

**COMMUNITY
LAW CENTRE**

**ANNUAL REPORT
1996**



UNIVERSITY OF THE WESTERN CAPE

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A Community Law Centre Publication

Prepared by

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A. AN OVERVIEW OF 1996

1. Background

The Community Law Centre was reconstituted in 1990 and, under the guidance of its director Adv Dullah Omar, played an important role in the realization of a new constitutional order. Adv Omar established an important research institute which was influential in the multi-party negotiations leading to the interim Constitution. The content of the Constitution, especially the bill of rights, the structures of government, the powers of the regions, the constitutional court, the electoral system, and the reincorporation of the homelands were to a large degree influenced by the research results, conferences, workshops and study tours undertaken by the Centre. During this period Ms Bridgitte Mabandla established both the Women's Rights and Children's Rights projects. Although a new complement of researchers was appointed after the departure of most of the incumbents to high political office in April 1994, the focus of the Centre's activities has remained the same.

2. Objective

The objective of the Centre is to promote and advance the human rights and democratic norms that have now been enshrined in the 1996 Constitution. It is our belief that through the establishment of a legal order based on human rights and democracy, social justice will be advanced in South Africa. In pursuit of this goal, the Centre pays particular attention to the position of women, children and other disadvantaged and vulnerable groups such as persons with disabilities.

In 1996 the Centre sought to realise this objective through three interrelated activities: research, advocacy and education. In addition the Centre has been developing its capacity as a resource centre for the broader community.

3. Research

The core of the Centre's activities and the basis of its advocacy and educational endeavours, has been high quality research at both theoretical and empirical levels in the areas of human rights and democracy. The aim of the research is to realise the broad provisions of the Constitution through the development of appropriate laws and policies.

The Centre has disseminated its research through publications, conferences, presentations, and consultancies. On the strength of their expertise members were consulted by, and have been appointed to, important state institutions and fora.

In furtherance of its research endeavour, the Centre, along with the Social Law Project at UWC and the Centre for Rural Legal Studies, has launched a new journal entitled *Law, Democracy and Development*. The journal, to be published bi-annually by Butterworths in 1997, will focus on the critical issues of democratic governance, human rights, and sustainable development.

4. Advocacy

On the strength of its research, the Centre has sought to play a leading advocacy role in promoting human rights and democracy by engaging the institutions of democracy (Constitutional Assembly, Parliament, commissions promoting democracy, the executive and the courts). The focus was not only on law reform and influencing power holders, but also the strengthening of civil society in its relationship with the state by making the Centre's expertise and resources accessible to a wide range of organisations. Advocacy was effected through conferences, seminars, publications, submissions to relevant institutions, contributions in the media, etc. The following public workshops and conferences were held, often jointly with other organisations and institutions:

- Seminar on "The gender implications of the Working Draft of the Final Constitution" (co-hosted) - February
- Workshop on "Institutional programmes for juveniles in institutions" - February

- International seminar on "Comparative aspects of human rights in South Africa and France" (co-hosted) - April
- International workshop on "The legal regulation of debt management in South Africa" - May
- Seminar on "Towards redrafting the Child Care Act" (co-hosted) - September
- International Conference on "Children with disabilities" (co-hosted) - November
- Workshop on "The Report of the Lund Committee on Child and Family Support" (co-hosted) - November

5. Education

The Centre has increasingly become more engaged in teaching and training. Again, the activity was aimed at both the state and civil society. The Centre presented workshops and seminars to members of Parliament, independent commissions promoting democracy, government departments and the judiciary in the areas of its expertise. Members participated in adult education through winter schools and other lectures and seminars. Finally, the Centre offered three LL M modules in the Constitutional Litigation programme, namely

- Criminal Justice and the Constitution,
- Socio-economic Rights, and
- Children's Rights and the Law.

As a separate component of the Centre, the National Street Law Office co-ordinated the national Street Law Programme on 18 university campuses. This programme, with an emphasis on human rights, reached numerous community groups and thousands of school students.

6. Documentation and Resource Centre

The Women and Human Rights Project has established an important documentation centre in the area of its activities. In addition, the Centre has over the past years developed a good collection of materials on human rights and democracy. These resources have been made available to the University community and outside organisations and persons.

7. Funding

The Centre has also felt the effects of the changing international climate which has made funding of the NGO sector increasingly difficult. The uncertainty of funding and the changing conditions set by funders, impacted negatively on the staff. At the end of 1996 a number of grant agreements expired. Considerable effort and time have been devoted fruitfully to securing funding for the next two years.

8. Conclusion

In the year under review the Centre has been able to meet its objective of promoting human rights and democracy. Through the various project activities the Centre played an increasingly significant role both at a national and regional level in the development of the new constitutional order and the implementation of human rights. The research output and participation in various policy-making fora by the Centre has been prodigious. This influential role that the Centre has carved out for itself, would not have been possible without the untiring work of the administrative staff which supported the projects with enthusiasm and dedication.

B. PERSONNEL

1. RESEARCH STAFF

Director	Prof Nico Steytler
Senior Researchers	Ms Sandra Liebenberg Ms Julia Sloth-Nielsen
Researchers	Ms Charlotte McClain Ms Sindiso Ngaba Mr Johan Mettler Ms Nomfundo Ntloko
Associate Researchers	Ms Shireen Said Ms Alnecia Davey
Contract Researchers	Mr Nic Fine Mr Rudolph Mastenbroek Mr Vuyo Kahla
Office Administrator	Ms Natasha Emmett
Secretary	Ms Violet Abrahams Mrs Sally Messina
Librarian	Ms Farahnaaz Safodien
Visiting Professor	Prof Daniel Bradlow
Visiting Academic	Prof Ron Slye
Student Assistants	Mr Mzamane Mzwandile Mr Mbulelo Bikwani Mr Graeme Festus Ms Laetitia Davey
Research Assistants	Ms Alethea Percival Ms Tami Mtyeku Ms Catherine Horsfield Ms Melissa Mclachlan Ms Menischia du Plessis

2. NATIONAL STREET LAW OFFICE

Director	Mr Peter Volmink
Deputy Director	Mr Desmond Grootboom
Financial Administrator	Ms Vanessa Fredericks
Secretary	Ms Trudy Fortuin
Receptionist	Ms Phumsa Salman
Assistant Researcher	Mr Hoosain Kagee

C. RESEARCH PROJECTS

1. HUMAN RIGHTS AND DEMOCRACY PROJECT

1.1. General

The Human Rights and Democracy Project focused on five broad areas: the finalisation of the 1996 Constitution, the relationship between human rights, democracy and economic development; the strengthening of the institutions of democracy; inter-governmental relations; and the constitutional principles of criminal justice.

1.2 Staff

During 1996 Nico Steytler was the only full-time researcher in the Project. The other researcher, Johan Mettler, was on a year's study leave doing a master's degree at the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, University of Lund in Sweden. Professor Daniel Bradlow from Washington College of Law of the American University in Washington DC, was appointed as a visiting professor for a period of six months. Researchers and research assistants employed on short contracts were Vuyo Kahla, Alnecia Davey and Rudolf Mastenbroek. The Project also made use of the expertise of academics in the UWC Law Faculty.

1.3 Activities

1.3.1 1996 Constitution

The Project participated actively in the final stages of the constitution making process, submitting a number of proposals to the Constitutional Assembly, consulting with the Panel of Experts, lobbying and holding a conference.

Steytler submitted proposals on the accountability of the prosecuting authority, bail, detention, and the exclusionary rule. He also participated by invitation, in the consultation meeting on the chapter on the Courts and Administration of Justice.

In April the Project's research on alternative electoral systems was published under the title *Voting in 1999: Choosing an electoral system* with Jacques de Ville and Nico Steytler as editors. The title was premised on the November Working Draft of the Constitution, which left open the nature of the electoral system. The central argument of the various contributors was that, in view of the serious shortcomings of a pure party list system which was used in the 1994 elections, a constituency element should be incorporated in the new electoral system. At the time of the publication of the book, a new draft of the Constitution appeared which enshrined a pure party list system as the electoral system. The Centre immediately lodged a campaign to have that provision reconsidered. Further submissions were made to the Constitutional Assembly. A petition urging the reconsideration of entrenching the party list system was circulated and considerable support from organisations in civil society was obtained. In the final draft of the Constitution, the question of an electoral system was left open, reverting to the November 1995 position. However, in the transitional arrangements the party lists system was preserved for the next election in 1999. While the title of the book proved to be overly optimistic, its content could still influence the debate after 1999 on a future electoral system.

