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COMMUNITY LAW CENTRE

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LAW

DEMOCRACY

DEVELOPMENT

Bridging the Transition

The Community Law Centre is committed to the protection and promotion of the human rights and democratic norms enshrined in the South African Constitution and international human rights instruments.

From its inception, the Centre has been associated with the momentous wave of change that has carried South Africa from its apartheid past to a young and fragile democracy. The Community Law Centre opened in 1990 under the guidance and inspiration of its director, Dullah Omar. During the early period, it played a key supporting role in the realisation of the new constitutional order. The goal, then as now, was the establishment of a legal order based on a culture of human rights and democracy.

Established primarily as a research institute, the work of the Centre was influential in the multi-party negotiations which led 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 re-incorporation of the homelands, were influenced by the activities of the Centre. It was during this period, too, that Bridgitte Mabandla established the Women's Rights and Children's Rights projects which still form a central focus of the work of the Centre.

Since the departure of most of the incumbents to high political office in April 1994, the Centre continued to espouse and work towards the principles on which it was founded.

The period following the first democratic elections in 1994 marked the beginning of a new era. The challenges have been formidable, but the opportunity to play a significant role in building the spirit and structures of

democracy continue to present an important challenge to the Centre. Combining a strong academic tradition with a practical hands-on approach to change, the Community Law Centre has been fortunate in making a contribution to the building of the new society. It has served both as a research base and as a resource of practical skills and expertise.

After playing a role in providing expertise for the final constitution-writing process, the Centre has subsequently adapted itself to serve emerging needs, particularly in relation to the strengthening of the new democratic order.

To this end, the Centre has developed and expanded on a series of special focus areas which, taken together, aim to provide a contribution in areas crucial to the development of a human rights-based democracy. These find their expression in five major projects: Women and Human Rights, Children's Rights, Democracy, Socio-Economic Rights and Street Law. Each is pursued through research, advocacy, education and resource development. Thus, on the one hand, the Centre seeks to assist in the building of the institutions and culture essential to democracy, on the other it has chosen to focus on the needs and status of particularly vulnerable groups such as children, women and people who are poor and disadvantaged as well as people with disabilities.

In the pursuit of its goals over the past four years, the Centre has interacted dynamically with government and Parliament – assisting in the drafting of laws, providing technical expertise to a wide variety of committees and initiatives, and researching areas of immediate and practical concern. At the same time, the Centre has collaborated with non-governmental organisations in a number of projects of central concern to civil society.

The activities and ethos of the Community Law Centre in the late 1990s must be assessed within the broader framework of a society in transition. Driven by the need for change, the role of an organisation such as this can be exciting, challenging and, at times, overwhelming. Yet it is, as we reflect on the activities of 1997, deeply satisfying to be involved in the changes our society is experiencing.

NICO STEYTLER

Director



DEMOCRACY,
HUMAN RIGHTS
AND ECONOMIC
DEVELOPMENT

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Research, Advocacy, Education and Resource Development

The core of the Centre's activities, and the basis of all its other work, is high quality research on appropriate norms, policies and practices for the realisation of human rights and democracy. The aim of the research is to realise the broad provisions of the Constitution through the development of appropriate law and policies.

On the strength of its research, the Centre is in a position to engage the institutions of democracy in order to ensure that the principles enshrined in the

Research

Research work provides the foundation for the Centre's activities. Much of the research done by the Centre is integrally related to current legislative and policy initiatives, aimed at transformation in our focus areas. All Centre projects were engaged in research that, in various fields, either responded to or was aimed at influencing government and institutions of democracy.

In 1997, the Centre, along with the Social Law Project, UWC and the Centre for Rural Legal Studies, launched a new journal *Law, Democracy and Development*. The Centre was responsible for the production of the second issue which focused on socio-economic rights and local government. A number of the research articles of the Centre were published in this edition.

Some of the significant research projects undertaken by the Centre are described below.

Constitutional Issues

In December, the Centre, together with the Association Française des Constitutionalistes, Centre

Constitution are actively implemented.

The information, resources and expertise of the Centre are shared with the wider community through its teaching and training activities within and outside the University, and its links with the institutions of democracy and civil society.

The Community Law Centre also provides direct services through sharing of expertise and resources with a wide range of organisations.

de Recherche de Droit Constitutionnel, University of Paris I, and the French Embassy in South Africa, hosted a conference in Paris on South Africa's 1996 Constitution. The conference examined the drafting process of the final Constitution, the Bill of Rights, the structure of the state, and the judicial protection of the Constitution.

