity of the probation officers and prosecutors working with the diversion programme and provides updated information as well as brief articles on certain aspects of relevant law.

GenderNews

The Gender Project produced two editions of its newsletter, *GenderNews*. Articles focused on contentious issues such as the compulsory HIV testing of persons accused of sexual assault and the Constitutional Court's judgment on the constitutionality of the legal provisions criminalising adult commercial sex work and brothel-keeping. Also examined were the development of the right to freedom from violence in recent case law, the question of addressing women's needs at local government level and the impact on women of continuing war in Uganda.

Website

The Centre's website not only informs users about what the different projects are doing, but also disseminates their publications. To keep staff and cyber users abreast of new books, journals and CD ROMS, a monthly acquisitions list is placed on the website. Through this medium, the Centre plays a critical role in educating its cyber users on issues surrounding democracy and human rights in the country.

As the focus has been on reaching a wider audience, all the Centre's publications, conference and workshop material, journals, newsletters and announcements have now been placed on the website as well. Even though each project's website has its own individual look, common themes run through all the projects. The website has been designed so that one is able to navigate through an individual project, yet be able to continue in another project with ease. A search facility enables users to search for information that is project-specific. The website on socio-economic rights is also developing a section that will summarise the major case law on socio-economic rights, and will, over time, include a section on key national and international events in this field.

The statistics and weekly comments from users suggest that the Centre has been successful in reaching a far wider audience with the redesign of its website.

Archiving information will now become the focus as well as setting up an e-mail alert system whereby users can regularly be made aware of new acquisitions, upcoming conferences and workshops and new publications. The Centre is committed to constantly re-evaluating its website so as to keep up to date with Internet trends.

CHAPTER 6: SUPPORTING LITIGATION

Together with Idasa, the Centre intervened as an *amicus curiae* in *Minister of Health and Others v Treatment Action Campaign and Others* 2002 (10) BCLR 1033 (CC). This case involved enforcement of the right of access to health care and the obligation of the state to make the anti-retroviral drug, Nevirapine, available to pregnant women living with HIV in order to

prevent or reduce mother-to-child transmission of HIV. Apart from filing written submissions, Adv. Wim Trengove SC presented oral arguments on behalf of the Centre and Idasa.

The intervention aimed at extending the frontiers of the jurisprudence developed by the Constitutional Court in the *Grootboom* case to incorporate a minimum core obligation under section 27(1)(a) of the Constitution - the right of access to health care services. Although the Court did not endorse the 'minimum core obligation' interpretation advanced by the *amici*, the intervention highlighted a critical issue in the interpretation of socio-economic rights, namely, whether the courts will confine themselves to the 'reasonableness' review in relation to socio-economic rights or go further and order the provision of concrete goods and services to individuals in appropriate circumstances. This issue has already attracted considerable debate and is likely to be important in the evolving jurisprudence on socio-economic rights. The intervention was informed by extensive international and comparative law research.

The case represented a significant victory for the Treatment Action Campaign and HIV-positive pregnant women and their infants in South Africa. The Court ordered the state, without delay, to permit and facilitate the provision of Nevirapine throughout the public health sector and to take steps to extend HIV testing and counselling facilities. The researchers from the Children's Rights and Gender Projects formed part of the research team that particularly focused on children and women's rights to health care.

The Centre has also been part of a coalition of civil society organisations coordinated by ACCESS that is working on possible litigation to challenge amendments to the regulations published under the Social Assistance Act. This litigation concerns the adverse impact on the accessibility of the child support grant of the removal of the Director-General's discretion to accept alternative proof of identity. In January 2002, the Centre organised a research and planning workshop to support this litigation.

CHAPTER 7: FUNDERS

Project/activity

Supported by

Core funding and project activities

Ford Foundation

Local Government Project

Austrian Development
Cooperation

Socio-Economic Rights Project:

Foundation for Human Rights in
South Africa (FHR)

ESR Review, website development, advocacy and
supporting litigation

Research project and colloquium on the implications
of socio-economic rights for transformation in South
Africa

Ford Foundation

Juvenile justice

Swedish International
Development Cooperation Agency
(SIDA)

General children's rights and monitoring the imple-
mentation of the UN Convention on the Rights of
the Child

Save the Children Sweden

SAYStOP	Open Society Foundation
Child Justice Programme	Swiss Agency for Development and Cooperation
African Resource Manual	CREA/US AID
Gender Project: Violence against women, reproductive rights, rights of adult commercial sex workers and gender information and outreach	SIDA
Bail in sexual assault cases	Open Society Foundation
LLM in Human Rights and Democratisation in Africa	Centre for Human Rights (UP)

