

Do Children Need Lawyers in the Children's Courts?

PROF FN ZAAL

DEMOCRACY, HUMAN RIGHTS AND ECONOMIC DEVELOPMENT IN SOUTHERN AFRICA



COMMUNITY LAW CENTRE

University of the Western Cape

Annual Report
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EDITED BY
NICO STEYLL



MONITORING SOCIO-ECONOMIC
RIGHTS IN SOUTH AFRICA
THE ROLE OF THE SA HUMAN
RIGHTS COMMISSION

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1. Introduction

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 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. 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 the following projects: Children's Rights, Gender, Intergovernmental Relations, Local Government and Socio-Economic Rights. 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.

In the pursuit of its goals over the past five years, the Centre has interacted dynamically with government and Parliament and other institutions of democracy – 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.

2. Assisting State Institutions

PARLIAMENT

In March the Centre prepared a joint submission (with the ANC Women's Caucus in Parliament) to the Portfolio Committee on Health (National Assembly) on the **White Paper on Health**. The submission assessed the extent to which the White Paper provides an effective framework for the provision of health care services in South Africa.

Research in the area of violence against women informed submissions to the Parliamentary Portfolio Committee on Justice and the *Standing Committee on the Quality of Life and Status of Women*. During June, the Centre (with Rape Crisis, Cape Town) held a presentation to inform this Standing Committee of the need for reform of the **law relating to sexual assault**. This information session formed part of an advocacy strategy conducted as follow-up to the submissions formally presented to this Committee earlier in 1998.

The Centre prepared a submission to the Justice Portfolio Committee on the legislation concerning the **detention in prison of children awaiting trial**.

A researcher from the Centre also prepared submissions on both the **Films and Publications Amendment Act** and the **Child Care Amendment Act** for the Ministry of Welfare and Population Development.

The Centre commissioned research on the **gender implications of the Employment Equity Bill**. This research resulted in the presentation of a detailed submission to the Portfolio Committee on Labour.

The Centre made a submission to the Portfolio Committee on Constitutional Development on the **White Paper on Local Government** regarding the regulatory role of provincial government in local government matters. It was pointed out that there was no clear and proper understanding of the constitutional powers which were vested in local government and that it was incumbent upon provincial government to play an active role by developing model by-laws to assist municipalities which may not have the capacity to live up to their legislative competences.



NATIONAL GOVERNMENT

The Centre participated in the national project on **inter-governmental relations**, co-ordinated by the School of Government (UWC) which involved academics, parliamentarians and representatives of the **Department of Provincial Affairs and Constitutional Development**. A research paper was prepared for this project on the settlement of intergovernmental disputes.

A policy document on the implementation of section 100 of the Constitution – making provision for the **intervention by the national government in a province** – was prepared by the Centre at the request of the Department of Provincial Affairs and Constitutional Development. This document was accepted as the basis of legislation to give effect to section 100.

The Centre provided assistance to the **Department of Justice** and other criminal justice institutions in a number of areas.

Two researchers were appointed by the **National Director of Public Prosecutions** as members of a task force to draft a **national prosecution policy** required by the Constitution and the newly enacted National Prosecution Authority Act of 1998. They drafted sections of the policy and participated in the presentation of the policy at a conference for the Western Cape prosecutors.

The Centre submitted detailed comments on the draft **Gender Policy** paper published by the Department of Justice.

A researcher participated in the process of drafting the **Prevention of Organised Crime Act**, providing advice on the constitutionality of many of the Act's far-reaching provisions.

The Centre completed research into the future of **section 29 of the Correctional Services Act** which regulates juvenile detention in prison. Also completed were research projects on the **Durban Arrest, Reception and Referral pilot project**, subsequently published by the Inter Ministerial Committee on Young People at Risk (IMC), and on the existence and importance of **children's courts**, and the problems currently attached to this court. A researcher also consulted throughout the year with the IMC structures on **law reform and probation**.

For the **Department of Welfare** the Centre completed training in **children's rights** for **probation officers** throughout the country. More than 600 probation officers completed the training. The Centre also participated in designing a new curriculum for the training of **commissioners of Child Welfare** for the **Justice College**, and presented a pilot seminar to a group of commissioners in Pretoria.