Socio-Economic Rights

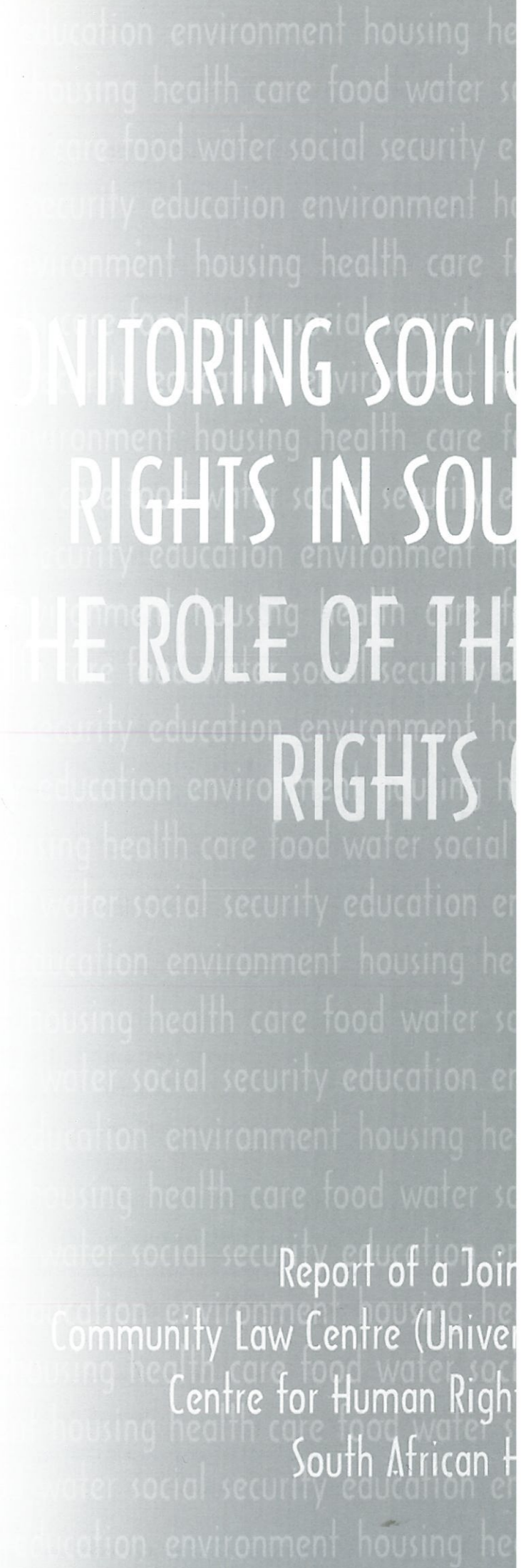
The Socio-Economic Rights Project of the Centre, together with the Centre for Human Rights, University of Pretoria, completed a number of major research papers on socio-economic rights. Two of these aimed at assisting the South African Human Rights Commission in exercising its constitutional mandate. The first set out to develop a normative framework for the identification of violations of socio-economic rights. By generating a clear understanding of the nature and scope of the obligations imposed by socio-economic rights, the relevant organs of state will also be in a better position to ensure that they are effectively implemented.

The second research paper was complementary to the first and aimed to assist the SA Human Rights Commission to identify the "relevant organs of state" (s 184(3) of the Constitution) that should provide the information required by the Commission in the pursuit of its mandate.

In addition, the Socio-Economic Rights Project began research on the individual socio-economic rights relating to housing and social security, both of which formed the basis of submissions to Parliament. A research paper on the role of local government in implementing the right of access to housing was also completed.

A research paper was completed entitled 'Gender Equality in the Enjoyment of Socio-Economic Rights: A Case Study of the South African Constitution'. It analysed the emerging jurisprudence of the Constitutional Court on socio-economic rights and gender equality and identified key strategies at the level of legislation, policies, programmes and budgets to advance women's equal access to socio-economic rights. The paper was presented in Finland in December by the co-ordinator of the Project at an expert group meeting convened by the UN Division for the Advancement of Women on 'Promoting women's enjoyment of their economic and social rights'. She was also elected Rapporteur of the meeting and was responsible for drafting the Report of the Seminar. The main recommendations were forwarded to the 42nd Session of the UN Commission on the Status of Women (2-3 March 1998).

In collaboration with the Centre for Human Rights in Pretoria, the Centre was also given responsibility for the publication of the first edition of the quarterly publication which reviews key developments relating to socio-economic rights in South Africa. Entitled *ESR Review*, the first edition was published in March 1998.



Strengthening the Institutions of Democracy

Much of the work undertaken by the Centre during the year had immediate application to the needs of national and provincial government.

Assisting Parliament

The Centre engaged with Parliament at various levels and on a variety of issues. Memoranda were prepared on specialist topics, submissions were made and workshops were organised. The Centre continued to enjoy a close working relationship with several portfolio committees.

THE ANTI-DEFECTION CLAUSE

The Democracy Project prepared a memorandum for the Ad Hoc Committee on the Membership of Legislatures on the anti-defection clause. The Committee had approached the Centre for information and views on comparative systems of elections based on party lists and the crossing of the floor as well as whether, in terms of the Constitution, it was tenable to allow a change of party allegiance. The memorandum argued that, where a sizeable percentage of a party seeks to leave that party, such defection should not entail the loss of membership. In the end, the Committee decided that no change should be made to the status quo until after the 1999 election.

REVIEWING THE CONSTITUTION

In October, the Democracy Project, the National Assembly Portfolio Committee on Constitutional Affairs, and the French Embassy co-hosted a seminar on "The interpretation and review of the Constitution by Parliament: South African and French perspectives." The seminar explored the role of Parliament as an interpreter of the constitution, parliamentary review of the Constitution, and Parliament's constitutional obligation with regard to international law.

SOCIAL WELFARE POLICY

The Socio-Economic Rights Project presented a paper entitled, "Developing welfare policy within the framework of constitutional obligations pertaining to the right to social security" at a workshop convened by the ANC Welfare Study Group (Parliament) in October.

PARLIAMENTARY RESEARCH ASSISTANCE

The Centre provided two parliamentary Portfolio Committees with research assistance in the area of constitutional law. Two students reading for the LL.M. in Constitutional Litigation were placed as research assistants at the Portfolio Committees of Justice and Welfare.