In April the Centre and the French Embassy jointly hosted a seminar in Parliament and at UWC for members of the Constitutional Assembly and other interested parties on comparative aspects of human rights in South Africa and France. The key speaker was Mrs Noelle Lenoir, a judge of the Constitutional Court of France. Prof Kader Asmal MP, the Minister of Water Affairs and Forestry, opened the seminar. The following topics were dealt with: the protection of fundamental rights through abstract review; the enforcement of socio-economic rights; the application of the bill of rights to executive authorities (are any executive decisions beyond judicial review?); and equality and discrimination. Apart from Judge Lenoir, the following persons delivered papers:

- Prof Xavier Phillipe (UWC and Aux Marseille)
- Mr Johan de Waal (Stellenbosch)
- Ms Palesa Sedibe-Ncholo (Panel of Experts, Constitutional Assembly)
- Prof Gerhard Erasmus (Panel of Experts, Constitutional Assembly)
- Ms Sandra Liebenberg (CLC, UWC)
- Mr Izak Friedericks (UWC)
- Prof Jacques de Ville (UWC)
- Mr Tseliso Thipanyane (UWC)

The proceedings of the seminar will be published in 1997 under the editorship of Professors Phillipe and de Ville.

During July the Project contributed to the certification process of the Constitutional text by providing lawyers appearing on behalf of the Constitutional Assembly with supporting memoranda on a number of issues pertaining to criminal justice.

1.3.2 Democracy, human rights and economic development

In November 1995 the Project held a conference entitled "Human Rights, Democracy and Economic Development". It placed on the agenda the critical relationship between these objectives, highlighting the tension between the demands of economic development, human rights and democratic governance. A book based on papers delivered at the conference and other commissioned chapters has been edited by Steytler and will be published in 1997 by Lex Patria under the title *Human Rights, Democracy and Economic Development in Southern Africa*.

Further work was done in two areas: the legal regulation of debt management in South Africa and the constitutional principles relating to the financing of local government.

The debt burden of third world countries has had a profound impact on their sovereignty and, through structural adjustment

programmes, a devastating effect on socio-economic rights. In South Africa the management of public debt is also subject to specific provisions of the 1996 Constitution.

Professor Daniel Bradlow initiated a project on Debt Management in South Africa. The objective of this project was to alert South Africans in this field about the legal aspects, including human rights and democratic dimensions, of debt management. Research in the area resulted in an international workshop held in Gordon's Bay in early May. It was attended by 25 invited participants. The audience consisted of people from the Department of Finance, the Reserve Bank, the Fiscal and Financial Commission, provincial governments, Parliament, the private sector and academia. These participants were a multi-disciplinary group that included many of the people actually involved in making and executing South Africa's debt strategy. The speakers at the workshop were:

- Ms Gill Marcus, Deputy Minister of Finance,
- Lars Kalderen, the former head of the Swedish National Debt Office;
- Professor Jonathan Leape, Centre for Research on Economics and Finance in South Africa, University of London,
- Elena Folkerts Landau, World Bank,
- Professor Dennis Davis, UCT, and
- Professor Daniel Bradlow

The workshop proved to be significant. First, it introduced participants to international debt management experts. One result of these introductions was that, later in 1996, a delegation from the Department of Finance made a trip to Sweden where, through the good offices of Lars Kalderen, they were able to meet with Swedish debt officials and learn about their approach to debt management. (The Swedish Debt Office is one of the most respected in the world). Second, the

Department of Finance asked Prof Bradlow to prepare a memorandum discussing the impact of the new Constitution on debt management in South Africa. Nico Steytler was also invited by the Department to address a departmental workshop on the impact of the 1996 Constitution on the regulation of debt at provincial and local government level. Finally, the workshop was successful in stimulating research on debt management. Professor David Ailola and Ms Riekie Wandrag of the UWC Law Faculty wrote policy papers on the legislation envisaged by the Constitution regarding the borrowing and guarantee powers of provincial and local governments. These papers will be presented to the Department of Finance in 1997.

1.3.3. Strengthening institutions of democracy

In August the Project commenced a joint research programme with the National Democratic Institute for International Affairs, based in Washington DC, on the public funding of political parties. The 1996 Constitution provides that "to enhance multi-party democracy, national legislation must provide for the funding of political parties participating in national and provincial legislatures on an equitable and proportional basis." The aim of the project was to facilitate and inform the legislative process for implementing this provision.

In the first part of this project, a study mission was undertaken to Canada and the United States. Nico Steytler accompanied Mr Valli Moosa MP, the Minister of Constitutional Development and Provincial Affairs, and Mr Roelf Meyer, the secretary general of the National Party, first to Ottawa where meetings were held with various officials and politicians on the public funding system in Canada. Thereafter, the delegation went to Chicago to observe the Democratic Party Convention where President Bill Clinton was renominated presidential candidate.

The second part of the project entailed drafting proposals for possible legislation. Mr Pierre de Vos and Mr Isak Fredericks from the UWC Faculty of Law were commissioned to produce papers on indirect public funding of political parties (including the media) and the regulation of private funding of parties, respectively.

Steytler prepared a report called "A framework for national legislation on public funding of political parties: Implementing s 236 of the 1996 Constitution." This report contained policy choices and the basic provisions for legislation. This report was forwarded to the Department of Constitutional Development and it formed the basis of the legislation which is in preparation.

1.3.4. Constitutional principles of criminal justice

A number of submissions were made to the Constitutional Assembly pertaining to criminal justice provisions in the Bill of Rights. After the passing of the 1996 Constitution, the book on the constitutional principles of criminal justice which Steytler was writing, had to be adapted to include the new Bill of Rights. This book is due for completion and publication in 1997.

The Project also gave evidence to the Joint Parliamentary Portfolio Committee on Justice on the constitutionality of certain provisions in the Entrapment Bill and the Second Criminal Procedure Amendment Bill of 1996.

The Project provided an opinion to the lawyers acting for the National Union of Mineworkers on the constitutionality of reverse onus provisions in the Mine Health and Safety Bill. An opinion was also given on the constitutionality of provisions in the Western Cape Gambling Bill.

Steytler taught an LL M module on Criminal Justice and the Constitution.

1.3.5. Intergovernmental relations

One of the objectives of the 1996 Constitution is to entrench the distinctive spheres of governance at national, provincial and local level. It is to ensure that important decisions regarding the provision of vital services are made by authorities closest to the people who should benefit from such services. At the same time the Constitution states that these spheres of government are "interdependent and interrelated". The development of

appropriate principles and practices of effective "co-operative government" will be one of the principal challenges to make these key state institutions work to the benefit of the people they must serve.

The Project has developed some expertise in the area of provincial constitutions, intergovernmental relations, local government, and financial relations between the spheres. In furtherance of research in this area, the Centre signed a cooperation agreement with the German Institute of Federal Studies in Hannover, the leading institute in Germany in this field. Because the South African Constitution borrowed heavily from the German Basic Law on the distribution of powers between the spheres of government, co-operation with this institution will be of great benefit to the Project.

1.3.5.1. Provincial government

Steytler attended the annual meeting of the International Association of Centres of Federal Studies which was held in Hannover, where he gave the country report on South Africa. The Centre was invited to apply for membership of the Association, and an application to this effect was lodged with the Association toward the end of the year.

Steytler was appointed as one of the Technical Advisors to the Standing Committee on Constitutional Affairs of the Western Cape Legislature, tasked with the drafting of a provincial constitution.

1.3.5.2 Local government

Preceding the work done on the constitutional principles relating to local government finance, the Project contributed to the chapter on local government in the 1996 Constitution. The Project provided the Chairperson of the Portfolio Committee on Constitutional Affairs with a research assistant, Mr Rudolf Mastenbroek. Whereas Mastenbroek initially focused exclusively on research for the successor to the Local Government Transition Act 209 of 1993, the focus of his work shifted towards research on the provisions in the Constitution dealing with local government during the first four months of 1996.

Research was conducted on whether local government should have delegated or original legislative powers and whether local government was to be seen as a functional area falling within a provincial government's legislative authority.