The Centre co-presented a training course for **regional court prosecutors** who had recently been appointed to the **Wynberg Sexual Offences Court**. This course included a discussion on recent legal developments around the acceptance of expert evidence on the effects of rape.

A researcher serves on the National Advisory Council on Correctional Services (NACOCS).

PROVINCIAL GOVERNMENT

The Centre continued to work with the provincial departments of Health, Welfare and the Cape Metropolitan Council by contributing towards the finalisation of the Western Cape Provincial Framework for **Street Children**.

LOCAL GOVERNMENT

The Centre assisted the **South African Local Government Association** (SALGA) in the preparation of a draft policy document on possible legislation regarding **provincial supervision of local government** in terms of section 139 of the Constitution. The draft was broadly accepted by SALGA and was subsequently taken up by the Department of Provincial Affairs and Constitutional Development as part of its policy paper on the provincial supervision of local government.

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

During the course of 1998 the Centre continued assisting the Human Rights Commission (HRC) to fulfil its mandate of **monitoring the implementation of socio-economic rights** as is provided for in section 184(3) of the Constitution. Staff from the Centre formed part of a team

who was commissioned to do background research for the HRC on relevant comparative and international standards relating to socio-economic rights, and to analyse the responses received from government departments to the protocols (questionnaires). In addition, the Centre was involved in lobbying the HRC to involve civil society more integrally in the monitoring process.

Members of the Centre were closely involved in the activities of the **Equality Legislation Drafting Unit**, a project of the HRC in partnership with the Department of Justice. The Unit was tasked to prepare legislation to give effect to the provision in the equality clause in the Bill of Rights requiring national legislation to be enacted to prevent or prohibit unfair discrimination. Researchers prepared papers on various aspects including a section dealing with protecting **equal access to health care services and housing**. A researcher was appointed as second reader to the position paper on children, and another helped with the drafting of sections of the Bill. Another researcher served on the reference group advising on the content of the legislation. Together with a representative of the NADEL Human Rights Research and Advocacy Project, the Centre made a submission on the inclusion of **"socio-economic status"** as a prohibited ground of discrimination in the proposed legislation. The Centre believes that the inclusion of this ground will strengthen the legal protection of socio-economic rights by prohibiting unfair discrimination against the poor in accessing these rights.

A researcher was party to the HRC delegation that went on a study tour to Canada for two weeks to investigate issues pertaining to **disability and legislation**. The information acquired during this visit assisted in the writing of a position paper on equality and the rights of people with disabilities for the Equality Legislation Drafting Unit.

During August the Centre did an extended presentation on the draft **Domestic Violence Bill** at a workshop, co-hosted by the HRC and Rape Crisis (Cape Town), to consolidate NGO strategies in preparation for parliamentary hearings on the Bill.

COMMISSION ON GENDER EQUALITY

The Centre participated in a regional workshop held by the Commission to establish which organisations were engaged in **gender-related research and advocacy** activities in the Western Cape, and to identify possible areas for work to be done in association with the Commission. The Centre was subsequently requested by the Commission to prepare a legal opinion on the **prosecution of sexual harassment**. This was done in response to a highly contentious decision by the Attorney General of the Western Cape to decline prosecution of an alleged perpetrator of sexual harassment. In addition, the Centre has committed itself to working with the Commission on the development of strategies to address violations of the rights of **commercial sex workers**.

The Centre was contracted by the Centre for Applied Legal Studies (University of Witwatersrand) to compile a **legislative audit of housing legislation** that prevents women from enjoying equal access to adequate housing. The housing audit forms part of a broader audit of **legislation that discriminates on the basis of sex/gender** commissioned by the Commission. In addition, the chapter in the audit on **social security** was derived from the background paper on social security written jointly by a researcher from the Centre and a researcher from Black Sash for the Poverty Hearings.

3. Working with the South African Law Commission

Through the appointment of researchers to Project Committees of the South African Law Commission, the Centre has been centrally involved in the law reform process through research, discussion and drafting of legislation.