Working with and providing assistance to National Government

COMMITTEE FOR THE MANAGEMENT OF JUVENILES AWAITING TRIAL (COMJAT)

COMJAT, the Committee for the Management of Juveniles Awaiting Trial, was established by the Department of Welfare to manage the process of reducing the numbers of children held awaiting trial in prison in the period leading up to 10 May 1998. The co-ordinator of the Children's Rights Project was invited to attend COMJAT meetings as the national NGO monitoring co-ordinator. She was also responsible for the drafting of the final report when the project came to an end.

At a workshop organised by the Centre aimed at initiating an investigation of children awaiting trial in police cells, it emerged that no national information existed

on the existence, location or numbers of these children. Such information is critical to planning and implementation of a new juvenile justice system.

The workshop was aimed at the South African Police Service, who would need to be primarily responsible for setting up and maintaining such an information system. After the workshop, a task team, chaired by a representative from Business against Crime seconded to the National Crime Prevention Strategy (NCPS), drafted a business plan for the NCPS. Also as a result of the workshop, police are now notifying the Department of Welfare of juvenile arrests in some areas, in compliance with the statutory obligation imposed under s50 of the Criminal Procedure Act. The monitoring of children in prison, undertaken as a pilot project by the Centre, has now been contracted to NICRO by the Department of Welfare.

The Children's Rights Project also drafted guidelines and reporting formats for the government sponsored monitoring project, along the lines piloted between August 1996 and May 1997, at the request of the Department.

CONVENTION ON THE RIGHTS OF THE CHILD COUNTRY REPORT

In July, the NPA Steering Committee held a workshop on reporting for government on reporting to the CRC Committee. A staff member of the Children's Project was invited to facilitate the cluster on special protection, after which she was included in the government's drafting team for the CRC Report and was the principal writer on the cluster on special protection. The Project was also involved in preparing chapters for the CRC Report, specifically on the section on the best interests of the child and age, as well as assisting the Department of Welfare with the section on family environment and alternative care.

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Working with youth in conflict ~

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TASK TEAM ON COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

In October 1996, after the World Congress against Commercial Sexual Exploitation of Children, Stockholm, the Minister of Welfare set up a national interdepartmental task team. The Centre was represented on the task team and asked to research the legal ramifications of setting up a register of sexual offenders. The initial research brief was to include convicted as well as suspected offenders. However, after the findings of her research were presented, which showed that the inclusion of suspected sex offenders would violate a number of constitutional guarantees, the brief was modified to "a register of convicted sexual offenders". The report, which was submitted to the Minister of Welfare at the end of July 1997, resulted in the decision to introduce a register of convicted sexual offenders.

Assisting the Presidential Review Commission

The Centre's director provided a specialist report on the constitutional aspects of intergovernmental relations for the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa.

Working at Provincial Level

ASSISTING WITH THE WESTERN CAPE CONSTITUTION

The Centre's director acted as one of the a technical advisors to the Western Cape Legislature's Standing Committee on Constitutional Affairs and assisted with the drawing up of the provincial Constitution, which was eventually certified by the Constitutional Court in November 1997.

ENABLING PROVINCIAL GOVERNMENT

Together with the Raoul Wallenberg Institute and SIDA, the Democracy Project co-hosted and provided substantial input to a seminar which focused on human rights in public management and development. It was a capacity building exercise and was aimed primarily at civil servants in the Western Cape provincial administration.

STREET CHILDREN

The Centre was asked to participate in an initiative of the provincial Department of Welfare to address the issue of street children. A task team was formed to develop provincial policy for comment. The resulting document was made available and Business against Crime was asked to develop an action plan in order to operationalise policy.

The Centre also addressed the Cape Metropolitan Council (CMC) on the rights of street children at their assembly, and subsequently advised them on the development of their local policy on homeless people.

Assisting the South African Human Rights Commission

The Socio-Economic Rights Project was asked by the South African Human Rights Commission to assist it in developing a methodology for implementing its mandate to monitor socio-economic rights in terms of s 184(3) of the Constitution. The Centre prepared a comprehensive paper on the subject, and conducted further research on identifying the "relevant organs of state" from which the Commission could request information. The two Project researchers also served on the Commission's Protocols Committee, responsible for drafting the questionnaires for relevant government

departments on the measures they have taken towards the realisation of socio-economic rights. The questionnaires were forwarded to the relevant government departments during December 1997.

The Project was also centrally involved in planning, delivering papers and facilitating sessions of a consultative workshop with relevant government departments and NGOs hosted by the Commission in September.

The Co-ordinator of the Socio-Economics Right Project also served on the Commission's Standing Committee on Government and Parliamentary Liaison. The Committee is responsible for advising the Commission on legislative and policy interventions needed for the protection of human rights.

The Centre was also represented on the Commission's Committee on Children's Rights and the Disability Sub-committee. The aim of this Committee is, amongst other things, to advise the Commission on policy, investigations and other issues related to disability rights.

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Working towards Law Reform

Through its involvement in the committees of the South African Law Commission, the Centre has been centrally involved in the research, discussion and drafting of legislation. In addition, advice was sought from the Centre on a variety of legislative issues under consideration.

South African Law Commission Project Committees

PROJECT COMMITTEE ON JUVENILE JUSTICE

The Children's Rights Project has been at the forefront of work on proposed legislation on the new juvenile justice system as a result of the appointment by the Minister of Justice of the project co-ordinator as a member of the South African Law Commission Project Committee on Juvenile Justice. The Issue Paper on Juvenile Justice (Project 106 Issue Paper no 9) was released for public comment on 15 May 1997.