The Project continued its participation in a national task team forming part of a larger multi-national research project on development, civil society and local government in Africa. This project, funded and co-ordinated by the North-South Institute in Vienna, consists of task teams of Austria, Uganda, Zimbabwe, Mozambique and South Africa. With Corplan-Efesis, an East London based NGO focussing on local government developmental issues, the Centre formed the South African task team and it gave at the annual meeting of the project, held in Maputo, South Africa's country report. This included a paper by Steytler on "Democracy, development and local government".

1.3.6. Other activities

Vuyo Kahla and Nico Steytler provided the Chairperson of the Parliamentary Portfolio Committee on Foreign Affairs with a memorandum on "The ratification of the African Charter on Human and People's Rights (Banjul Charter)", setting out the human rights implications of ratifying the Charter.

1.3.7 Conclusion

With the 1996 Constitution setting a new paradigm of democratic governance, the focus of the Project's activities will shift towards strengthening of the constitutional institutions of democracy that have been established. Three aspects will receive attention: first, strengthening the responsive and democratic nature of the electoral system with particular reference to intra-party democracy; second, examining the proper functioning of the legislatures and executives with particular reference to the distribution of powers between the different spheres of government; and third, researching the impact that the trend towards globalization has on domestic institutions of democracy, with particular reference to the role of international institutions such as the World Trade Organisation, the World Bank and the IMF.

2. WOMEN AND HUMAN RIGHTS PROJECT

2.1 General

The primary objective of the Women and Human Rights Project is to promote the adoption of laws and policies that advance the attainment of substantive equality for women in South Africa. The apartheid legacy of social and economic disadvantage is a major structural source of the unequal status of the majority of women in South African society. A key focus of the project is the effective utilisation of human rights norms and structures for redressing these disadvantages, particularly the rights to gender equality and the socio-economic rights recognised in the South African Constitution and in international human rights law.

To achieve these objectives the Project undertook the following activities -

- research relating to the areas of focus of our project, as well as the publication and dissemination of this research;
- lobbying and advocacy for effective laws and policies which ensure women's equal enjoyment of fundamental human rights; and
- education related to our research both within and outside the University.

2.2 Staffing

During 1996 there were two full-time researchers in the Project: Sandra Liebenberg, who is senior researcher and responsible for overall co-ordination of the Project, and Sindiso Ngaba. Farahnaaz Safodien was appointed in August as a full-time documentalist in the Women and Human Rights Documentation Centre, a complementary component of the Women and Human Rights Project. Gill Kerchhoff continued to act as a consultant for the Documentation Centre.

2.3 Activity Report

2.3.1 The 1996 Constitution

Until the final adoption of the new Constitution by the Constitutional Assembly on 8 May 1996, the work of the Project focused primarily on the drafting of the Constitution, in particular the Bill of Rights and the sections dealing with the institutions supporting constitutional democracy. The objective of our research, lobbying and advocacy in this area was to secure a constitutional framework that would be most favourable for the achievement of full equality for South African women.

Until the conclusion of the initial phase of the constitution-drafting process in May, Sandra Liebenberg served on the Technical Committee advising the Constitutional Assembly on the Bill of Rights. Following the judgment of the Constitutional Court on 6 September regarding the certification of the Constitution she was also appointed as a legal advisor on a Working Group dealing with amendments to the constitutional text in line with this judgment. In her capacity as technical advisor she was responsible for preparing advisory opinions, memoranda and draft formulations of the various rights in the Bill of Rights for consideration by the Constitutional Assembly.

During January 1995 the Project hosted a Conference aimed at stimulating debate and lobbying amongst women's rights activists and organisations around the drafting of the final Constitution. (see *The Constitution of South Africa from a Gender Perspective, 1995*, edited by Sandra Liebenberg, published by the Community Law Centre in association with David Philip: Cape Town). This was followed up with a seminar on "The Gender Implications of the Working Draft of the Final Constitution" co-hosted with the National Association of Democratic Lawyers Gender Desk and the Law, Race and Gender Project (UCT) held in Cape Town on 2 February. One of the guest speakers at this seminar was Prof Elizabeth Schneider, Brooklyn Law School and Visiting Professor of Law at Harvard Law School, USA. She is an expert in the field of legal mechanisms to combat violence against women.

The object of this seminar was to evaluate the extent to which women's rights were protected in the working draft of the Constitution, and to identify areas where further research and lobbying efforts were required.

During July the Project participated actively in the process of certification of the final Constitutional text. The project joined with other NGO's, specifically the Legal Resources Centre and the Centre for Applied Legal Studies, to support certain aspects of the constitutional text which were being under challenged. They related to the sections dealing with reproductive rights, socio-economic rights and the gender implications of the chapter dealing with traditional leadership. The project took responsibility for preparing the joint written submission for the Constitutional Court hearings relating to socio-economic rights. Legal counsel was briefed to present oral argument at the hearings on behalf of the three organisations. In all these areas the Constitutional Court rejected the objections and confirmed that the particular text complied with the Constitutional Principles.

In the final analysis we believe that our Project as well as the many other organisations who participated in the constitution-drafting process achieved our objectives. The 1996 Constitution lays a strong foundation for the achievement of substantive gender equality in South Africa. The Bill of Rights includes the rights to gender equality, reproductive rights, the right to be free from all forms of violence, and socio-economic rights. The relationship between cultural and religious rights and the right to gender equality is also spelt out more clearly. The exercise of cultural and religious rights must be consistent with the other rights in the Bill of Rights which includes women's rights to dignity and equality. In addition, the Constitution establishes a Human Rights Commission and a Commission for Gender Equality to safeguard the rights entrenched in our Constitution.

The main challenge now facing the Project and other women's rights activists will be the effective implementation of the rights reflected in the Constitution through concrete laws and policies. It is essential that abstract rights are translated into real changes in the daily lives of disadvantaged women in South Africa.

2.3.2 Gender equality and socio-economic rights

A major area of focus for our Project has been the significance of the socio-economic rights in our Bill of Rights and in international human rights instruments for disadvantaged women in South Africa. The Project participated actively in a campaign with a number of other NGO's to ensure that socio-economic rights were entrenched in the Bill of Rights. Our current research is directed at developing a methodology and jurisprudence for implementing and enforcing these rights which will advance the achievement of substantive gender equality in the South African context.

The Project is collaborating with the South African Human Rights Commission on developing an appropriate methodology for fulfilling their constitutional mandate regarding the monitoring of socio-economic rights. This work is being conducted in association with the Centre for Human Rights, University of Pretoria. Sandra Liebenberg and a visiting researcher in the Project, Catarina Krause of the Åbo Akademi Institute for Human Rights (Finland), presented papers at a workshop of the Human Rights Commission held on 18 September 1996 on "The Monitoring of Socio-Economic Rights".

A joint submission on "Economic and Social Rights and the Truth and Reconciliation Commission" was initiated in conjunction with Legal Resources Centre and Development Action Group. This submission is currently in the process of being finalised.

As members of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) NGO Working Group, the Project drafted a set of questions relating to the attainment of substantive gender equality in the fields of housing (in association with the Development Action Group) and social security. These will be included in a Manual being produced by the Working Group on the South African government's reporting obligations under CEDAW. Arising from this process the Project initiated the formation of a study and advocacy group on Gender and Housing Rights together with other NGO's active in the sector.

Following the release of the Report of the Lund Committee on Child and Family Support (August) we co-hosted a workshop in November with the Gender Equity Unit (UWC) to study the implications of this report for disadvantaged women and children in South Africa. Arising from this workshop the Project co-authored representations which were submitted in December to the Minister of Welfare and Population Development and the Parliamentary Portfolio Committee on Welfare relating to this Report. These representations have to date been endorsed by approximately 17 individuals and organisations. Work in the area of the gender equality in relation to housing and social security rights will continue during 1997.

2.3.3 The Women and Human Rights Documentation Centre

The Centre has succeeded in building up a comprehensive collection of materials on a wide variety of subjects related to women's human rights. It has been open for use as a reference library to students, NGO's, parliamentary researchers and other groups active in promoting women's rights. The Centre was officially opened at a reception hosted by the Centre at UWC on 2 December. Ms Rhoda Kadalie, a member of the Human Rights Commission delivered the key-note address, and a speech was read on behalf of Ms Brigitte Mabandla, Deputy Minister of Arts, Science, Technology and Culture who apologised for being unable to attend the occasion owing to pressing official commitments. It is hoped that the Centre will become a valuable resource for a wide variety of organisations and researchers working in the field of gender and human rights in South Africa.