CHAPTER 8: FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2002

INCOME	Rands
European Union Foundation for Human Rights	566 000.00
Rädda Barnen	145 000.00
North South Institute (Austrian Development Co-operation)	600 000.00
Ford Foundation	1 824 264.79
Sida	1 595 744.68
Centre for Human Rights (UP)	326 757.90
Open Society Foundation	899 328.00
Consultancies	403 541.22
TOTAL INCOME	6 360 636.59

EXPENDITURE	Rands
Salaries	2 624 109.87
Stationery	81 738.75
Photocopying and postage	42 913.35
Telephone	91 358.52
Travelling	428 189.59
Conferences and seminars	271 000.79
Subscriptions and books	119 836.09
Audit fees	108 228.00
Equipment	61 050.24
Consultation fees	1 261 108.46
Sundry expenses	33 136.53
Publications	790 594.99
Website	65 558.59
Postgraduate bursaries	138 102.00
Computer equipment	158 809.45
TOTAL EXPENDITURE	6 275 735.22

CLOSING BALANCE YEAR 2002	84 901.37
Surplus carried forward from 2001	1 441 486.87

NET CLOSING BALANCE 1 526 388.24

CHAPTER 9: STAFF ACTIVITIES

1. Books, chapters in books and articles

- Chirwa, Danwood Mzikenge. 2002. The merits and demerits of the African Charter on the Rights and Welfare of the Child. *The International Journal of Children's Rights* 10(2): 157-177.
- Chirwa, Danwood Mzikenge. 2002. Reclaiming humanity: Some reflections on the protection of economic, social and cultural rights in Malawi. *UNIMA Journal of Law and Social Justice* 1:34.
- De Visser, Jaap. 2002. Over straf valt te onderhandelen, over de waarheid niet Deel 1: Van dictatuur naar democratie. *Ars Aequi* November 806-812.
- De Visser, Jaap. 2002. Over straf valt te onderhandelen, over de waarheid niet Deel 2: De Zuidafrikaanse Waarheidscommissie als voorbeeld? *Ars Aequi* December 874-881.
- Liebenberg, Sandra. 2002. The right to social security: A response from a South African perspective, in D Brand and S Russel (eds) *Exploring the core content of socio-economic rights: South African and international perspectives* Pretoria: Protea Book House 147.
- Liebenberg, Sandra. 2002. 'Education' in H Cheadle, D Davis & N Haysom (eds.) *South African constitutional law: The Bill of Rights* Durban: Butterworths 533.
- Meerkotter, Anneke. 2001. Co-editor with Darcy du Toit & Pierre de Vos, *Law, Democracy and Development* 5(2).
- Steytler, Nico & Mettler, Johann. 2001. Federal arrangements as a peacemaking device during South Africa's transition to democracy. *Publius: The Journal of Federalism* 31(4): 93-106.
- Steytler, Nico. 2001. Concurrency and co-operative government: The law and practice in South Africa. *SA Public Law* 16(2): 241-254.