Thus the advocacy for a new juvenile justice code that has been at the forefront of the Project's efforts since the early 1990s has begun to bear fruit. Several sections of the issue paper, including sections on police powers, pre-trial release, structure of juvenile courts, sentencing and monitoring a new juvenile justice system, were written by the staff member. For the first time in its history, the Law Commission embarked on a public consultation strategy including workshops with the public and stakeholders to debate the matters raised in the Issue Paper. The first public consultation phase ended on 30 September. The second phase in the law reform process, namely the drafting of a discussion document, and the preparation of draft legislation, will be undertaken in early 1998.

COMMITTEE TO REDRAFT CHILD CARE AND PROTECTION LAW

Following a conference organised by the Centre in September 1996 in which a strong call was made for the redrafting of child care legislation in South Africa, several of the participants of the conference were appointed to the South African Law Commission Project Committee to redraft Child Care and Protection Law. These included a Centre staff member and three researchers who had previously conducted contract research for the Centre on children in need of care. The Committee plans to complete its first Issue Paper by April 1998.

PROJECT COMMITTEE ON SEXUAL OFFENCES AGAINST CHILDREN

The Children's Project was also represented on the South African Law Commission Committee on Sexual Offences against Children. The SA Law Commission recently released its Issue Paper which looks broadly at common law and statutory sexual offences against children. It also looks at procedural and investigatory processes, at the role of a broad range of professionals involved and introduces concepts such as family group conferences. Again, it was decided that public participation was essential and Radda Barnen funded this part of the project.

PUBLIC FUNDING OF POLITICAL PARTIES

The Democracy Project completed the research project, begun during the previous year, on public funding for political parties. This project was undertaken jointly with the National Democratic Institute for International Affairs in Washington DC. It culminated in reports to the Department of Constitutional Development and Provincial Affairs on a framework for legislation to give effect to the constitutional

requirement for the proportional and equitable distribution of public funds to political parties (s236 of the Constitution), and the indirect funding of political parties through free access to the state-controlled media.

BAIL LEGISLATION

The Democracy Project also advised the Minister of Justice on the constitutionality of amendments to the Criminal Procedure Act which would make the granting of bail in the most serious cases more difficult.

The Children's Project made an oral submission to the Justice Portfolio Committee on the effect of the new provisions on assessment centres. The resultant legislation now provides for measures to ensure that progressive juvenile justice practices will not fall away as a result of the harsher legislation on bail.

LEGISLATION ON MINIMUM SENTENCES

The Democracy Project prepared a written submission and addressed the parliamentary Portfolio Committee on Justice on the constitutionality of new legislation relating to minimum sentences for certain serious offences. The argument that provisions which sought to make the increased penalties retroactively applicable, was unconstitutional, was accepted and those provisions were not included in the final version of the legislation.

In relation to the same legislation, the Children's Project, together with Ann Skelton of Lawyers for Human Rights Child Rights Unit, noting that children had not been omitted from the ambit of the new provisions, prepared a lengthy submission for the Justice Portfolio Committee. The Committee ameliorated the provisions to a certain extent, excluding children of 15 and under from their ambit, and wording the provisions slightly differently for children of 16 and 17 years.

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Working with NGOs

Much of the advocacy work undertaken by the Centre involves building co-operation, networks and sometimes issue-driven coalitions with a wide variety of non-governmental and community based organisations. Such co-operative ventures have included Lawyers for Human Rights, the Centre for Human Rights, the South African National Coalition of Non-governmental Organisations (SANGOCO), the Black Sash, the Legal Resources Centre, Corplan-Efesis Local Government Project and the Gender in Africa Information Network. During 1997, the Women and Human Rights Project and the Socio-Economic Rights Project participated in the following networks: the Reproductive Rights Alliance; the Network on the Child Support Grant; the Housing Rights and Gender Group; the Western Cape Network on Violence Against Women.

The Centre has also engaged in a wide range of collaborative efforts with other organisations to deal with a variety of strategic campaigns that will affect the lives and well-being of South Africans in the future.

Housing Bill

The Socio-Economic Rights Project initiated an informal coalition of organisations which worked together to make a submission on the Housing Bill which defines norms and standards for housing and establishes a framework for the process of delivering housing in South Africa.

The focus of the submission was the extent to which the Bill gave effect to the right to adequate housing in the Constitution and international human rights instruments, and the extent to which it adequately addressed the housing needs of women, especially disadvantaged women.

The result was the inclusion of some key aspects of the submission in the Bill - amendments which will strengthen the Bill and give greater effect to the socio-economic rights in the Constitution and the principle of substantive gender equality.

Child Support Grant

The introduction of a new child support grant represented a major opportunity for research, lobbying and advocacy around a programme with major implications for disadvantaged women and children in South Africa. Socio-Economic rights on which the grant impacts include: the right of access to social security, the right of every child to basic nutrition, shelter, basic health care and social services; the right to substantive gender equality.

The Socio-Economic Rights Project worked on this issue in conjunction with a network of other organisations

The child support grant is a non-contributory social assistance programme targeted at the poorest children in South Africa and their caregivers. The grant will also alleviate the burden of caring for young children, which rests disproportionately on disadvantaged women in South Africa. The programme has the potential to make a significant contribution to advancing substantive gender equality in South Africa, and in giving effect to the constitutional right of access to social assistance for those who are unable to support themselves and their dependants (s 27(1)(c)). The purpose of this new grant was also to ensure racial parity in the system of child support.