Sindiso Ngaba attended a training course on behalf of the Centre hosted by the Human Rights Institute of South Africa (HURISA) in Johannesburg on information-gathering and documentation-skills relating to women's human rights. The training included the use of an international software system for documenting human rights violations, EVSYS. This system can assist NGO's to monitor compliance by government with its obligations under the UN Convention on the Elimination of all Forms of Discrimination against Women which was ratified in January 1996. Sindiso installed the relevant software at the Women and Human Rights Documentation upon completion of this course.

2.3.4 Violence against women

The project commissioned Helene Combrinck, a lecturer in the Law Faculty at UWC, to conduct research relating to the constitutional obligations on the South African government to prevent, investigate and punish violence against women. This research culminated in a paper which has been submitted for publication on behalf of the project. Helene also prepared representations on the draft framework legislation for the prevention of violence against women prepared by the UN Special Rapporteur on Violence against Women. These representations, which were endorsed by Rape Crisis and NICRO Women's Support Centre, were submitted on behalf of our project to the Portfolio Committee on Justice. The Project participates together with representatives of other NGO's in a working group to formulate recommendations for the amendment of legislation and the common law relating to violence against women. Work in this area will continue during 1997.

2.3.5 Reproductive rights and health

The Project joined the Reproductive Rights Alliance during 1996. Members of the Project participated in the efforts to ensure that the right to make decisions concerning reproduction and to right to have access to reproductive health care services were included in the Bill of Rights of the final Constitution. The Project also supported the work of the Alliance on the Choice on Termination of Pregnancy Act which was passed by Parliament during its last session of 1996. The Project plans to continue work in this area as members of the Alliance.

2.4. Staff Development and Training

Sandy Liebenberg attended a seminar on "Crucial Issues relating to Chapter 3 of the Constitution" hosted by the Centre for Applied Legal Studies from 29 - 31 January.

Sindiso Ngaba attended a seminar on "Gender matters in development: teaching and training strategies for the post-Beijing order" at the University of East Anglia, Norwich,

Britain from 23 April to 2 May. She received a merit certificate upon completion of the course.

Sindiso Ngaba was nominated and accepted to attend a course on "The Equal Status and Human Rights of Women" offered by the Raoul Wallenberg Institute, University of Lund, Sweden from 23 September to 18 October. Participants were required to present papers on the constitutional, statutory and other mechanisms in operation in their various countries to eliminate discrimination against women. Sindiso received a diploma upon completion of the course.

2.5 General

The project hosted a visiting expert on social and economic rights, Ms Catarina Krause, of the Institute for Human Rights, Åbo Akademi University, Turku (Finland) during September 1996. Ms Krause is co-editor of an internationally acclaimed textbook on *Economic, Social and Cultural Rights*. She participated in the teaching of the LLM- module on socio-economic rights and gave a presentation at a workshop hosted by the SA Human Rights Commission.

2.6 Conclusion

The Project has had a busy and productive year with involvement in a wide variety of initiatives to improve the rights and quality of life of South African women. A factor which affected the work of the Project, particularly in the area of networking with other organisations and public advocacy was inadequate secretarial and administrative support. In addition the project was understaffed in relation to the volume of work required of its members. These matters will hopefully be addressed during 1997.

With the coming into force of the final Constitution we plan to shift our emphasis to the area of legislative/policy development and monitoring. Our objective is to promote the effective implementation of constitutional rights for women. A major area of focus over the next year will be the gender dimensions of the social and economic rights entrenched in the Bill of Rights.

We plan to continue research on the gender implications of the human rights embodied both in the South African Constitution and in international human rights instruments. A major challenge facing the project in the year ahead is to examine how human rights and legal processes can advance substantive gender equality and improve the quality of life of disadvantaged women in South Africa.

3. CHILDREN'S RIGHTS PROJECT

3.1 General

The Children's Rights and Advocacy Project focuses on legal and policy research within the children's rights field. With South Africa's ratification of the Convention on the Rights of the Child, international human rights law in this area forms the backdrop to the specific activities we undertake. These include incorporation of international standards in domestic law and practice, monitoring aspects of the implementation of children's rights and development of appropriate legal protections for children. Independent of academic publication for the development and furtherance of children's rights, translation of our research into training material, popular and accessible published works, and documents for advocacy and lobbying are important goals too.

3.2 Staff

During 1996, several contract researchers were employed, or continued existing contracts, to undertake and complete discrete projects. There were, at the commencement of the year, three full time researchers. After the resignation of Shireen Said mid year, Nomfundo Ntloko joined the staff of the Project.

Charlotte McClain was seconded from April to December to the Deputy President's Office as Disability Programme Director, Legal Services, to review current legislation on people with disability and to develop a White Paper on Disability.

The Project was also ably assisted by student assistants during the year under review.

3.3 Overview of Activities

3.3.1 Juvenile Justice

A great deal of developmental work was done in this field, as well as consolidation of previous fieldwork and research.

Activities are divided into: (1) research, papers, conference presentations and workshops; and (2) participation in various fora.

3.3.1.1 Research, papers, conference presentations and workshops

The work which commenced in 1995 with respect to the development of programmes for juveniles in institutions, continued in 1996. In February, Nic Fine introduced his programme model at a workshop hosted by the Children's Rights Project for practitioners from a range of fields, including Correctional Services officials, probation officers, NGO's and researchers planning the new juvenile prison, Ekuseni, in KwaZulu-Natal. He also visited colleagues in Namibia, and was invited to present the content of the programme to practitioners and policy makers there. The programme was hailed as an instant success and has contributed to the development of juvenile justice reforms in Namibia. He continued his pilot project with staff at a local place of safety designated for awaiting trial youth, and was proud to present graduation certificates to staff and youth prior to his departure. Nic's programme was the topic of a five day seminar hosted by NICRO for staff working on diversion programmes. His contribution was described as having introduced a "breath of fresh air" into the field of programme development. His work culminated in the publication of a manual for people working with youth at risk entitled *Through the Walls*. This has been widely disseminated, both within the country and beyond our borders, to practitioners and policy-makers. The book launch was addressed by the Minister of Welfare and Population Development, Geraldine Fraser-Moleketi MP.

Two staff members were invited to give oral evidence, following on a written submission, to the Portfolio Committee on Correctional Services when amendments to section 29 (relating to juvenile detention in prison) were considered in March. Some of the proposals were encompassed in the legislation that eventuated. The content of the amendments and the process whereby they were adopted were subsequently written up as an article which was published in the 1996 *South African Journal of Criminal Justice*.

Research on the family group conference pilot in Wynberg in which project members participated was completed, and a preliminary research report written up in conjunction with a staff member from the Centre for Dispute Resolution Trust. An initial airing was invited by the organisers of the annual conference of the South African Association of Family Mediators in May. Subsequently, Julia Sloth-Nielsen presented a paper outlining the context of family group conferencing and the outcome of the pilot at the international criminology conference hosted by UNISA in July. The paper forms the basis of a chapter in the imminent book containing the full research papers presented at the juvenile justice conference hosted by the Community Law Centre in October 1995.

Interest in the amendments concerning juvenile detention practices continued, and in May, Julia Sloth-Nielsen was requested by the Inter Ministerial Committee on Youth at Risk to prepare a proposal for independent monitoring of the implementation of the new law. This was done, and monitoring commenced with a group of individuals from six NGO's spread throughout South Africa. Numerous prison, police cells, and court visits have been undertaken in accordance with this project which enjoyed the approval of Cabinet. Some significant successes have been evident through the constant and personal monitoring that has been undertaken. The Project is ongoing in 1997, and will culminate in a presentation of an advisory report concerning the possible extension for one more year of the 1996 Amendment Act.

Part of the monitoring involves the collection of such proper statistics on juvenile arrests and detention as can be ascertained. As a follow-up to visits to prisons in the Northern Cape, where sentenced juveniles were also interviewed, statistics were requested from the Department of Correctional Services pertaining to sentenced children. These statistics were then analysed and the resulting report profiled in the media. They were also incorporated in the Annual Juvenile Justice Review which is to be published in the November 1996 issue of the *South African Journal of Criminal Justice*.