A focus of the Centre's activities has been advocacy concerning current **child care and protection laws**. The Centre hosted a national conference in 1996, resulting in an agreement that the Commission would appoint a Project Committee to rewrite present legislation. A researcher from the Centre serves on the Commission's Project Committee which released an issue paper in May. This issue paper has been presented at workshops countrywide by the Project Committee.

Another researcher was commissioned to prepare a report collating the results of a series of nationwide workshops conducted by the Project Committee dealing with the review of the **Child Care Act**. Approximately 170 worksheets were analysed and the results incorporated in a report which was accepted by the Commission.

The Minister of Justice appointed a Project Committee in December 1996 to investigate the drafting of legislation underpinning a separate **juvenile justice** system, and a researcher from the Centre was appointed to serve on this

Committee. 1997 saw the completion of the Commission's first **Issue Paper On Juvenile Justice**, prepared by members of the Committee, and intended as the point of commencement of the law-drafting procedure. In 1998 the Project Committee completed the task of drafting a **Discussion Paper**, summarising the comments on the Issue Paper. A draft Bill to accompany the Discussion Paper was concluded.

During 1997, a researcher was appointed to the Commission's Project Committee tasked with investigation of amendments to the existing **Prevention of Family Violence Act** of 1993. The Project Committee completed an intensive process of research into legal mechanisms to address domestic violence, which culminated in the production of a draft **Domestic Violence Bill**. In November this Bill (in amended form) was accepted by Parliament as the Domestic Violence Act 116 of 1998.

A researcher was appointed to the Project Committee on the **Simplification of Criminal Procedure** and was commissioned to write a discussion paper on making procedural rights more accessible to undefended accused through the development of a more inquisitorial procedure of adjudication.

The Centre was also commissioned by SANGOCO to compile a report on issues relating to socio-economic rights emerging from the Poverty Hearings. The report entitled **Poverty and Human Rights**, examines the ongoing socio-economic legacy of apartheid, poor peoples' understanding of socio-economic rights, the main obstacles they experience in gaining access to socio-economic rights, and the role of government in promoting these rights. The Report will be used by SANGOCO and its affiliates to lobby government for the more effective implementation of these rights. This report also forms part of the annexures to the report of the SA Human

Rights Commission submitted to Parliament during March 1999 on the monitoring of socio-economic rights in terms of section 184(3) of the Constitution.

Following the workshop on **socio-economic rights** held in October (see further below), the Centre convened a networking and strategy meeting of participating NGOs. It was attended by about 30 NGO representatives. The meeting was successful in identifying a number of concrete action areas for joint advocacy and collaboration among NGOs. Members of this informal network of NGOs working on socio-economic rights issues have subsequently kept in contact and share information through an e-mail distribution list.

The Centre also collaborated with **NICRO** on an analysis of **prison statistics regarding children**. Training was provided to a national NGO to undertake the independent monitoring of the five largest prisons where children are currently being held. The Centre also tendered (with an NGO group) for a contract from the Department of Correctional Services to develop a policy on children in prison.

The Centre presented a paper on **Children's Rights to Protection from Violence** at an inter-disciplinary conference on children and violence in the Western Cape, hosted by the Trauma Centre, Cape Town. The Centre, together with the Children's Health Unit of UCT hosted a workshop on **Children's Health Rights**.

The **Reproductive Rights Alliance** participated in litigation arising from a constitutional challenge to the Choice on Termination of Pregnancy Act. The Centre participated through its membership of the Legal Working Group of the Alliance, and the Documentation Centre provided assistance by compiling an information pack on **reproductive rights** materials for use by legal representatives appointed by the Alliance.

The Centre contributed a section on **women's access to medico-legal services** to an **NGO shadow-report** under the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) to the UN Committee on the Elimination of All Forms of Discrimination against Women.

The Centre participated in a project (coordinated by **Tshwaranang Legal Advocacy Centre**) to compile a manual

for NGOs providing **women subject to violence** with legal and other services. This manual sets out how the legal system operates, and provides practical advice to assist women in making appropriate choices when making use of the legal system.