The Report of the Lund Committee on Child and Family Support (August 1996)

including, the South African National NGO Coalition (SANGOCO), Black Sash, Women on Farms Project, Gender Advocacy Programme, and the New Women's Movement. The campaign represented a key challenge to the independence of NGOs and their willingness to campaign actively to advance reconstruction and development.

One of the outstanding achievements of the Centre in 1997 was its contribution to policy formulation on child support benefits. Research provided by the Socio-Economic Rights and Women's Rights Projects helped spur public debate and mobilisation by civil society. As a result, key aspects of the programme were improved to provide a more substantial (though in our assessment still inadequate) safety net for poor children and their caregivers.

The Co-ordinator of the Socio-Economic Project served as the representative of the SA National NGO Coalition on the Department of Welfare and Population

recommended that a flat-rate child support grant should be introduced which should be paid to all children who qualify in terms of a test of the care-giver's means. As originally conceived in the Lund Report, the grant would be paid to the person taking primary responsibility for the daily care of the child.

The introduction of the concept of the primary caregiver in this programme is novel in South Africa's legal system. It challenges gender stereotypes in that it does not take for granted that women will always be responsible for the daily care and nurturing of children. It also takes cognisance of the fact that family forms in South Africa are fluid with children being cared for not only by parents, but also by relatives and even by persons unrelated to the child.

Community Law Centre

CHILDREN IN PRISON IN SOUTH AFRICA

A Situational Analysis

Development's Task Team on delivery systems for the new Child Support Grant.

In August, the Women and Children's Rights Projects jointly hosted an expert seminar entitled: 'The Concept of the Primary Care-Giver in New South African Legislation: Special Focus - the Child Support Grant.' It examined a number of issues including the impact of this concept on the position of women, particularly disadvantaged single mothers; the implications for existing legislation, common law and customary law principles governing custody and guardianship of children; potential constitutional and administrative implications, and the means test for the grant. The definition proposed at the seminar was ultimately included in the legislation which gives effect to the grant.

Women's Access to Reproductive Rights and Health

The Women and Human Rights Project is a member of the Reproductive Rights Alliance, a network of NGOs involved in promoting women's effective access to reproductive choice and health in South Africa. Loretta Feris is the Project's representative on the Legal Working Group of the Alliance.

Monitoring of Children in Prison

This programme, organised by the Children's Rights Project for the Inter Ministerial Committee on Young People at Risk, was undertaken nationally in collaboration with a group of NGOs from other provinces. The information collected was disseminated to Portfolio Committees and to Comjat.

Sexual Offences against Children

A submission was made by the Women and Human Rights Project, together with Rape Crisis (Cape Town)

and the ANC parliamentary Women's Caucus on the South African Law Commission's Issue Paper on Sexual Offences Against Children. The submission strongly suggested that the scope of an investigation on sexual offences should extend to both adults and children, due to large areas of overlap on certain fundamental conceptual issues.

The Children's Rights Project co-hosted with RAP-CAN a workshop on child sexual offenders to explore programmes and approaches to this thorny issue.

Domestic Violence

On 16 May, the Women and Human Rights Project and Law, Race, and Gender Project (UCT) co-hosted a workshop on domestic violence. The purpose of the workshop was to inform those present of the Discussion Paper on Domestic Violence released by the South African Law Commission as well as to consult with the participants on a response to the Discussion Document. Participants included representatives from the legal profession (including magistrates and prosecutors), representatives from the Department of Justice as well as a number of NGOs working with women in abusive relationships. The contribution of these stakeholders ensured that the submission was informed by the experiences both of those working within the justice system as well as NGOs with close experience of the practical problems experienced by abused women. The submission presented to the South African Law Commission was ultimately endorsed by 35 organisations and was widely acclaimed.

Bail and Sentencing

The Women's and Human Rights Project and Rape Crisis (Cape Town) co-hosted a workshop on 'The Proposed Amendments Regarding Bail and Sentencing in Sexual Offences Cases' to discuss and

debate the proposed amendments to bail and sentencing legislation from a gender perspective. It proved a valuable forum for debating and reaching consensus among women's rights NGOs on an approach to the proposed legislative amendments.

Following the workshop, the Project made a verbal and written submission to the parliamentary Portfolio Committee on Justice.

The thrust of the submission was that the proposed far-reaching amendments to bail rights would not result in the reduction of gender-based violence and that the focus should lie, rather, on the proper implementation of the current legislation.

Western Cape Network against Sexual Exploitation of Children

The Centre was represented on the Network, which launched the campaign against child sexual exploitation on 21 March.

IDASA Children's Budget

The Children's Rights Project assisted with the justice and welfare chapters of the IDASA Children's Budget, which was published in 1997.

Manual on Children's Rights

A staff member of the Children's Project wrote a chapter for the forthcoming Lawyers for Human Rights manual on children's rights. This aims to assist people in the field, advice offices and others, with understandable information on the legal rights of children. The manual will appear in 1998, and the methodology devised by her for describing the genre was subsequently adopted for other chapters. The SA Law Commission Project Committee on Redrafting the Child Care Act will also use it.