As numerous practical problems were experienced by magistrates and social workers tasked with implementation of the new law on juvenile detention, Julia Sloth-Nielsen was requested to present papers at workshops, and to chair workshops arranged by the Deputy Minister of Justice, who expressed particular concern about the application of this law. Contributions to these fora included: paper given at the June conference of the Provincial Administration of the Western Cape on the new laws pertaining to the detention of juveniles, and a lecture to magistrates in Cape Town for the Law, Race and Gender Project (UCT) on a similar theme. Further, she addressed a workshop on functioning of section 29, hosted by the Deputy Minister of Justice for the Western Cape magistracy in September; and was then requested by the Deputy Minister, to chair a similar workshop in Durban in November.

At the invitation of the Inter-Ministerial Committee on Youth at Risk (IMC) Julia Sloth-Nielsen was requested by the IMC to provide training to probation officers working with children on children's rights, constitutional provisions and legal matters pertaining to juveniles, including assessment centres and sentencing options. Training was provided at two workshop for probation officers in Durban prior to implementation of the Durban pilot project on assessment centres; and again at a workshop for probation officers, social workers and NGO's in Kimberley on the same themes during August.

3.3.1.2 Participation in various fora

Staff members participated in a range of initiatives in the juvenile justice field, many related to the practical implementation and problems experienced with the new section 29. Julia was asked to attend the evaluation and strategic planning of the IMC in February and she and Nomfundo Ntloko participated in Western Cape Inter-Ministerial Committee on Youth At Risk as well as the Cape Town magistrate's court assessment committee. Julia Sloth-Nielsen was invited to form part of PAG (Probation Advocacy Group), an initiative of the IMC aimed at providing professional pre-trial services to children. This group met several times in 1996

with the view to establishing career standards for probation officers, as well as initiating training for these role players. Julia was requested to present a paper at the November seminar of the Inter-Ministerial Committee on Youth At Risk on the 1992 Probation Services Act and Regulations, analysing this Act and suggesting that it should be redrafted to provide for improved delivery of services to awaiting trial children.

Julia was invited to participate in an African Seminar on Juvenile Justice in Swaziland in October as a guest of Radda Barnen, where she gave an informal presentation on sentencing trends for children in South Africa. She was appointed to the South African Law Commission Project Team on Juvenile Justice with effect from 1 December. Julia's interest in and work with children in prison has lead to her appointment as a member of National Advisory Council on Correctional Services by the Minister of Correctional Services, for a two year period.

Nomfundo Ntloko was invited to join a UNICEF lead government/NGO delegation to Brazil, to examine juvenile justice and implementation of the Brazilian National Programme of Action.

3.3.2 Child Protection

3.3.2.1 Child Care legislation

Work was done in two related areas concerning child care legislation, taking forward a process that started in 1995. The first area revolved around amendments to the Child Care Act, which eventually were adopted as legislation on 6 November 1996, and the second was working towards a comprehensive rewrite of child care legislation.

With respect to the 1996 Amendment Act, the following activities occurred: as a follow-up to an informal workshop that drafted comments to the draft child care legislation circulated by the Department of Welfare, Julia Sloth-Nielsen and a colleague based at the University of Cape Town presented a conference paper at the Congress of South African University

Teachers of Law held at UWC in January. This paper was published in 1996 *South African Journal of Human Rights*. We also attended Portfolio Committee meetings where the scope and ambit of the amending legislation were debated. An informal advisory/consultative role developed between ourselves and the Portfolio Committee, which consisted of our advice being sought on the content and formulation of various drafts of the Act. The new departmental legal advisor also consulted us at various times throughout the year.

When the amending legislation was finally passed by Parliament, a further follow up publication was written for the *South African Journal on Human Rights*, pointing out that despite the numerous revisions in both scope and content that had occurred, the final product did indeed make advances for children's rights.

The draft legislation was the topic of a public lecture in the UCT public lecture series in June 1996, given by Julia and her UCT colleague.

Interest in the Child Care Act followed on research undertaken in 1995, tracking juvenile cases which had been transferred to the children's court. Research was commissioned in 1996 on an important aspect of the impending legislation, namely legal representation of children in children's court enquiries. This research was published as an occasional paper in December 1996 (*Do Children Need Lawyers in the Children's Court?* by Prof FN Zaal), and publications emanating from both the 1995 and 1996 fieldwork also appeared. Further research has been commissioned on removal of children in children's court enquiries, which is being prepared for publication.

As a consequence of the above involvement, Julia Sloth-Nielsen was invited by IDASA to be the "reference person" for the welfare sector research which will form part of the planned "Children's Budget", to be publicised in 1997. She is also reference person for the justice sectoral paper.

As the ambit of the amending legislation shrank throughout the

year, it became apparent that an extensive reconsideration of the Child Care Act would be required in order to refocus South African law, and comply with international commitments in terms of the Convention on the Rights of the Child. With respect to the possible drafting of a new Child Care Act, the Community Law Centre co-hosted, together with the Portfolio Committee on Welfare and Population Development, a conference in September aimed at advocating for a speedy redraft of the entire Child Care Act. Entitled "Towards redrafting the Child Care Act", the invitees were parliamentarians from the Portfolio Committee, major NGO stakeholders, UNICEF, the S A Law Commission and the Department of Welfare. The Minister of Welfare gave a keynote speech, and the recent experiences of three African countries in redrafting child care legislation were presented by invited guests from those countries.

As juvenile justice legislation and child care legislation intersect at some points, it is being advocated that both drafting processes should occur within related time frames. Part of the advocacy for appropriate child care and protection legislation involved Julia Sloth-Nielsen writing a feature article "Towards redrafting the Child Care Act", published in the journal *The Child and Youth Care Worker*, describing the import of the conference. A full conference report will be completed in early 1997.

Through the conference, research and advocacy, the Community Law Centre has opened new debates around protection of children in children's court enquiries. Our fieldwork and research on children's courts and their functioning is the first ever, and has been widely hailed.

3.3.3 Children with disabilities

Charlotte McClain was invited to join the Office of the Deputy President from March until December 1996 to form part of a team drafting a White Paper on disability. During this period, she held a workshop for members of Parliament, NGO's and other concerned people on the topic of legal rights and children

with disabilities in May. Regarded as highly successful, this initial workshop gave rise to an international conference in November 1996, co-hosted by the Community Law Centre and the Office of the Deputy President on the theme "Disability and the law with a special focus on children with disabilities". Charlotte McClain presented a paper entitled "Policy, the Constitution and finally legislation" at this conference, and contract research on the equality clause and implications for people with disabilities was undertaken by Pierre de Vos of the Faculty of Law, UWC. A publication arising from the conference is due in 1997. Charlotte has been appointed to the task team of the Human Sciences Research Council on disability research, and attended a conference hosted by the Disabled Children's Action Group in October. She also assisted SADI (the South African Disability Institute) in the development of a proposal for a commission on disability.

During 1996 Charlotte McClain also developed a special focus on and expertise in the related areas of child abuse and sexual exploitation of children. She attended a conference organised by the Network Against Child Labour on this theme, and subsequently attended the World Congress on Commercial Sexual Exploitation of Children in Stockholm in August. As an NGO delegate, she was able to make an intervention in the South Africa Country report presented at the Congress by the Minister of Welfare. As a follow up to this, the Department of Welfare established a post-Congress task team to work further on South African problems concerning commercial sexual exploitation of children, and Charlotte is representing the Community Law Centre on this task team. Finally, she was appointed to the South African Law Commission project team on sexual offences by and against children, which will convene in 1997 to pave the way for law reform in this area.

3.3.4 Children's rights: Constitution and Convention

At the beginning of the year, the staff of the Project completed their input in the justice sector NPA document that eventually was submitted to the NPA steering committee.

In the last months before adoption of the 1996 Constitution, some outstanding issues concerned aspects of the proposed children's rights clause. The children's rights and advocacy project organised a seminar on children's constitutional rights at Parliament during February, concentrating on those few issues. Prof Thandabantu Nhlapo of the South African Law Commission prepared a paper on the rights of the child to family care, and Charlotte McClain prepared a submission on the rights of children in especially difficult circumstances. Tseliso Thipanyane, now researcher with the Human Rights Commission was invited to address the topic of the rights of detained children.