Subsequent to the introduction of the **Domestic Violence Act**, the Centre held a workshop with service-providing NGOs and other members of the Western Cape **Network on Violence Against Women** in order to give feedback on the acceptance of submissions by parliamentary committees, to explore how the new legislation would affect the current legal position, and to determine regional strategies for the implementation of the legislation.

Based on the research completed on **divorce in Muslim Personal Law**, the Centre co-hosted a workshop with the **Athlone Divorce Support Group** (an organisation formed to assist and support Muslim women seeking to obtain a divorce). The workshop, held at the Gatesville Mosque, was attended by members of the Athlone Support Group and the Mitchell's Plain Network on Violence Against Women.

In order to stimulate debate on the gender aspects of the **Employment Equity Bill**, the Centre (in association with the **Social Law Project, UWC**) hosted a workshop on the Bill. The workshop was attended by academic researchers, members of trade unions, human rights organisations and women's organisations.

A researcher from the Centre was also commissioned by **IDASA** to review **executive policy in the justice sector**.

4. Working with NGOs

Much of the advocacy work undertaken by the Centre involves building co-operation, networks and issue-driven coalitions with a wide variety of non-governmental and community-based organisations.

The National **Speak Out on Poverty Hearings** co-organised by the **SA National NGO Coalition (SANGOCO)**, the Commission for Gender Equality and the SA Human Rights Commission were held from March to June. The Centre was responsible jointly with the Black Sash for preparing the background paper for the hearings held in the Eastern Cape on the theme of **social security**.

5. Education

One of the Centre's core functions is education in the fields of human rights and democracy. It takes the form of teaching (both in academic and other institutions), holding conferences, seminars and workshops and disseminating information through publications, newsletters and journals.

Teaching

The Centre was responsible for presenting the LL M programme in Constitutional Litigation and offered courses in Criminal Justice and the Constitution and Constitutional Litigation: Theory and Process. In the latter course the emphasis fell on the dispersal of state power between the various branches of government and spheres of government. The new LL M course Constitutional Law Practice, devised by the Centre, was implemented for the first time. An LL M student was appointed as an intern to the National Council of Provinces as a researcher on legal and constitutional issues. The Centre supervised the internship of 400 hours and the candidate completed the course to great acclaim from the Council.

In addition, staff supervised a number of LL M students' research essays and mini-dissertations and taught in the following areas:

- an undergraduate course in Gender Law in the UWC Law Faculty;
- a course in Gender Law at honours level in the UWC Women and Gender Studies Programme;
- guest seminars in the UWC LL M courses on Labour Law and International Criminal Law;
- guest lectures on socio-economic rights for the LL B and LL M courses at UCT and the University of Pretoria.
- a course on Constitutional Law (with Prof. Nicholas Haysom) for the Howard Law School's Summer School Programme held at UWC in June-July.

Outside of the confines of the university classroom, staff

gave the following training courses and presentations:

- a training module on Gender, Socio-Economic Rights and the Constitution at a training course on "Leadership Training for Women in Governance", organised by the Gender Advocacy Programme;
- a training module organised by the Human Rights Institute of South Africa (HURISA) to local government officials on the role of local government in implementing socio-economic rights;
- lectures to the Cape Town magistrates on section 29 of the Correctional Services Act;
- lectures to the Mitchells Plain magistrates on juvenile justice developments;
- lectures to the Wynberg magistrates on the new regulations to the Child Care Act.
- a presentation on juvenile justice to a delegation of human rights lawyers from Guatemala.

As a separate component of the Centre, the **National Street Law Office** co-ordinated the national Street Law programme since 1995. In 1997 it was decided that the National Office should relocate back to the Centre for Socio-legal Studies at the University of Natal in Durban, as from April 1998. The closure of the office and the finalisation of accounts were effected during this year.

Conferences, Workshops and Seminars

Apart from numerous radio interviews and an occasional television appearance by researchers at the Centre, the Centre was actively engaged in communicating research results and debating issues through the holding conferences, workshops and seminars. A number of these workshops have already been referred to above.