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Resource Development

Women and Human Rights Documentation Centre

The Women and Human Rights Documentation Centre (WHRDC) forms part of the Women and Human Rights Project.

The specific aims of the Documentation Centre are to: build up and house a specialist collection of materials on women's human rights of particular relevance and application in the South African context; strive to make the materials accessible to a broad constituency of users both on and off-campus; participate in networks for developing appropriate information technology on women and gender in the African region.

In accordance with the objectives of the project, the Centre focuses primarily on violence against women, reproductive health and rights, the relation between women's rights and religious and cultural norms and gender equality in the enjoyment of economic, social and cultural rights.

Activities undertaken in 1997 include materials collection and development, particularly on topics most relevant to women in South Africa; working to make material accessible to a broader constituency of users, both on and off campus; and networking to exchange information and develop appropriate information technology for the African region.

The WHRDC has succeeded in building up a substantial collection of materials, and occupies a unique niche as a documentation centre specialising in human rights as they pertain to women. Over the past year, the Centre has experienced an increase in the number of users. Information is requested both by organisations of civil society and from state institutions,

such as the parliamentary Committee on Improving the Quality of Life and Status of Women in SA and the SA Human Rights Commission.

The Centre also assists student users, particularly those participating in the Gender and the Law Course as well as the LL.M. module on economic and social rights.

The Resource Centre built up a database of 450 organisations, and other documentation centres have been contacted to explore possibilities of mutual collaboration, particularly with regard to the exchange of information and publications.

The quarterly Newsletter of the Documentation Centre includes features on law reform initiatives in South Africa, which relate to women's human rights as well as international developments in the field of women's human rights of relevance to South Africa (e.g. trafficking in women, the rights of women with disabilities etc.) In addition, the Newsletter publicises the research and advocacy of the Women and Human Rights project. Through the Newsletter, we seek to make readers aware of substantive legal issues and debates relating to women's rights and the possibilities for intervention for example, by way of parliamentary hearings.

The planning and design of a web site for the Women and Human Rights Documentation Centre was completed by end of 1997. The site includes pages on what the Women and Human Rights Project is about, the materials we produce, and new acquisitions.

Education

Apart from the numerous workshops and seminars at which staff members delivered papers and made presentations, the formal teaching function of the Centre has also expanded. The Centre took responsibility for the presentation of the LL.M. in Constitutional Litigation and offered courses in Constitutional Litigation: Theory and Process, Criminal Justice and the Constitution, Socio-Economic Rights and Children's Rights and the Law.

In addition, Centre staff supervised the work of masters students and in March 1998 six students graduated with a LL.M. in Constitutional Litigation.

The Centre was also involved in a series of community radio discussion programmes on legal issues.

National Street Law Office

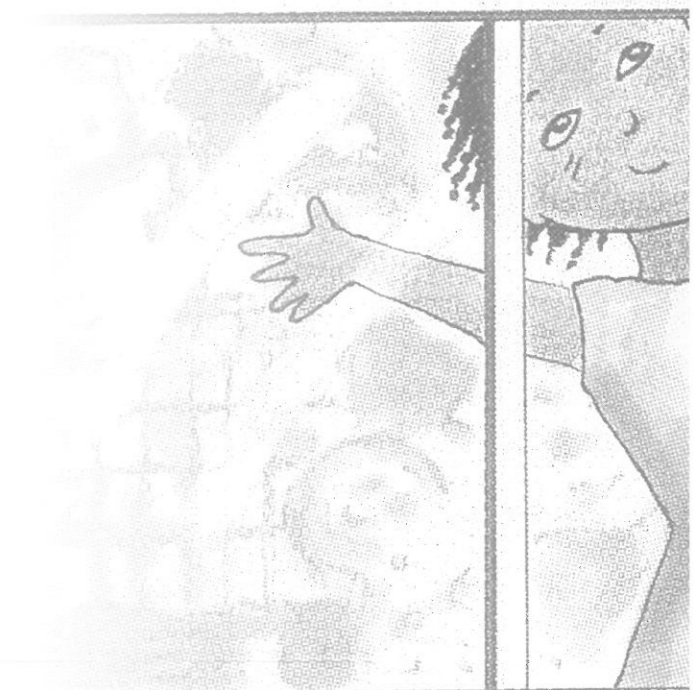
As a separate component of the Centre, the National Street Law Office co-ordinated the national Street Law Programme on 18 campuses across the country. This programme, with its emphasis on human rights education, reached numerous community groups and hundreds of thousands of school students.

SCHOOLS PROGRAMME

The Street Law Programme reached 267 000 high school students through direct teaching situations or the multiplier effect of the training-the-trainer strategy. Despite its successes in this regard, the National Office is aware of the need to increase its capacity by working closely with national and provincial departments of education in order to mainstream human rights education in South Africa.

The National Office made a contribution towards policy formulation at a national level. In order to ensure that

Toward Redrafting the Child Care



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this policy is implemented at provincial levels, the National Office is working towards a massive teacher in-service training project, as well as assisting with the production of sample learning materials in collaboration with the various departments of education.

YOUTH PARLIAMENT

The goal of the Youth Parliament project is to expose young people to the process of democracy and the cut and thrust of parliamentary debate. In its small way, it also attempts to develop an understanding and tolerance of different views.

The Youth Parliament project was run in collaboration with the Public Education Department of the National Assembly. Youth Parliaments were held in all nine provinces. One of the main features of the project was that it reached out to schools in the most remote areas.