2. Reports and other writings

- Barday, Raygaanah & Combrinck, Heléne. 2002. Implementation of bail legislation in sexual assault cases: First report 2000-2002. Research report. Gender Project, Community Law Centre, UWC.
- Chirwa, Danwood Mzikenge. 2002. Obligations of non-state actors in relation to socio-economic rights under the South African Constitution. Research Series 1. Socio-Economic Rights Project, Community Law Centre, UWC.
- Combrinck, Heléne & Meerkotter, Anneke. 2002. A conceptual analysis: Law reform options on adult entertainment at local government level. Research report for the City of Cape Town.
- De Visser, Jaap. The institutional framework for developmental local government: Making good on the promise of development? *Seminar report No. 14*. Constitution and Law IV colloquium on local government law. Johannesburg: Konrad Adenauer Stiftung 35-50.
- Gallinetti, Jacqui & Kassan, Daksha. 2002. Minimum standards for children deprived of their liberty. Research report commissioned by the Child Justice Project.
- Kassan, Daksha. 2002. Contradictions between the UN Convention on the Rights of the Child, the South African Constitution and cultural practices in respect of corporal punishment, early marriages and the initiation of boys and girls. Research report for Save the Children Sweden.
- Kassan, Daksha. 2002. A social security system for South Africa: Summary of recommendations made by the South African Law Commission and the Committee of Inquiry in Respect of Social Security for Children. Research report for Save the Children Sweden.
- Khoza, Sibonile. 2002. HIV, infant nutrition and health care: Implications of the state's obligations in providing formula milk to prevent HIV transmission through breastfeeding. Research Series 2. Socio-Economic Rights Project, Community Law Centre, UWC.
- Liebenberg, Sandra & Debbie Budlender (eds). 2002. Rights, roles and resources: An analysis of women's housing rights: Implications of the *Grootboom* case, Women's Budget Project and Idasa).
- Meerkotter, Anneke. 2002. Ensuring implementation of the Choice on Termination of Pregnancy Act through resource allocation. Discussion document, Gender Project, Community Law Centre, UWC.
- Meerkotter, Anneke. 2002. Consensual adult commercial sex work: A brief overview of legislation in various jurisdictions. Research report, Gender Project, Community Law Centre, UWC.
- Mettler, Johann, de Visser, Jaap & Steytler, Nico. 2002. Provincial-local relations: Guidelines for cooperative government. For the Department of Provincial and Local Government.
- Smith, Geraldine & Steytler, Nico (with ODA). 2002. Strategy document for the Department of Local Government, Provincial Administration of the Western Cape.
- Steytler, Nico. 2002. Background paper on the place and role of local government in federations. Cities and Federalism Conference, Forum of Federations.
- Steytler, Nico. 2002. (Convener and principal drafter.) Report of a Commission on the Restructuring of the Political Leadership of the South African Local Government Association (SALGA), for SALGA.

- Steytler, Nico. 2002. (With de Visser, Jaap, Smith, Geraldine & Olivier, Nic.) Draft discussion document on strengthening intergovernmental relations in the province of KwaZulu-Natal. Prepared for Director-General, KwaZulu-Natal Provincial Administration.
- Steytler, Nico & Boule, Laurence. 2002. Possible models for the settlement of intergovernmental disputes. Research report for Department of Provincial and Local Government.
- Steytler, Nico. 2002. Towards a national policy on intergovernmental relations. Discussion document for the Department of Provincial and Local Government.
- Steytler, Nico. 2002. Guidelines for the settlement of intergovernmental disputes. Document prepared for Department of Provincial and Local Government.