In February the Centre co-hosted a workshop in Parliament with the Portfolio Committee on Welfare (National Assembly) entitled, **From Rights to Real Change: The Implementation and Monitoring of Economic and Social Rights in South Africa**. The workshop was

attended by approximately 70 people, representing MPs, NGOs, members of the media, and of the state institutions supporting constitutional democracy.

In October the Centre organised a workshop in Johannesburg on socio-economic rights entitled, **Giving Effect to Socio-Economic Rights: The Role of the Judiciary and Other Institutions**. The workshop was co-hosted with the Legal Resources Centre's Constitutional Litigation Unit. It was attended by approximately 100 persons, including judges from the Constitutional Court and the Land Claims Court, representatives of the SA Human Rights Commission and Commission for Gender Equality, as well as a number of human rights NGOs. The keynote speakers were Judge Kate O'Regan of the Constitutional Court, and Prof. Craig Scott who is one of the leading international experts on the justiciability of socio-economic rights. The purpose of the workshop was to share information, ideas and resources on the most effective ways of enforcing and monitoring socio-economic rights. Most of the speakers were able to demonstrate practical and creative ways of giving effect to socio-economic rights.

In November the Centre, together with the French Embassy in South Africa, hosted an international conference on the **World Trade Organisation: Law and Development in Southern Africa**. The Conference dealt with the World Trade Organisation's governing rules and principles within the context of globalisation, trade liberalisation and economic development in developing countries, the WTO and the South African constitutional framework, and regional economic integration, trade agreements and the WTO.

The Centre held two seminars on key local government issues. The first dealt with the **legislative powers of local government** with the vice-chairperson of the National Council of Provinces, officials from the national, provincial and local government as well as municipal councillors participating. The seminar succeeded in developing a clearer understanding of the future legislative competence of local government as well as the role of the NCOP in giving local government a voice at national level.

The second seminar was entitled **Financing Local Government** with participation by representatives of

SALGA, local authorities, councillors and NGOs. The seminar dealt with the ability of municipalities to be self-financing, the manner in which local government's equitable share of the national revenue is calculated, and the redefinition of property rates.

A researcher from the Centre presented a workshop in George on the **Issue Paper for the Review of the Child Care Act** for the S A Law Commission and presented a seminar on **children's rights** to the commissioners of Child Welfare at the Justice College in Pretoria.

Publications & Educational Materials

The Centre has produced four editions of a quarterly publication, **ESR REVIEW**, as part of its monitoring activities. **ESR REVIEW** has been an important tool for monitoring the work of various public institutions in the realisation of **socio-economic rights**, e.g. the courts, Parliament, government, the Human Rights Commission and the Commission for Gender Equality.

One of the aims of the Centre is to produce **accessible resource materials** in order to promote awareness and understanding of socio-economic rights. During 1998, a plain language brochure entitled, **Introducing Economic and Social Rights** was produced and distributed by the Centre. The brochure represents a basic introduction to the concept of socio-economic rights. It is aimed primarily at individuals and organisations who are not legally trained. It has also been translated into Xhosa and Afrikaans.

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**. In 1998 the Centre was responsible for the production of the December edition of the second volume which focused on **socio-economic rights, electoral law and local government**. A number of research articles of the Centre were published in this edition.

The Centre also produced the **"Annual Juvenile Justice Review"** which is published in the *South African Journal of Criminal Justice* as barometer of developments in juvenile justice law in South Africa.

6. Resource Development

During 1998, the **Women and Human Rights Documentation Centre** experienced an unprecedented influx of students and staff using the Centre. This was due to lecturers in the Law Faculty promoting the Documentation Centre as a valuable resource for general information and also as an information source for specific courses (for example, the Gender Law course). Both the Gender Equity Unit and Social Law Project at UWC referred many of their students (usually from NGOs outside the University). The Centre was also used extensively by masters level students from the Law Faculty and from other faculties, namely Psychology and Education, and by visiting researchers and students from overseas universities.

A **Project website** (incorporating the activities of the Documentation Centre) was launched early in 1998. The introduction of the Documentation Centre on

Internet has led to increased requests for information and has also created additional opportunities for networking.