MOCK TRIALS

Fifteen mock trials were conducted at universities throughout the country. Mock trials aim to expose learners to the processes of the criminal justice system. They have the secondary benefit of helping learners to develop critical thinking and confidence in their own abilities. A third benefit is the opportunity they present for breaking down stereotypes between the community and officials of the criminal justice system.

A positive feature of this project is the involvement of the legal fraternity. Legal academics and practitioners, officials from the Department of Justice and even high court judges volunteered their services - either in assisting in preparing learners for the trials or participating as presiding officers.

PROMOTIONAL ACTIVITIES

The Street Law Programme reached more than five and half million people through its media campaigns. These consisted mainly of television and radio programmes and articles in the print media. There were, in addition, promotional activities on Human Rights Day, Youth Day, Children's Day and Women's Day.

A highlight of the year was a programme called Youth Network TV which linked a cross-section of South African young people with their German counterparts. The discussion focused on racism in both countries and was broadcast live in Germany to a youth audience of close to three million people.

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Funders

The Ford Foundation has provided core funding for the Centre since its inception as well as support for the Women and Human Rights Project and the Children's Rights Project

The European Union Foundation for Human Rights supported the Socio-Economic Rights Project

The Swedish Save the Children Fund (Rädda Barnen) has supported the Children's Rights Research Project since its inception

SIDA has supported the Women and Human Rights Project

The Carnegie Corporation of New York has supported the Women and Human Rights Documentation Centre

USAID supported the operations of the National Street Law Office

The Friedrich-Ebert-Stiftung sponsored the local government project

The French Embassy provided funding for seminars

The NDI supported the Centre both financially and with expertise for the research project on the public funding of political parties

UNICEF South Africa supported a project on children in prison

Formal Publications

LIEBENBERG, SANDRA Chapters on 'Housing'; 'Health care, food, water and social security'; 'Environment'; 'Education' in D Davis et al (eds) *Fundamental Rights in the Constitution - Commentary and Cases*, Juta & Co Ltd (Cape Town 1997)

LIEBENBERG, SANDRA 'Human rights and economic development: The constraints and obligations imposed by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights' in Nico Steytler (ed) *Democracy, Human Rights and Economic Development in Southern Africa*, Lex Patria (Cape Town 1997)

LIEBENBERG, SANDRA 'Identifying violations of socio-economic rights: The role of the SA Human Rights Commission' (1997) 1 *Law, Democracy and Development*, 161 - 191

LIEBENBERG, SANDRA Book review: E de Wet, *The constitutional enforceability of economic and social rights: The meaning of the German constitutional model for South Africa* (1997) 13 *South African Journal of Human Rights* 163 - 168

SLOTH NIELSEN, JULIA 'New child care and protection legislation for South Africa? Lessons from Africa' (with Belinda van Heerden) (1997) 8 *Stellenbosch Law Review* 261

STEYTLER, NICO (Editor) *Democracy, Human Rights and Economic Development* Lex Patria (Johannesburg 1997)

STEYTLER, NICO 'Democracy, human rights and economic development: An introduction' *Democracy, Human Rights and Economic Development* Lex Patria (Johannesburg, 1997) 1 - 14

STEYTLER, NICO Managing editor *Law, Democracy and Development* November 1997 edition

STEYTLER, NICO co-author 'Local government and development: The new constitutional enterprise' (1997) 1 *Law, Democracy and Development* 233 - 249

STEYTLER, NICO 'Revisiting the anti-defection clause' (1997) 1 *Law, Democracy and Development* 221 - 231

Popular Journals and Newsletters

LIEBENBERG, SANDRA 'Equalisation at what cost? A case study on the new child support benefit' (1997) 1 *Development Update*, quarterly journal of the South African National NGO Coalition and INTERFUND

LIEBENBERG, SANDRA Two articles on Child Support Grant - *NGO Matters*, publication of SANGOCO

PILLAY, KARRISHA, edited and coordinated three editions of the *Women and Human Rights Documentation Centre Newsletter* Quarterly publication of the Women and Human Rights Documentation Centre

PILLAY, KARRISHA 'Trafficking in Women: Does it exist in South Africa?' (1997) 1 no 1 *Women and Human Rights Documentation Centre Newsletter* 1

PILLAY, KARRISHA 'Domestic Violence and the South African Law Commission Discussion Paper' (1997) 1 no 2 *Women and Human Rights Documentation Centre Newsletter* 1

SLOTH-NIELSEN, JULIA 'Towards Redrafting the Child Care Act' (1997) 15 no 4 *Child and Youth Care Worker* 1

Research papers and workshop reports

Monitoring Socio Economic Rights - The Role of the South African Human Rights Commission Report of a Joint Workshop by the Community Law Centre, the Centre for Human Rights and the SA Human Rights Commission

'Identifying violations of socio-economic rights - The role of the Human Rights Commission', Research paper prepared for the SA Human Rights Commission

'Defining relevant organs of state in section 184(3) of the Constitution', Research paper prepared for the South African Human Rights Commission

Towards Redrafting the Child Care Act: Recommendations of a conference of the Community Law Centre and the Portfolio Committee on Welfare and Population Development

'Monitoring of juvenile justice in South Africa', Dakar Conference publication, DCI (available only in French)

Contributions on Chapters of the South African Country report to the Committee on the Rights of the Child: 'General measures of implementation'; 'Definition of the child'; 'General principles relating to the child'; 'Basic health and welfare'; 'Family environment and alternative care' and 'Special protection measures'