3. Articles in lay publications and newsletters

- Barday, Raygaanah. Gender Update, *GenderNews* 6(2): 10.
- Barday, Raygaanah & Meerkotter, Anneke. Is compulsory HIV testing of accused in sexual offence cases a solution? *GenderNews* 6(2): 4.
- Chirwa, Danwood Mzikenge. Towards revitalizing economic, social, and cultural rights in Africa: *Social and Economic Rights Action Centre and the Centre for Economic and Social Rights v. Nigeria*. *Human Rights Brief* 10(1): 14.
- Chirwa, Danwood Mzikenge. Non-state actors responsibility for socio-economic rights: The nature of their obligations under the South African Constitution. *ESR Review* 3(3): 2.
- Chirwa, Danwood Mzikenge. International developments in socio-economic rights. *ESR Review* 3(2): 15.
- Chirwa, Danwood Mzikenge. Book review: *Economic, social and cultural rights: A textbook*, A Eide et al. *ESR Review* 3(2): 24.
- Chirwa, Danwood Mzikenge. Book review: *Exploring the core content of socio-economic rights: South African and international perspectives*, D Brand & R Russel. *ESR Review* 3(3): 19.
- Combrinck, Helène. Improving health services for victims of sexual assault: New WHO initiatives. *GenderNews* 6(1): 5.
- Combrinck, Helène & Barday, Raygaanah. Beyond *Carmichele*: Developing the right to freedom from violence. *GenderNews* 6(1): 8.
- Combrinck, Helène & Barday, Raygaanah. 'A little more conversation': Bail hearings and victims of sexual assault. *GenderNews* 6(1): 9.
- De Visser, Jaap. Crossing the floor: The rules of the game, *Local Government Law Bulletin* 4(2): 1.
- De Visser, Jaap. Assignment to local government: Protection with a hollow ring? *Local Government Law Bulletin* 4(2): 7.
- De Visser, Jaap. Definition of municipal services: Throwing fire-fighting to the lions? *Local Government Law Bulletin* 4(1): 9.
- De Visser, Jaap. Water privatisation contract cancelled. *Local Government Law Bulletin* 4(1): 11.
- De Visser, Jaap. Crossing the floor: Proposed constitutional amendments. *Local Government Law Bulletin* 4(1): 14.
- De Visser, Jaap & Steytler, Nico. Municipal Finance Management Bill under scrutiny. *Local Government Law Bulletin* 4(1): 15.
- De Visser, Jaap. Crossing the floor: The judgment. *Local Government Law Bulletin* 4(4): 1.
- De Visser, Jaap & Titus, Shireen. Integrated Development Planning as a solution to the gender deficit? *Getnet Newsletter*, November.
- Gallinetti, Jacqui. SAYStOP featured in provincial indabas. *SAYStOP Newsletter*, 3(1).
- Gallinetti, Jacqui. Update on the Child Justice Bill. *Article* 40, 4(3).
- Gallinetti, Jacqui. How intervening with young sex offenders impacts on the efforts to prevent violence against women. *SAYStOP Newsletter*, 3(3).
- Gallinetti, Jacqui. The Children's Bill. *Child and Youth Care*, 20(11).
- Gallinetti, Jacqui. Show your support to change the system. *Children First*, 45 (Oct/Nov).
- Gallinetti, Jacqui. Compulsory HIV testing and the accused. *GenderNews*, 6(2).
- Gallinetti, Jacqui. The UN General Assembly Special Session on Children: Its implications for children's socio-economic rights. *ESR Review*, 3(3).
- Gallinetti, Jacqui. Child Justice. *Children and Their Rights*, 39.
- Geyer, Zulpha. HIV and rape: Towards a national strategy, *GenderNews* 6(2): 3.
- Geyer, Zulpha. Editorial. *GenderNews* 6(1): 2.
- Geyer, Zulpha. Editorial. *GenderNews* 6(2): 2.
- Geyer, Zulpha. Sarah Baartman: Home at last. *GenderNews* 6(1): 11.
- Kassan, Daksha. Due process rights: An important concern for *SAYStOP Newsletter* 3(1).
- Kassan, Daksha. Report of the Parliamentary Task Group on the Sexual Abuse of Children. *SAYStOP Newsletter*, 3(2).
- Kassan, Daksha. SAYStOP in the international arena. *SAYStOP Newsletter* 3(3).
- Khoza, Sibonile. Reducing mother-to-child transmission: The Nevirapine case. *ESR Review* 3(2): 2.
- Khoza, Sibonile. HIV/AIDS Treatment Congress. *ESR Review* 3(2): 23.
- Khoza, Sibonile. Workshop on the right to food security. *ESR Review* 3(2): 23.
- Khoza, Sibonile & Chirwa, Danwood Mzikenge. Co-editors. *ESR Review* 3(2): 3.

- Liebenberg, Sandra. Editor. *ESR Review* 3(1). Special edition.
- Liebenberg, Sandra. Universal access to social security rights: Can a basic income grant meet the challenge? *ESR Review* 3(2): 10.
- Liebenberg, Sandra. Towards the light of day: An individual complaints procedure under the International Covenant on Economic, Social and Cultural Rights. *ESR Review* 3(3): 17.
- Maré, Charmaine. Legality of land rates imposed as flat rates. *Local Government Law Bulletin* 4(4): 10.
- Meerkotter, Anneke. Whose choice is it anyway? *GenderNews* 6(1): 3.
- Meerkotter, Anneke. Providing options to pregnant women living with HIV/AIDS. *GenderNews* 6(1): 6.
- Meerkotter, Anneke. Gender update. *GenderNews* 6(1): 10.
- Meerkotter, Anneke. *Jordan vs the State*: Implications for sex workers. *GenderNews* 6(2): 8.
- Skepu, Zukiswa. Addressing women's needs at local government level. *GenderNews* 6(2): 6.
- Smith, Geraldine. Intergovernmental relations in the Western Cape. *Local Government Law Bulletin* 4(2): 11.
- Smith, Geraldine. Firing the mayor with a double-barrelled motion. *Local Government Law Bulletin* 4(4): 15.
- Smith, Geraldine & de Visser, Jaap. What constitutes a majority of councillors? *Local Government Law Bulletin* 4(2): 16.
- Smith, Geraldine. Terms of reference for political office structures and political office bearers. *Local Government Law Bulletin* 4(3): 8.
- Smith, Geraldine. Municipality stumbles over disconnection hurdle. *Local Government Law Bulletin* 4(3): 12.
- Smith, Geraldine. The delegation system - Who does what? *Local Government Law Bulletin* 4(3): 5.
- Smith, Geraldine. Intergovernmental relations in the North-West. *Local Government Law Bulletin* 4(3): 15.
- Steytler, Nico. President's Coordinating Council sets agenda for local government. *Local Government Law Bulletin* 4(1): 1.
- Steytler, Nico. Province not liable for municipal debts. *Local Government Law Bulletin* 4(1): 12.
- Steytler, Nico & Smith, Geraldine. Easing interventions in local government: the proposed constitutional amendment. *Local Government Law Bulletin* 4(3): 1.