Julia Sloth-Nielsen was hosted by the South African High Commission in Ottawa during a study tour in Canada in May 1996. She visited juvenile detention facilities, juvenile courts, human rights and research institutes, as well as people dealing with children's rights issues at the Department of Justice. She also presented a paper at the Canadian Association of African Studies conference in Montreal on the development of children's rights in South Africa.

An elaboration of this paper was presented by her at the International Sociology of Law Conference in Glasgow in July. Titled "The contribution of children's rights to the reconstruction of society", the paper was well received, and she was asked to submit it for publication in the *International Journal of Children's Rights*.

Julia was invited to give a lunch time seminar to Human Rights Commission in November 1996 on "Children's Rights", and gave several radio interviews on children's rights issues, including fathers' rights and children's rights, children in institutions, and amendments to child care legislation. Charlotte, too, was invited to give three radio interviews following on the November conference on disability and the law, which also enjoyed wide media profile in newspapers and television.

The Community Law Centre presented the first South African course on Children's Rights and the Law, an LLM Module, which was taught by Julia Sloth-Nielsen.

3.4 Conclusion

The staff members have contributed actively in the year under review to both law reform, advocacy and dissemination of the Convention on the Rights of the Child. Projects in which the Children's Rights Project have played a role for the last few years are bearing fruit, as evidenced by the appointment of staff members to the South African Law Commission Project committees on juvenile justice and sexual offences by and against children. In addition, research and advocacy in the area of child protection law and children's courts initiated by the project has resulted in a fresh interest in these important protective mechanisms for children. Lastly, Charlotte McClain has assisted in furthering understanding of the rights of people with disabilities, and contributed towards law and policy reform in this area. 1997 will see initiatives of 1996 taken further. Hopefully, a process of redrafting the Child Care Act will commence, monitoring of sentenced and sentenced children in prison will lead to shifts in policy and practice on juvenile incarceration, and new legislation on children in trouble with the law will be developed. 1997 is the year of the first South African report to the UN Committee on the Rights of the Child. Emphasis is likely to be placed on both analyses of what has been achieved in the children's rights field since ratification of the Convention in 1995, as well as upon what shortcomings have been identified. The Children's Rights and Advocacy Project's research, reports and fieldwork will be an invaluable source of material for this endeavor.

D. STREET LAW

1. National Street Law Office

1.1 General

Street Law celebrated its 10th anniversary during 1996. The year was marked by tremendous growth in the numbers of Street Law programmes across the country. Street Law operated from the following universities: North West, Cape Town, Natal, Fort Hare, the North, Orange Free State, Port Elizabeth, Potchefstroom, Pretoria, Rhodes, Stellenbosch, Western Cape, Witwatersrand, Venda, Zululand, RAU, Unisa, Transkei and the Southern Cape College of Education. The programme is also run through the Youth Commission in the Northern Cape and at the Legal Aid Clinic in Nelspruit.

The task of the National Office was to co-ordinate the activities of the various projects, provide support and materials and raise funds.

1.2 Schools Programme

The schools programme formed the backbone of the national Street Law programme and it involved approximately 1200 high schools. At each school plus minus 200 pupils were reached which translated into 240 000 high school students for the year 1996.

The impact of Street Law was made possible through the use of senior law students who went to the different schools to teach the programme. Approximately 750 law students were involved in the programme nationally.

Street Law was offered as an elective in the B.Proc and the LL.B courses at 15 universities. The course is essentially a course in Public Interest Law which is aimed at introducing students to public interest legal issues. In this way Street Law contributed towards the training of a large number of future lawyers.

1.3 Teacher Training

There are about 5 000 high schools in South Africa. Even with the large workforce of law students, it is impossible to reach all the schools directly through the Street Law programme.

Teacher training has thus become an integral part of the Street Law Programme to increase its impact. All the co-ordinators ran a teacher training workshop on a bi-monthly basis with plus minus 30 teachers attending regularly. This translated into the training of 15 750 teachers during 1996.

1.4 Curriculum Development

The main thrust of the strategic direction of Street Law National Office has been the institutionalisation of legal education, human rights education and democracy education. This means that Street Law is committed to support, first, the initiative to incorporate human rights education into the high school curriculum and second, to support the human rights education initiatives of the Human Rights Commission and the Youth Commission.

To this end the National Office participated in the development of a policy framework for the inclusion of human rights education in the schools curriculum at a national level. A number of co-ordinators were also involved in policy formulation at a provincial level. Funding was also secured to assist in the process of teacher training and the development of what is known as pre-testing learning materials. The support of the curriculum development process is an ongoing process that is done in conjunction with the national and provincial Departments of Education.

1.5 Non-Formal Education

The different universities reached out to a wide range of groupings in their respective communities. These groupings range from neighbourhood watch organisations in the Western Cape, to traditional leaders in KwaZulu-Natal. A wide range in youth programmes were conducted in collaboration with the Youth Commissions in Mpumalanga and the Northern Cape

and an extensive programme with street children in Gauteng was implemented. There were also many collaborative programmes with various community based organisations and NGO's.

The challenge here is to develop a coherent non-formal education programme in collaboration with the Human Rights Commission. The National Street Law Office has developed a strategy document which is assisting the Human Rights Commission in developing such a coherent programme.

1.6 Youth Parliament

During the year the National Office organised a successful Youth Parliament programme which about 200 young delegates attended as well as a number of representatives from government, business and the professions. The programme was a great success in that it exposed young South Africans from completely different backgrounds in terms of race, gender, class and geographic location to the concerns and views of their peers. The programme will in the future be run in partnership with the national Parliament and provincial legislatures. The programme is now seen as a process whereby young people are introduced to the processes of a democracy and especially the solutions of problems where a conflict of rights occurs.

1.7 Promotional Campaigns

Street Law co-ordinators across the country participated in regular programmes on television and radio to inform people of their rights and to deal with some of the problems that people encounter. Thousands of people, especially in the rural were reached this way. Another way of reaching people was through the production and country wide distribution of a booklet called *A Handful of Rights*.

1.8 Challenges

Street Law had to deal with a number of challenges during 1996. The major challenge was to develop a common understanding amongst the co-ordinators and the National

Office about the role and functions of the National Office. Within this we had to deal with issues of governance, leadership, management and the vision of the Street Law programme. The need was identified to restructure the organisation in preparation for the next 10 years.

2. Street Law Project at UWC

2.1 General

The UWC Street Law programme again managed to maintain an effective and far reaching human rights and legal education programme during 1996. This was achieved through harnessing the energy and commitment of 80 Street Law volunteers chosen from the ranks of senior law students. The programme again proved very popular with students when almost 300 applied for the 80 positions. The programme adopted its familiar format of reaching out to schools, prisons and places of safety and various community groupings.

2.2 Schools Programme

During 1996 Street Law worked with 80 high schools in and around Cape Town. The programme at the schools was directed at the training of teachers as well as educating school pupils about the law and human rights.

2.3 Voter Education

The Project managed to raise funds from TWS, a communications company, who briefed Street Law to conduct a Voter Education campaign in and around the Western Cape with regard to the local government elections. This programme consisted of a series of activities revolving around cavalcades, street plays, and engaging people at shopping centres, taxi ranks and other places where they congregate. Thousands of people were reached in this manner.

An extensive voter education programme was also conducted on farms in and around the Grabouw area. The students were

especially committed to this programme since they could clearly see the need for a human rights education programme directed at farm workers, and the empowering effect the programme had.

2.4 Electronic Media

Street Law at UWC has made extensive use of the community radio station as well as the public broadcaster to communicate the human rights and the rule of law message to the people in the Western Cape.

2.5 Prison Programme

A weekly programme was run with prisoners at Pollsmoor Prison dealing with issues relating to prisoners' rights. These programmes have proved popular with both the prisoners and the prison authorities.

2.6 Mock Trials

One of the tried and tested methods of teaching the processes of law and how disputes and conflicting rights are resolved is through placing students in a mock trial situation. During the past year two major mock trial events were conducted, one at UWC and the other in Oudtshoorn. The Minister of Justice, Mr. Dullah Omar MP, was the guest speaker at UWC. The mock trial competition in Oudtshoorn was conducted in a courtroom building and a number of justice officials attended and participated in the programme.

2.7 Non-Formal Education

The Project conducted a range of workshops with groups ranging from the Aids Network, the Trauma Centre, various youth groups, religious groups, trade unions and domestic workers. The reason for all these requests was that people were bombarded on a daily basis with a large number of changing laws. The programme played a crucial role in getting people to understand these changes, but more importantly the values that underpin those changes.



