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# ESR REVIEW

Economic & Social Rights  
Review in Africa

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



**DULLAH OMAR**  **INSTITUTE**  
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# Editorial

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Welcome to the first issue of the ESR Review for 2019, which features two articles and a case review engaging with economic, social and cultural rights.

In the first article, Sekai Furaha-Joy Saungweme argues that illicit financial flows are highly detrimental to the developmental agenda in Africa and need to be combated more effectively through additional measures – in particular, through greater reliance on the adoption and enforcement of access to information laws, which advance the democratic principles of transparency and accountability. The article examines how these laws can be used as a tool to expose corruption and how, conversely, the suppression of the right to information creates a breeding ground for adverse practices such as illicit financial flows.

The second article, by Meskerem Geset Techane, explores the alternative avenue for ESR adjudication that may be offered by national human rights institutions (NHRIs). It considers the role of non-judicial mechanisms in the protection of ESR, and focuses on the nature, advantage and effectiveness of national inquiries as an ESR redress mechanism.

The case review by Roopanand Mahadew delves into the *Kenyan case of Ndoria Stephen v Minister for Education & 2 others* (Kenya, 2015). At the core of this petition are the challenges surrounding the provision of education to children living in what are regarded as marginalised areas of the country, namely its north and north-eastern regions as well as parts of the coast and Rift Valley. The petitioner alleges that, as a result of discriminatory educational policies by the government, children in these areas are unable to access the right to education on the same basis as those in other, more developed parts of Kenya.

We wish to extend a special thanks to Prof Oluduro for peer-reviewing this issue of the *ESR Review*. We hope you enjoy the issue.

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*Gladys Mirugi-Mukundi*  
Co-Editor