4. Conference papers delivered

- Chirwa, Danwood Mzikenge. Obligations of non-state actors in relation to socio-economic rights: The South African Constitution. Paper presented at the conference on *Corporate Social Responsibility*, organised by University of Malta, Faculty of Law, Malta, November.
- Combrinck, Hélène & Muthien, Bernedette. Strategic interventions: Intersections between gender-based violence and HIV/AIDS. Paper presented at the *South African Gender Based Violence and Health Conference*, Johannesburg, April.
- De Visser, Jaap. Realising access to water: Pipe dream or watershed? Paper presented at the colloquium *Realising Socio-Economic Rights in South Africa: Progress and Challenges*, organised by Socio-Economic Rights Project, Community Law Centre, Strand, March.
- Gallinetti, Jacqui. Researching violent societies: Accessing the child's voice. Paper presented at the conference on *Researching Ethnic Conflict in Africa*, organised by University of Ibadan, Nigeria, February.
- Gallinetti, Jacqui. Child participation in South African family law and welfare proceedings. Paper presented at the *11th Conference of the International Society of Family Law*, Denmark and Norway, August.
- Kassan, Daksha. SAYStOP: South African young sex offenders programmes: A diversion programme for young sex offenders. Paper presented at the *7th Conference of the International Association for the Treatment of Sexual Offenders*, organised by Board of the International Association for the Treatment of Sexual Offenders (IATSO), Vienna, September.
- Kassan, Daksha. The voice of the child in family law proceedings. Paper presented at *Changing Legal Definitions of Family Conference*, organised by Miller Du Toit and UWC Law Faculty, Cape Town, March.
- Khoza, Sibonile. The link between development and socio-economic rights: Are socio-economic rights developmental rights? Paper presented at the *Networking for Change Conference: Equality and Justice: Gains and Challenges*, organised by the NADEL Human Rights Research and Advocacy Project, Cape Town, September.
- Liebenberg, Sandra. South Africa's evolving jurisprudence on socio-economic rights. Paper presented at the colloquium *Realising Socio-Economic Rights in South Africa: Progress and Challenges*, organised by Socio-Economic Rights Project, Community Law Centre, Strand, March.
- Liebenberg, Sandra. The nature of state's parties obligations under the International Covenant on Economic, Social and Cultural Rights. Paper presented at an Expert's Roundtable convened by the International Commission of Jurists, on *Issues Central to an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, Geneva, September.
- Maré, Charmaine & Gray, Alison. The promise of women's equality: The transformation of local government in South Africa. Paper presented to the national conference on *Gender and Local Government Transformation*, organised by GETNET, Strand, December.
- Meerkotter, Anneke. Violence against young women and HIV/AIDS: Access to post-exposure prophylaxis after rape in South Africa. Paper presented at the *Eastern and Southern African Symposium on Young Women and HIV/AIDS*, organised by International Youth and Student Conference on HIV/AIDS, Nairobi, November.
- Smith, Geraldine. IDP structures and ward committees. Paper presented at the *Local Government Communicators Conference*, organised by SALGA, Midrand, June.

- Steytler, Nico. Common competencies and intergovernmental relations: The allocation of responsibilities between state and local government. Paper presented at the international conference on *Cities and Federalism in an Era of Globalization*, organised by the Forum of Federations and the National Federation of Municipalities of Brazil in Rio de Janeiro, Brazil, May.
- Steytler, Nico. Cross-border external relations of South African provinces. Paper presented at the international conference on *External Relations of Regions in Europe and the World*, European Centre for Federal Studies, Eberhard Karls University of Tübingen, Karlsruhe, Germany, June.
- Steytler, Nico. Panelist, South Africa's electoral system. Round table conference of the Van Slabbert Commission on the Reform of the Electoral System, Cape Town, September.
- Steytler, Nico. Municipal policing and the Constitution. Paper presented at the *Annual Conference of the Institute of Municipal Law Enforcement Officers*, Stellenbosch, October.
- Steytler, Nico. Democracy and local government. Paper presented at the *Community of Democracies Non-governmental Forum: Democracy*, Seoul, Korea, November.
- Steytler, Nico. Homogeneity from the bottom up - The shaping of national policy by provinces: A South African case study. Paper presented at the *Annual Conference of International Association of Centres for Federal Studies* held jointly with the Comparative Federalism and Federation Research Committee of the International Political Science Association, Innsbruck, Austria, November.
- Steytler, Nico. The constitutional promise of decentralization in practice: A review of 1994 to 2002. Paper presented at the international colloquium on *Constitution-Making and Constitutional Reform in Germany and Abroad*, Hanover, Germany, November.