E. FUNDING

The funders of the activities of the Centre were the Ford Foundation, Radda Barnen (the Swedish Save the Children Fund), Swedish International Development Agency (SIDA), USAID South Africa, Carnegie Corporation of New York, Friedrich-Ebert-Stiftung, National Democratic Institute for International Affairs, and the French Embassy. The Centre would like to express its deep gratitude for their assistance and the encouragement it received from their representatives in South Africa.

1. Ford Foundation

The Ford Foundation has provided core funding for the Centre since its inception which included support for the women and children's rights projects. The second two year funding grant expired at the end of 1996. The Ford Foundation has indicated that it will conclude a further two year grant agreement.

2. Radda Barnen

The Swedish Save the Children Fund (Radda Barnen) has been supporting the Children's Rights Research and Advocacy Project since the Project's inception. The generous yearly grants have been indispensable for the success of the Project. A further grant for 1997 has been agreed upon.

3. SIDA

SIDA has supported the Women and Human Rights Project. While the initial grant which launched the Women Rights Project in 1992, came to an end in 1996, a further two year grant has been promised.

4. Carnegie Corporation of New York

The Carnegie Corporation of New York has provided the grant for the establishment of the Women and Human Rights Documentation Centre. A further two year grant agreement commencing in 1997 has been concluded.

5. USAID South Africa

USAID has supported the Centre with regard to the projects on democracy, human rights and economic development and the operation of the National Street Law office.

6. Friedrich-Ebert-Stiftung

The Friedrich-Ebert-Stiftung has continued its support of the Centre's activities and has sponsored the electoral law and local government projects.

7. French Embassy

The French Embassy funded the seminar on "Comparative aspects of human rights in South Africa and France".

8. National Democratic Institute for International Affairs

In the co-operative research project on the public funding of political parties, NDI supported the Centre both financially and with expertise.

F. VISITORS

The Centre received and met with a number of foreign visitors:

Judge Brian O'Linn, chairperson of the Commission on the reform of the Namibian criminal justice system

Carolyn Pereira, Constitutional Rights Foundation, Chicago

Pierre la Coste, International Committee of the Red Cross

Mary Griesgraber, Centre of Concern, Washington DC

Mission of the UN Centre for Human Rights, Technical Cooperation Branch

Professor Marty Friedland, University of Toronto, Canada

Professor Adrien Wing, University of Iowa

Delegation of Yale law professors

Professor Ed O'Brien, National Institute for Citizen Education in Law, Washington DC

Professor Richard L Evans, Dalhousie Legal Aid Service, Halifax, Canada

Delegation of the Ethiopian Constitutional Committee

Ms Barbara Oomen, University of Leiden

Professor Diana R Gordon, City University of New York

Professor Fred Wertheimer, USA

Professor E Kibuka, UNIAFRI, Uganda

Delegation of NGO's from Radda Barnen projects in Eritrea and Ethiopia

G. ACTIVITIES

1. Publications

Nico Steytler

Co-editor *Voting in 1999: Choosing an electoral system* (Durban: Butterworths)

Co-author "Introduction" in Jacques De Ville and Nico Steytler (eds) *Voting in 1999: Choosing an electoral system*

Sandra Liebenberg

"Social Rights in the Constitution: Towards Effective Equality for Women in South Africa" 1994-1995 *Third World Legal Studies* 225

Julia Sloth-Nielsen

"Chicken soup or chainsaws: some implications of the constitutionalisation of children's rights in South Africa" in R Keightley (ed) *Children's Rights* (Cape Town: Juta, 1996)

"The Child Care Amendment Act 1996: Does it improve children's rights in South Africa?" with Belinda van Heerden (1996) 12 *South African Journal of Human Rights* 649

"Proposed amendments to the Child Care Act and regulations in the context of constitutional and international law development in South Africa", with Belinda van Heerden, (1996) 12 *South African Journal on Human Rights* 247

"Pre-trial detention of children revisited: amending s 29 of the Correction Services Act," (1996) 9 *South African Journal of Criminal Justice* 61

"The contribution of children's rights to the reconstruction of society: Some implications of the constitutionalisation of children's rights in South Africa" (1996) *The International Journal of Children's Rights* 1

"Annual Juvenile Justice Review" (1996) 9 *South African Journal of Criminal Justice* (forthcoming)

"Towards redrafting the Child Care Act" (1996) 14 *Child and Youth Care Worker* 12

Charlotte McClain

Book review of Nic Fine's *Through the Walls* in 1996 *Imbizo* 2nd issue

Nic Fine

Through the walls: Working with youth in conflict, in crisis, in care, in custody (Bellville: Community Law Centre, 1996)

Published Commissioned Work

Professor Jacques de Ville

Co-editor *Voting in 1999: Choosing an electoral system* (Durban: Butterworths, 1996)

"The electoral system in terms of the South African interim Constitution" in *Voting in 1999: Choosing an electoral system*

"Proportional representation: Formulae for the translation of votes into seats" in *Voting in 1999: Choosing an electoral system*

"Proposal 3: Proportional representation in multi-member constituencies (model 1)" in *Voting in 1999: Choosing an electoral system*

Pierre de Vos

"South Africa's experience with proportional representation" in *Voting in 1999: Choosing an electoral system*

"Constituencies and their representatives: Limitations and prospects" in *Voting in 1999: Choosing an electoral system*

Professor MR Rwelamira

Co-editor *Confronting past injustices: Approaches to amnesty, punishment, reparations and restitution in South Africa and Germany* (Durban: Butterworths, 1996)

"Punishing past human rights violations: Considerations in the South African context" in *Confronting past injustices: Approaches to amnesty, punishment, reparation and restitution in South Africa and Germany*

Professor Lovell Fernandez

"Possibilities and limitations of reparations for the victims of human rights violations in South Africa" in *Confronting past injustices: Approaches to amnesty, punishment, reparation and restitution in South Africa and Germany*

Professor John Murphy

"The restitution of land after apartheid: The constitutional and legislative framework" in *Confronting past injustices: Approaches to amnesty, punishment, reparation and restitution in South Africa and Germany*

Professor Noel Zaal

Do children need lawyers in the children's court? (Bellville: Community Law Centre Occasional Paper)

C.R. Matthias

"Are we making progress? The 1996 Child Care Bill and some fundamental aspects of practice and procedure in the children's court" (1996) 32 *Social Work/Maatskaplike Werk* 242

C.R. Matthias and Noel Zaal

"Can we build up a better children's court? Some recommendations for improving the processing of child-removal cases" 1996 in R Keightley (ed) *Children's Rights* (Cape Town: Juta, 1996)

2. Presentations

Nico Steytler

Joint paper "A national attorney-general" Congress of the Society of University Teachers of Law, UWC, January

Panelist "Restructuring legal education" Congress of the Society of University Teachers of Law, UWC, January

Presentation "Financial provisions of the 1996 Draft Constitution" Workshop of Department of Finance, Pretoria, July

Paper "Jurisdiction and referral aspects of the proposed Commission" IDASA Conference on the Commission for the promotion and protection of the rights of cultural, religious and linguistic communities, Cape Town, September

Paper "Provincialism and civil society: Emerging trends in South Africa" Annual meeting of the International Association of Centres for Federal Studies, Hannover, Germany, October

Paper "Democracy, development and local government" International conference on Civil Society and Development, North-South Institute, Maputo, December

Radio Talk "Constitution making process" SAFM, Afrikaans Stereo

Radio Talk "Does the Constitution assist criminals?" SAFM Microphone-in

Julia Sloth-Nielsen

Joint paper "Draft child care legislation" Congress of the Society of University Teachers of Law, UWC, January

Paper "Mediation and Juvenile Justice" Annual conference of SA Association of Mediators, May

Paper "Development of children's rights in South Africa" conference of Canadian Association of African Studies, Montreal, Canada, May

Paper "New laws pertaining to the detention of juveniles" Provincial Administration of the Western Cape, Cape Town, June

Paper "The contribution of children's rights to the reconstruction of society" Conference of the International Association of Sociology of Law, Glasgow, United Kingdom, June

Joint paper "Draft child care legislation" public lecture series, University of Cape Town, June