'Gender equality in the enjoyment of socio-economic rights: A case study of the South African Constitution' prepared for Expert Group Meeting on Promoting *Women's Enjoyment of their Economic and Social Rights* convened by the UN Division for the Advancement of Women, Turku, Finland

The Concept of the 'Primary Care-Giver' in new South African Legislation - Special Focus: The new Child Support Grant, Report of a workshop co-hosted by the Women and Human Rights Project and Children's Rights Project

The Rights of People with Disabilities with a Special Focus on Children, Report on a conference hosted by the Community Law Centre and the Office of the Deputy President

Report on the Durban Assessment Reception and Referral Pilot Project, for Inter Ministerial Committee on Young People at Risk

'Property rights and land restitution in South Africa - the issue of 'equitable redress'', Community Law Centre

'The constitutional powers of local government', report for Friedrich Ebert Stiftung

Commissioned Research Published

MATTHIAS, CARMEL, *Removal of children and the Right to Family Life: South African Law and Practice* Community Law Centre

Papers and Presentations

LIEBENBERG, SANDRA, presentation 'Developing policy on social security within the framework of South Africa's new constitutional order', Workshop of the ANC Study Group on Welfare, Parliament, 18 October

LIEBENBERG, SANDRA, paper 'The horizontal application of socio-economic rights under the 1996 Constitution,' Joint Seminar by the Universite d'Aix-Marseille III, UWC and the French Embassy in South Africa, 5-6 November

LIEBENBERG, SANDRA, presentation 'Monitoring socio-economic rights,' NGO-week convened by SANGOGO, 20 September

METTLER, JOHANN, presentation 'The protection of human rights in South Africa - a country report' Seminar on an Advanced Programme on Human Rights, Livingstone, Zambia, 2-7 June

METTLER, JOHANN, paper 'Parliament's constitutional obligations with regard to international law' Seminar on the 'Interpretation and review of the Constitution by Parliament: South African and French perspectives', hosted by the Community Law Centre, the Parliamentary Portfolio Committee on Constitutional Affairs and the French Embassy in South Africa, Parliament and UWC, 13-14 October

METTLER JOHANN, presentation 'A provincial government's constitutional obligations with regard to international law', Seminar on Human Rights in Public Management and Development, organised by the Raoul Wallenberg Institute, Sweden, Swedish International Development Agency, and the Community Law Centre, Saldanha Bay, 24-28 November

PILLAY, KARRISHA, submissions to the South African Law Commission on the Discussion Paper on Domestic Violence, Community Law Centre, Rape Crisis (Cape Town) and the ANC Women's Caucus, October

PILLAY, KARRISHA, submission to the SA Law Commission on Sexual Offences Against Children

PILLAY, KARRISHA, presentation, 'Justice Vision 2000 and the Gender Policy Document', Workshop hosted by the Institute for Multi-Party Democracy, Cape Town, November

SLOTH NIELSEN, JULIA, paper 'Monitoring Systems and Juvenile Justice: Experiences from South Africa', international juvenile justice conference, Dakar, Senegal, 9 January

SLOTH NIELSEN, JULIA, paper 'Family Group Conferencing', Conference on Restorative Justice, co-hosted by the Institute of Criminology, UCT, and NICRO, 28 January

SLOTH NIELSEN, JULIA, paper 'Contemporary Child Care and Protection Law Reform in Africa', Urban Childhood Conference, Trondheim, Norway, June

SLOTH NIELSEN, JULIA (WITH BELINDA VAN HEERDEN), paper 'Legal and Policy Responses to Child and Family Law in the New South Africa: Emerging African Themes', 9th World Conference of the International Society of Family Law, Durban, July

SLOTH NIELSEN, JULIA, paper 'Age and Criminal Capacity: Legislative Problems', UNDP/ South African Law Commission International Juvenile Justice Seminar, Gordon's Bay, November

STEYTLER, NICO, presentation 'Governance and Constitutional Issues' workshop of the Portfolio Committee on Constitutional Affairs, Cape Town, 11 March

STEYTLER, NICO, paper 'Criminal Justice and the Constitution' Annual Judges' Conference, Centre for Applied Legal Studies, University of the Witwatersrand, Muldersdrif, 22-24 July

STEYTLER, NICO, presentation 'Introduction to human rights and the South African Constitution' seminar on Human Rights in Public Management and Development, organised by the Raoul Wallenberg Institute, Sweden, Swedish International Development Agency, and the Community Law Centre, Saldanha Bay, 24-28 November

STEYTLER, NICO, paper 'The content of the Bill of Rights: Are new rights entrenched?' international conference on 'South Africa's 1996 Constitution: A Modern Constitution? A model Constitution?' hosted by the Association Francaise des Constitutionnalistes, Centre de Recherche de Droit Constitutionnel, University of Paris I, French Embassy in South Africa and the Community Law Centre, Paris, 4-5 December

Visiting Lecturers

MR FREIMUT DUVE, member of the German Parliament 'Press freedom'

MS DAUBLIN GMELIN, Member of the German Parliament and vice president of the Social Democratic Party, 'The rechtstaat'

PROF JILL RAMSFIELD, Georgetown University, 'Legal writing'

PROF JOCHEN FROWEIN, Director, Max Planck Institute for Public Law, Heidelberg, former vice president of the European Commission on Human Rights, 'International Law and Municipal Law at the turn of the century'