5. Other presentations, lectures and workshops

- Barday, Raygaanah. Review of the *Carmichele* judgment. Radio Interview with Radio 786. August.
- Barday, Raygaanah. Facilitated sessions at Department of Justice Magistrates' Conference, June, Johannesburg.
- Chirwa, Danwood Mzikenge. Guest lecture, Children's rights in Africa: The African Charter on the Rights and Welfare of the Child, to LLM students in Constitutional Litigation, UWC, August.
- Chirwa, Danwood Mzikenge. Guest lecture, Using the African Charter on Human and Peoples' Rights as a tool for advocacy in socio-economic rights in Africa, to LLM students in Constitutional Litigation, UWC, September.
- Chirwa, Danwood Mzikenge. Lecture, Human rights protection: An African perspective, at a seminar on economic liberalisation and human rights, organised by the German Lawyers for Development and Association, Germany and Namibia, September.
- Chirwa, Danwood Mzikenge. Panellist in a public discussion on whether multinational corporations are engineers of development or profiteers of the North-South divide, organised by the German Lawyers for Development and Association in Germany, September.
- Combrinck, Heléne. Submission on the implementation of the Choice on Termination of Pregnancy Act, with specific reference to budget allocation, to the National Oversight Hearings held by the Joint Parliamentary Portfolio Committee on Health and the Reproductive Rights Alliance, Cape Town, May.
- De Visser, Jaap, Gallinetti, Jacqui & Kassan, Daksha. Submission to the South African Law Commission on the Review of the Child Care Act.
- De Visser, Jaap, Steytler, Nico & Smith, Geraldine. Presentation to joint sitting of Portfolio Committees on Justice and Constitutional Development, and Provincial and Local Government, on Proposed Constitutional Amendments to Section 139, Cape Town.
- De Visser, Jaap & Steytler, Nico, to Parliamentary Portfolio Committee on Finance on the Municipal Finance Management Bill, Cape Town, May.
- De Visser, Jaap. Facilitated workshops for the City of Cape with community representatives on IDP in Guguletu and Mitchells Plain, February/March.
- De Visser, Jaap. Facilitated workshop for the City of Cape Town Water Services Department on IDP, February.
- De Visser, Jaap & Smith, Geraldine. Workshop for Boland District Municipality on roles and responsibilities of office-bearers, May.
- De Visser, Jaap, Steytler, Nico & Smith, Geraldine. Submission to the Parliamentary Portfolio Committees on Local Government, and Justice and Constitutional Development, Constitutional Amendment on crossing the floor.
- Gallinetti, Jacqui, Kassan, Daksha & the Gender Project, with the Women's Legal Centre, the Institute for Criminology, UCT and Dr Lorna Martin of UCT, to the Law Commission on the 2nd Sexual Offences Discussion Paper.
- Gallinetti, Jacqui. Written submission to the Parliamentary Task Group on Child Abuse on various aspects of child abuse and child victims.
- Gallinetti, Jacqui. Written submissions on behalf of the Children's Rights Project, SAYStOP and the Child Justice Alliance to the Justice and Constitutional Development Portfolio Committee on the Child Justice Bill.
- Gallinetti, Jacqui. The media and the child. Paper delivered at a UNICEF/ Media Monitoring Project workshop, April.
- Gallinetti, Jacqui. The Child Justice Alliance and civil society in law reform relating to children. Paper delivered at an Open Society Foundation workshop, April.

Gallinetti, Jacqui. Legal aspects pertaining to child victims of sexual abuse. Paper delivered at a Ford Foundation/HSRC workshop on child victims of sexual abuse, August.

Gallinetti, Jacqui. SAYStOP - A diversion programme for young sex offenders. Paper delivered at an Open Society Foundation workshop on preventing violence against women, October.

Gallinetti, Jacqui. Presentation to the Western Cape Children and Violence Forum regarding the new Child Justice Bill, February.

Gallinetti, Jacqui. Oral submission to the Parliamentary Task Group on Child Abuse, Cape Town.

