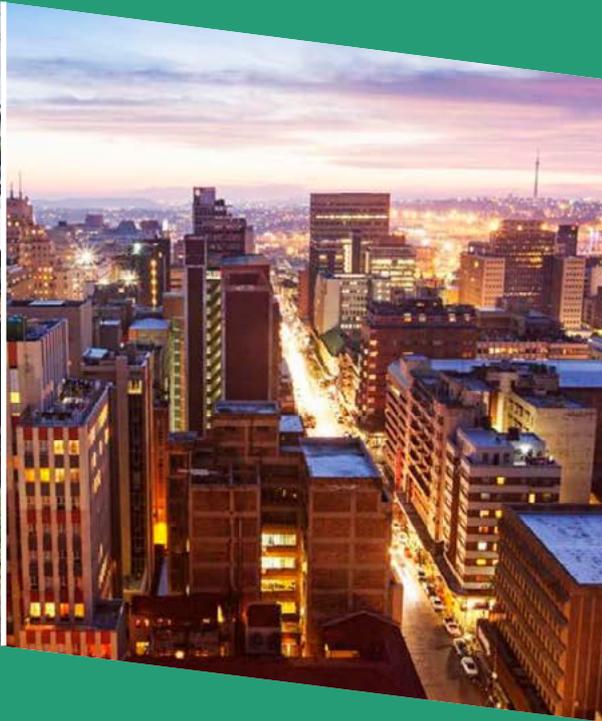


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# ESR REVIEW

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 fourth issue of ESR Review in 2020. This is the fourth in a series of special issues on access to justice.

The COVID-19 pandemic and ensuing lockdown across most of the world have highlighted the extent to which people and communities are exposed to social and economic vulnerabilities. To compound these vulnerabilities, in many states the response to the pandemic has had a profound impact on the functioning of justice systems. Court closures and curtailed operations have aggravated case backlogs, adversely affected the provision of timely and fair hearings, and increased the length of proceedings. Those who are especially vulnerable, such as asylum seekers, migrants in detention centres, pre-trial detainees, and women exposed to sexual and gender-based violence, have borne the brunt of these consequences.

As the world slowly returns to a semblance of normality, it becomes ever more urgent to foreground the need for access to justice for all, but particularly so for vulnerable persons. Strengthening institutional adaptability is key. Strengthened institutions and people's participation in governance and democracy are essential to ensuring access to justice for vulnerable groups and persons. Meeting the targets for SDG 16 begins with a focus on the vulnerable.

This issue of the ESR Review presents four feature articles that reflect on how SDG 16, which is related to access to justice, can better serve the needs of the vulnerable. In the first of these articles, Chipso Mushota Nkhata reflects on the role of law students in furthering the goals of access to justice and demonstrates how trial advocacy can be useful beyond the classroom in serving to raise awareness among key players, such as judges, law-makers, clients and lawyers, about barriers to access to justice. The article reflects on how such role-players in the justice sector can be empowered to address barriers that are within their control and so contribute to making justice more accessible.

In the second feature article, Clara Barasa and Anthony Kirima highlight success stories in a pilot project by the organisation Kituo Cha Sheria. This prisons paralegal project empowers inmates to seek redress in instances where they believe justice was not served, and equips them and prison officers with legal knowledge to promote access to justice. The project has been successfully replicated in various Kenyan prisons, but Barasa and Kirima argue that while such interventions are crucial for the achievement SDG 16, they are not prioritised in government plans and thus not sustainable unless sufficient funding and technical support are provided.

In the third feature article, Sithuthukile Mkhize reflects on the experience of those who use the services of legal aid bodies and brings to light the challenges facing South Africa's Legal Aid Board. She argues that although legal aid bodies are created with a view to making legal services more accessible to poverty-stricken individuals, these bodies are often hamstrung by inefficient systems and financial constraints.

Then, in the fourth article, Kristen Petersen reflects on laws and policies on the African continent that disproportionately target poor, vulnerable and marginalised persons whose only crime is that they lack an income or means of subsistence. Petersen delves into legislative efforts that criminalise poverty and, in so doing, hamper the rights and developmental needs of the poor.

In the Events section, the focus is on constitutional resilience and the COVID-19 pandemic in Africa. Paula Knipe provides a round-up of webinar events hosted by the Socio-Economic Rights Project (SERP) and Applied Constitutional Studies Laboratory of the Dullah Omar Institute. In the Update section, we give feedback on the concluding observations on South Africa's initial state report to the United Nations Committee on Economic, Social and Cultural Rights (CESCR).

We hope you find this issue stimulating and useful in the struggle for achieving SDG 16. We wish to thank our anonymous peer reviewers as well our guest authors for their insightful contributions.

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*Oluwafunmilola Adeniyi*  
**Guest Editor**