The documentalist and consultant documentalist were actively involved in setting up **Women'sNet**, a comprehensive South African network (accessible through Internet and e-mail) on information relevant to women. A number of resources available at the Centre are now also accessible by means of *Women'sNet*.

The consultant documentalist and the documentalist were invited to the *Know How Conference on the World of Women's Information* (Amsterdam, August) and the *International Training Course on Human Rights Documentation and Information Handling in Africa* (Tunisia, September) respectively.

7. International Collaboration

The Centre has increased its international profile during 1998. Apart from participating in international conferences, the Centre is collaborating in a number of international projects and researchers are offering expertise in specialised areas.

The Centre participated in the national task team forming part of a larger **multi-national research project on development, civil society and local government in Africa**. This project, consisting of NGOs from Austria, Uganda, Zimbabwe, Mozambique and South Africa concluded a three year research project with a conference in Kampala in Uganda. The work and research reports of the Project were collected in a publication entitled *Winds of Small Change: Civil Society Interaction with the African State*.

A researcher attended the **International Summit of Human Rights Defenders** held in Paris in December. The Summit resulted in the adoption of the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms* (Declaration on the Rights of Human Rights Defenders).

The researcher participated in the working group focussing on extreme poverty and contributed to sections of the Declaration dealing with the **socio-economic** rights of defenders of human rights.

A researcher presented a paper on developing **benchmarks for monitoring the realisation of socio-economic rights** in the context of national action plans at a roundtable meeting convened by the **UN High Commissioner for Human Rights** in Geneva in March. The realisation of the right to water in the South African context was used as a case study for this presentation. The researcher also served as one of a group of consultants convened by the Office of the UN High Commissioner for Human Rights to develop proposals for the incorporation of economic, social and cultural rights in the UN's Technical Assistance Programme on Human Rights.

As member of the **International Association of Centres for Federal Studies**, the Centre participated in its activities. Researchers presented papers at its annual conferences in Adelaide, Australia, in March and in Jerusalem, Israel, in October. The focus of the presentations were on the recent developments in

decentralisation in South Africa and the role federalism played in the peacemaking process in South Africa.

In April the Documentation Centre hosted a three day workshop for the sub committee on **Information and Communication Technology of the Gender in Africa Information Network (GAIN)**. The primary aim of this workshop was to assess the progress of the technical sub-committee subsequent to the establishment of GAIN in March 1997. To compliment this discussion, other initiatives in the field of women, gender and information and communication technology were also examined. Participants at the workshop included documentalists and information workers from South Africa, Kenya, Uganda and Ethiopia.

8. Funders

- The **Ford Foundation** has provided core funding for the Centre since its inception as well as support for the Democracy Project, 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 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** in South Africa provided funding for seminars.
- **UNICEF** South Africa supported a project on children in prison.

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9. Publication and Presentations

Formal publications

COMBRINCK, HELÉNE 'Positive state duties to protect women from violence: recent South African developments' (1998) 20 *Human Rights Quarterly* 666-690

LIEBENBERG, SANDRA and KARRISHA PILLAY *Poverty and Human Rights*, National Speak Out on Poverty Hearings, March to June 1998, published by South African National NGO Coalition, July

LIEBENBERG, SANDRA "Socio-economic rights" in Chaskalson et al (eds) *Constitutional Law of South Africa* (Revision Service 3) (Cape Town, Juta, 1998)

METTLER, JOHANN Production editor (1998) 2 *Law, Democracy & Development* December edition

METTLER, JOHANN "The Process of Land Restitution in South Africa" 1998 (10) *African Journal of International and Comparative Law* 123

PILLAY, KARRISHA "An interpretation of 'relevant organs of state' in section 184(3) of the Constitution and their duty to provide information on socio-economic rights to the South African Human Rights Commission" (1998) 2 *Law, Democracy & Development* 179-196

SLOTH-NIELSEN, JULIA (with Professor Belinda van Heerden) "Putting Humpty Dumpty Back together again: Towards restructuring families and children's lives in South Africa" (1998) 115 *South African Law Journal* 156