Gallinetti, Jacqui. Seminar on the Child Justice Bill to the Department of Social Services, Upington, Northern Cape, March.

Gallinetti, Jacqui. Presentation on SAYStOP at UNDP Child Justice Project provincial indaba, Mafikeng, North West Province, March.

Gallinetti, Jacqui. Presentation on SAYStOP at UNDP Child Justice Project provincial indaba, Johannesburg, Gauteng, March.

Gallinetti, Jacqui. Presentation of commissioned research on young sex offenders by Jean Redpath at UNDP Child Justice Project seminar on young sex offenders, Pretoria, April.

Gallinetti, Jacqui. Presentation on Child Justice Bill to *Molo Songololo*, Cape Town, May.

Gallinetti, Jacqui. Presentation on juvenile justice issues raised at the UN General Assembly Special Session on Children for Children's Institute seminar, Cape Town, June.

Gallinetti, Jacqui. Seminar on the Child Justice Bill presented to Western Cape NICRO diversion workers, Mitchell's Plain, July.

Gallinetti, Jacqui. Presentation on the Child Justice Bill to Guguletu Ward Meeting, Guguletu, June.

Gallinetti, Jacqui. Presentation on the Child Justice Bill to Guguletu community members, Guguletu, July.

Gallinetti, Jacqui. Seminar on the Child Justice Bill presented to the Western Cape Department of Social Services, Wynberg, October.

Gallinetti, Jacqui. Presentation on the Child Justice Bill to the Steenberg Community Policing Forum, October.

Gallinetti, Jacqui. Chaired a panel discussion at the Socio-Economic Rights Project workshop on HIV/AIDS and the Right to Nutrition, Cape Town, October.

Gallinetti, Jacqui. Lectures at UWC Legal Aid on children's rights in a South African and international context, April.

Gallinetti, Jacqui. Lecture at University of Pretoria, LLM programme, on South African Children's Rights, June.

Kassan, Daksha. Assisted with the facilitation of a SAYStOP follow-up training workshop, Eastern Cape, July.

Kassan, Daksha. Presentation on the due process rights of child sex offenders to the participants at the SAYStOP follow-up training workshop, Eastern Cape, July.

Kassan, Daksha. Presentations on the Child Justice Bill to paralegals attending training sessions hosted by the Constitution and Bill of Rights Education Project, Clanwilliam and Franschoek, October.

Kassan, Daksha. Assisted with the facilitation of a workshop on children's grants hosted by the Alliance for Children's Entitlement to Social Security, Polokwane, December.

Kassan, Daksha. Presentation on the Alliance for Children's Entitlement to Social Security's campaigns and advocacy strategies to ACCESS workshop, Polokwane, December.

Khoza, Sibonile. International and domestic strategies for the implementation of economic, social and cultural rights. Presentation at a regional course on economic, social and cultural rights (ESCR 01), organised by Human Rights Trust of Southern Africa (Zimbabwe), Harare, Zimbabwe, November.

Khoza, Sibonile. Lecture on the background to socio-economic rights and the right to education. Department of Education, University of Natal, Durban.

Khoza, Sibonile. HIV/AIDS and the infant's right to nutrition: Does the state's obligation to prevent mother-to-child transmission of HIV include the provisioning of formula milk? Paper presented at a workshop on HIV/AIDS and the Infant's Right to Nutrition, organised by the Socio-Economic Rights Project, Community Law Centre, Cape Town, October.

Liebenberg, Sandra. Lecture, Non-discrimination as a core component of economic, social and cultural rights. Presented at a course on non-discrimination and the protection of minorities, Finland, November.

Maré, Charmaine, Steytler, Nico & Smith, Geraldine. Presentation to the Parliamentary Portfolio Committee on Provincial and Local Government, on the Local Government Laws Amendment Bill, 2002.

Maré, Charmaine. Legal opinion for the Makana Municipality (Eastern Cape) regarding the interpretation of the code of conduct for municipal councillors.

Maré, Charmaine. Legal opinion for the Moqhaka Municipality (Free State) regarding the interpretation of the rules and orders of the Moqhaka Municipality.

Meerkotter, Anneke. Legal aspects of HIV/AIDS in the workplace. Presentation at a conference on workplace solutions for HIV/AIDS, Excellante International, December, Sea Point.

Meerkotter, Anneke. HIV/AIDS: Constitutional rights and legal provisions. Presentation at Treatment Action Campaign co-ordinator training in treatment literacy, November, Athlone.

