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Review in Africa

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



DULLAH OMAR  **INSTITUTE**
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Editorial

Welcome to the second issue of the *ESR Review* in 2018, which features three articles exploring economic, social and cultural rights from different perspectives.

In the first article, Tinashe Kondo discusses developments in socio-economic rights in Zimbabwe post-Mugabe. He argues that although Robert Mugabe ruled through a regime that posed as 'democratic', it was for all intents and purposes a façade for dictatorship. Kondo observes that the government's power stemmed not from the will of the people but from control of the armed forces and intelligence operatives, as a result of which many basic socio-economic rights were abused or neglected. Turning to consider the future, he raises the question: What does Mugabe's exit entail for the protection, promotion and realisation of these rights?

In our second feature article, Robert Doya Nanima explores the implications of Uganda's ratification of the Maputo Protocol with the reservation that it will not be bound by the clause on the authorisation of medical abortion unless domestic legislation is passed to this effect. Nanima points out that while Uganda's economy is based to a large degree on the activities of women, their significant status as economic co-creators is not reflected in how the issue of abortion is addressed in the legal and policy framework. He proposes that, to rectify this disconnect, the 'abortion question' should be mainstreamed as part of the right to health.

In a case review, Gaopalelwe Lesley Mathiba interrogates the transformative intention of the current South African constitutional regime on housing and evictions by reflecting on *Baron and Others v Claytile (Pty) Limited and Another* (2017). The case seeks to balance, on the one hand, the rights of property owners not to be arbitrarily deprived of their entitlements over a property and, on the other, the right of unlawful occupants to adequate housing. In so doing, the case challenges the conventional thinking that eviction is the only remedy open to the property owner when dealing with an unlawful occupant who refuses to vacate the property after the legal basis for occupation has come to an end.

The events section reports on a roundtable discussion entitled 'Deconstructing States' Obligations to Realise the Right to Health'. The roundtable was hosted on 12 April 2018 by the Socio-Economic Rights Project of the Dullah Omar Institute at the University of the Western Cape.

We acknowledge and thank all the guest contributors to this issue.

Gladys Mirugi-Mukundi, Co-Editor



What does Mugabe's exit entail for the protection, promotion and realisation of socio-economic rights?