SLOTH-NIELSEN, JULIA (with Prof Belinda van Heerden) "Signposts on the road to equality: Towards the new millennium for parents, children and families in South Africa" in John Eekelaar and RT Nhlapo (eds) *The Changing Family - International Perspectives on the Family and Family Law* (Oxford, Hart Publishing, 1998)

SLOTH-NIELSEN, JULIA "An overview of children and the law in South Africa" in LHR *Children and the Law* (LHR, 1998)

SLOTH-NIELSEN, JULIA "Age and Capacity" in LHR *Children and the Law* (LHR, 1998)

SLOTH-NIELSEN, JULIA "Annual juvenile justice review 1997" (1998) 11 *South African Journal of Criminal Justice* 97

SLOTH-NIELSEN, JULIA *Children in Prison in South Africa*, a book based on a research report for UNICEF published by the Centre

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COMBRINCK, HELÉNE presentation "Prosecutorial discretion and social context" Training session held by Law, Race and Gender Research Unit (University of Cape Town) at Department of Justice Training College, Pretoria, March

COMBRINCK, HELÉNE and BRONWYN PITHEY presentation "Recent constitution-based developments in the law relating to sexual assault" Information-sharing session with regional court magistrates, November

COMBRINCK, HELÉNE and KARRISHA PILLAY submission to the Department of Justice on the Gender Policy Document, April

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KERCHHOFF, GILL (consultant documentalist) paper "Women's Information and Human Rights" "Know How Conference on the World of Women's Information" Amsterdam, the Netherlands, August

LIEBENBERG, SANDRA discussant on welfare and health policy papers presented at conference "Democracy and the Political Economy of Reform" Development Policy Unit (UCT), Cape Town, January

LIEBENBERG, SANDRA paper "Civil society's engagement with the judiciary: Social justice advocacy and judicial accountability" IDASA workshop on "Law and Democracy" Cape Town, January

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LIEBENBERG, SANDRA paper "Towards universal access to social security in South Africa" 11th Annual Labour Law Conference "Employment Equity, Cost and Growth" Durban, July

METTLER, JOHANN paper "The legislative powers of local government" seminar on "Legislative powers of Local Government" Community Law Centre, UWC, May

METTLER, JOHANN paper "Property taxes and local government" seminar on "Financing Local Government" Community Law Centre, UWC, October

O'SULLIVAN MICHELLE (associate researcher) submission "Comments on the draft Employment Equity Bill" Public hearings conducted by the Portfolio Committee on Labour, July

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PILLAY, KARRISHA paper "Protecting economic and social rights at national, regional and international levels" conference "International Human Rights Instruments" European Union Foundation for Human Rights, Port Shepstone, July

PILLAY, KARRISHA presentation "Gender, socio-economic rights and the Constitution", training course "Leadership Training for Women in Governance" Gender Advocacy Programme, Cape Town, July

SLOTH-NIELSEN, JULIA paper "Past pandemonium, present progress and future potential: South African juvenile justice" conference "Juvenile justice: The counter reformation" Hamden, Connecticut, United States

SLOTH-NIELSEN, JULIA paper "The political economy of child reform: Pie in the sky" conference of the Centre for Child Law (University of Pretoria), Pretoria, October

SLOTH-NIELSEN, JULIA public lecture on juvenile justice, Williams College, Massachusetts, United States

SLOTH-NIELSEN, JULIA lecture on Welfare Policy and the Family to final year students at Williams College, Massachusetts, United States

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STEYTLER, NICO paper "Recent developments in federalism in South Africa", Annual meeting of the International Association of Centres for Federal Studies, Adelaide, Australia, March

STEYTLER, NICO paper "The World Trade Organisation and the South African constitutional framework" International Conference "The World Trade Organisation: Law and Development in South Africa", Community Law Centre, UWC, and the French Embassy in South Africa, UWC, November

STEYTLER, NICO and JOHANN METTLER paper "Federalism and peacemaking: the South African experience" Annual meeting of the International Association of Centres for Federal Studies, Jerusalem Centre for Public Affairs, Jerusalem, Israel, October