Meerkotter, Anneke. HIV/AIDS, women's reproductive health rights and infant nutrition. Presentation at a workshop on HIV/AIDS and the infant's right to nutrition, Socio-Economic Rights Project, Community Law Centre, October, Cape Town.

Smith, Geraldine; Steytler, Nico & Maré, Charmaine. Submission to the Parliamentary Portfolio Committee on the Second Structures Amendment Bill.

Smith, Geraldine. Training for Southern Cape Land Commission, Constitutional obligations of municipalities
 Smith, Geraldine, de Visser, Jaap & Steytler, Nico. Training workshop for Western Cape Portfolio Committee on Local Government, on the legal framework of local government, Cape Town, August.
 Smith, Geraldine & Maré, Charmaine. Training on local government issues with Greater Tubatse Municipality (Mpumalanga) on section 53 of the Municipal Systems Act (terms of reference).
 Steytler, Nico, de Visser, Jaap & Mettler, Johann. Seminar on decentralisation in Namibia for local and regional government officials, Namibian Department of Regional and Local Government, Windhoek, February-March.
 Steytler, Nico. Presentation to SALGA's National Executive Committee on the political structures of SALGA and their role in intergovernmental relations, Pretoria, June.
 Steytler, Nico. Presentation to SALGA's Working Committee on Governance and Intergovernmental Relations on intergovernmental relations, Pretoria, October.
 Steytler, Nico with Boulle, Laurence. Two workshops on the settlement of intergovernmental disputes for the Department of Provincial and Local Government, Pretoria and Cape Town, July.
 Steytler, Nico with Boulle, Laurence. Workshop on the settlement of intergovernmental disputes for the Premier's Office, KwaZulu-Natal Provincial Administration, Durban, July.
 Steytler, Nico; de Visser, Jaap & Smith, Geraldine. Workshop for KwaZulu-Natal Portfolio Committee on Local Government, on provincial oversight of local government, Sanlameer, August.
 Steytler, Nico. Presentation on the role of local government in deepening democracy and facilitating development, to a meeting of the Viennese Institute for Development and Cooperation and the North-South Institute, Vienna, Austria, November.

6. Membership of bodies and other activities

Chirwa, Danwood Mzikenge
 Co-editor, *ESR Review*

De Visser, Jaap
 Member, Steering Committee of Forum for Democracy and Human Rights Education.
 Co-editor, *Local Government Law Bulletin*.

Gallinetti, Jacqui
 Member, Advisory Board, Partners for Children (Big Brother, Big Sister South Africa)
 External Examiner, University of Cape Town (Civil Procedure, Legal Aid).
 Editor, *Article 40*
 Member, Editorial Board, *Child and Youth Care*.

Kassan, Daksha
 Editor, *SAYStOP* Newsletter

Khoza, Sibonile
 Co-editor, *ESR Review*

Liebenberg, Sandra
 Member, Editorial Board of the *South African Journal on Human Rights*.
 Co-editor, *Law, Democracy & Development*.
 Member, International Editorial Advisory Board, *African Human Rights Law Journal*.
 Member, Board of Trustees, Centre on Housing Rights and Evictions (COHRE), Geneva.

Maré, Charmaine
 Member, Intergovernmental Working Group, Western Cape Local Government Organisation (WECLOGO).
 External examiner, University of Pretoria (LLM).

Smith, Geraldine
 Editor, *Local Government Law Bulletin*.

Steytler, Nico
 Contributing editor, *South African Journal of Criminal Justice*.
 Member, Scientific Committee, *Schriftenreihe Recht und Verfassung in SudAfrika*, Nomos Verlagsgesellschaft.
 Member, Board of Directors, International Association of Centres for Federal Studies.
 Member, Project Committee on the Simplification of Criminal Procedure, South African Law Commission.
 Trustee, Association of University Legal Aid Institutions Trust.
 Co-editor, *Law, Democracy and Development*.
 Co-editor, *Law Government Law Bulletin*.

Reviewer, *Publius: Journal of Federalism*, *South African Journal of Criminal Justice*, *South African Journal on Human Rights*.

Vice-Chairperson, Institute for Historical Research, University of the Western Cape.

Chairperson, Council Appeal Committee of Student Disciplinary Court.

Chairperson, Faculty Higher Degrees Committee.

Member, Search Committee of Professor in Public Administration, Faculty of Economic and Management Sciences.

External examiner, University of Namibia, Faculty of Law (LLM) University of Pretoria (LLM), University of Port Elizabeth (LLM), University of Stellenbosch (LLB).