Paper "Wynberg Family Group Conference pilot project" International CRIMSA conference, UNISA, Pretoria, July

Presentation at workshop for magistrates on the functioning of s 29 of the Correctional Services Act, Department of Justice, Cape Town, October

Presentation on sentencing trends for children in South Africa at African Seminar on Juvenile Justice, Radda Barnen and Save the Children (UK), Swaziland, October

Presentation on the 1992 Probation Service Act and Regulation, seminar of the Inter-Ministerial Committee on Youth at Risk, November

Lecture on detention of juveniles to Magistrates, Cape Town, for the Law, Race and Gender Project, UCT

Organised workshop for National NGO Monitoring Project on Children in Detention; presentation on legal implications of section 29 of the Correctional Services Act

Seminar presentation to SA Human Rights Commission on children's rights, November

Chaired workshop hosted by Deputy Minister of Justice on children in detention in KwaZulu-Natal, November

Radio interviews:

"Fathers' rights and children born out of wedlock", SABC, February

"Secure care facilities", Radio C Flat, May

"Children in institutions", The Law Reporter, SABC, September

"Children's rights and child care legislation" and "Corporal Punishment", Radio Sonder Grense

Sandy Liebenberg

Presentation "The Implementation of Economic, Social and Cultural Rights at Provincial Level," seminar on The Implementation of Human Rights at Provincial Level, Raoul Wallenberg Institute of Human Rights and Humanitarian Law (University of Lund) and the Centre for Applied Legal Studies (University of the Witwatersrand), Mmabatho, January.

Paper "Constitutional Accountability for Economic and Social Rights", Congress of the Society of University Teachers of Law, UWC, January

Lecture "Case studies - Economic, social and cultural rights and the right to development," Advanced International Programme on Human Rights in South Africa, Raoul Wallenberg Institute (University of Lund), the Centre for Human Rights (University of Pretoria) in co-operation with the South African Ministry of Justice, March

Panelist on the SABC - TV programme, Future Imperfect on "Women's rights in South Africa," produced by Penguin Films in association with the Centre for Applied Legal Studies, March

Paper "The gender implications of the inclusion of socio-economic rights in the South African Constitution," Annual Conference of the International Third World Legal Studies Association, Constitutional Change and the Processes of Democratisation, New York, March

Paper "Comments on the inclusion of social and economic rights in the final South African Constitution," seminar of the French Embassy and the Community Law Centre, Cape Town, April

Presentation "International social and economic rights standards," National Legal Resources Centre Workshop on Social and Economic rights, Cape Town, July

Paper "An introduction to the application section of the final Constitution with particular reference to the horizontality debate," Annual Judges Conference, Centre for Applied Legal Studies, Magaliesberg, July

Paper "Hearing the Voices of South African Women in the Law-Making Process," seminar hosted by the Gender Advocacy Project on "Strategies for fostering Parliament's sensitivity to meeting the needs of ordinary women", Parliament, August

Paper "Introduction to the protection of socio-economic rights in the final Constitution," workshop on "The Monitoring of Socio-Economic Rights", SA Human Rights Commission, Johannesburg, September

Presentation "Economic, social and cultural rights," Seminar on Human Rights for KwaZulu-Natal hosted by the Raoul Wallenberg Institute (University of Lund, Sweden), the Centre for Human Rights (University of Pretoria) and the University of Zululand, Richards Bay, November

Paper "The Theoretical framework of the UN Convention on the Elimination of all forms of Discrimination against Women," seminar on "Gender Equality: Strategies for Effective Intervention", hosted by the Gender Education and Training Network (GET-NET) and the World University Service, Cape Town, December

Charlotte McClain

Paper "Children in especially difficult circumstances," conference on Child Labour and the Sexual Exploitation of Children, organised by Network Against Child Labour, Pretoria, March

Paper "Future legislation anti-discrimination and disability," conference on Disability, Legislation and Policy hosted by the Namibian Ministry of Lands, Resettlement and Rehabilitation, Windhoek, Namibia, May

Paper "Policy, the Constitution and finally legislation," International conference on the rights of people with disabilities with a special focus on children, organised and co-hosted by the Community Law Centre and the Office of the deputy President, Cape Town, November

Attended Stockholm Congress on the Commercial sexual exploitation of children, made an intervention on South Africa's Country Report to the Congress as NGO delegate

Facilitated workshop with parliamentarians on the socio-economic rights of children with emphasis on children with disabilities, RAPCAN, Cape Town, February

Facilitated workshop on children's rights and child labour, hosted by IMMSA, Khayalitsha, March

Presentation at an information gathering session for the ILO delegation to South Africa conducting a national survey on child labour, November

Three radio interviews on the rights of children with disabilities, November

Television programme on human rights and disability rights, June

Sindiso Ngaba

Paper "The Commission on Gender Equality and national machinery for the advancement of women" co-presented with Rhoda Kadalie of the SA Human Rights Commission at a regional Conference on Human Rights, University of Windhoek, Windhoek, Namibia, March

3. Teaching

Nico Steytler

LL M module on Criminal Justice and the Constitution for the LLM- programme in Constitutional Litigation

Julia Sloth-Nielsen

LLM module on Childrens Rights and the Law for the LLM- programme in Constitutional Litigation

Training of probation officers on children's rights, juvenile justice and human rights for the Inter Ministerial Committee on Youth at Risk

Sandra Liebenberg

LLM module on Economic, Social and Cultural Rights for the LLM- programme in Constitutional Litigation

Course on Women, the Constitution and Human Rights" co-presented with Sindiso Ngaba at the Women's Studies Winter School, Gender Equity Unit (UWC) and the African Gender Institute (UCT), June-July.

Sindiso Ngaba

A course on Women, the Constitution and Human Rights," co-presented with Sandra Liebenberg at the Women's Studies Winter School, Gender Equity Unit (UWC) and the African Gender Institute (UCT), June-July.

4. Other Activities

Nico Steytler

Member of Senate, UWC

Member of the Senate Higher Degrees Committee, UWC

Senate Representative for the Law Faculty on the Broad Transformation Forum, UWC

Alternate Senate Representative on the Broad Transformation Forum, UWC

Senate representative on the Advisory Committee of Council on Student Behaviour, Discipline and the Quality of Life on Campus

Member of the Disciplinary Court Senate, UWC

Member of the Faculty of Law Board, UWC

Member of the Faculty of Law Appointments Committee, UWC

Member and Vice Chairperson of the Board of the Institute of Historical Research, UWC

External examiner:

Faculty of Law, University of Namibia, Criminal Law and Legal Clinic I and II

Faculty of Law, University of Stellenbosch, reevaluation Constitutional Law

External assessor, appointment of Head of Department of Law, Port Elizabeth Technikon

Member editorial board *Law, Democracy and Development*

Member of Friedrich-Ebert-Stiftung Task Team on, and co-author of report, *European Union Programme for Reconstruction and Development in South Africa: Parliamentary Support Programme*

Julia Sloth-Nielsen

Appointed to lead national NGO monitoring project of the Inter Ministerial Committee on Youth at Risk

Member editorial board *Law, Democracy and Development*

Member of the Board, Centre for Socio-legal Studies, University of Cape Town

Member of the Project Team on Juvenile Justice of the South African Law Commission

Member of the Probation Advisory Group of the Inter Ministerial Committee on Youth at Risk

Member of the NPA-Justice Sectoral Working Group

Member of the IDASA Children's Budget Project Team

External Examiner: LLM thesis, Rhodes University

Member of the Western Cape Inter Ministerial Committee on Youth at Risk

Member of the Cape Town Magistrate's Court assessment committee

Sandy Liebenberg

Shortlisted and interviewed for SA Commission on Gender Equality

Member editorial board *Law, Democracy and Development*

Charlotte McClain

Member of NPA - Justice sectoral working group

Member of Western Cape Network against commercial sexual exploitation of children

Member of Transnet Advisory Board on Disability Policy, Johannesburg

Nomfundo Ntloko

Member of the Western Cape Inter Ministerial Committee on Youth at Risk

Member of the Cape Town magistrate's courts assessment committee

Member of the national NGO monitoring project of the Inter Ministerial Committee on Youth at Risk

5. Seminars

Dr Joan Wardrob, Curtin University of Technology, Perth - "Policing in Soweto"

Dr Peter North QC, vice chancellor, Oxford University "Is law reform too important to be left to lawyers?" September