

Editorial

This issue of the *African Human Rights Law Journal* contains articles focusing on law and religion in Africa. These contributions were presented as papers at the first annual multi-national conference on law and religion in Africa, hosted by the Faculty of Law, University of Ghana, in 2013. The papers were subsequently converted into articles, and revised and reworked after undergoing peer review. This is the second time that the 'special focus' part of the *Journal* is devoted to the theme of law and religion (see (2008) 8 *AHRLJ* 337-595 for the previous focused edition), and marks the continued interest in and growing concern for issues pertaining to law, religion and human rights in Africa.

The thematic scope of the contributions is canvassed in a 'foreword', in which the articles are placed in context and summarised. As readers would notice, the majority of these contributions deal with the situation in Nigeria, a country in which ethnic and geographic fault lines largely coincide with differences in religion. This issue appears against the background of religious fundamentalism and abuse of religion for ideological posturing and violence, as perpetuated by Boko Haram in the northern parts of Nigeria. This harsh reality underscores the need for quiet and rational reflection on the relationship between the sacred and the secular, particularly in Africa.

Covering multiple viewpoints, departing from different premises and being grounded in a variety of disciplines, the contributions in the special focus section make a considerable contribution to scholarship on this important theme.

The guest editor for the special focus edition is Dr Christian Green, Senior Fellow at the Center for the Study of Law and Religion, Emory University in the United States. The editors of the *Journal* thank the guest editor for the easy professionalism which characterised our collaboration.

This issue of the *Journal* contains a limited number of other articles, covering a wide range of themes. In his article on gender-based violence among men in Malawi prisons, Kangaude addresses issues related to sexuality that are often silenced in Africa, such as conjugal visits, masturbation and consensual sexual intercourse between male prisoners. Novak traces changes in the legal regime permitting the imposition of capital punishment in Southern African states, and identifies an evolution towards the abolition of the doctrine of

extenuating circumstances, which placed an onus on the accused to show why he or she should not be executed. Thabane's contribution criticises the United Nations Protect, Respect and Remedy Framework and Guiding Principles for failing to adequately articulate the circumstances under which multi-national corporations can be held liable under the laws of their home states.

As has become customary, an overview is provided of human rights developments within the African Union. Covering the issues of major importance arising in 2013, Killander and Nkrumah express concern about the lack of engagement by AU political organs in human rights in Africa. This contribution also mentions the draft protocol aimed at bringing into being an African judicial authority competent to adjudicate international crimes. This edition of the *Journal* appears as the issue remains on the AU's agenda. Our view is that, whatever its merits or demerits, such a court should not erode the functioning and prospects of the fledgling African Court on Human and Peoples' Rights, and should not become a shield to deflect the imperative of accountability – especially of those in positions of political power on the continent.

The editors convey their thanks to the independent reviewers mentioned below, as well as the anonymous reviewers used for the special focus section, all of whom so generously assisted in ensuring the consistent quality of the *Journal*: Adem Abebe; Akinola Akintayo; Gina Bekker; Romi Brammer; Pierre Brouard; Helene Combrinck; John Dugard; Josua Loots; Bonita Meyersfeld; Bhekinkosi Moyo; Lukas Muntingh; Tarisai Mutangi; Charles Ngwena; and Emerson Sykes.