

Editorial

This issue of the *African Human Rights Law Journal* appears as the independence of the African Commission on Human and Peoples' Rights (African Commission) remains under threat. This follows a decision of the African Union's Executive Council Decision in 2015 in which it not only gave an ultimatum to the Commission to withdraw the observer status granted to the Coalition of African Lesbians, but also demanded a revision of the Commission's guidelines on granting observer status to non-governmental organisations (NGOs). This development signals a concerted attempt to erode human rights at both the regional and national levels in Africa. Against this background scholarly reflection on aspects of human rights – as contained in this issue of the *Journal* – is all the more important.

The first four articles focus on the African Union's two quasi-judicial human rights bodies. In the first three, aspects of the mandate, jurisprudence and operations of the African Commission are considered. All three contributions explore the relationship between the regional and the national. Murray contributes to the burgeoning scholarship on the implementation of international human rights law by highlighting the relationship between confidentiality in the exercise of the Commission's protective mandate and the implementation of its findings. Mujuzi provides some guidance on instituting private prosecutions as a requirement for the exhaustion of domestic remedies. Naluwairo investigates the influence of the Commission's jurisprudence on the existence and functioning of military courts within national legal systems. In the fourth article – which relates to the African Children's Committee – Mezmur draws our attention to insights from the first amicable settlement overseen by that Committee.

The next two articles of this edition of the *Journal* are devoted to the International Criminal Court (ICC) and its relationship with Africa. Although much has been written on this, these contributions add to the growing scholarship that exists on the issue. Rukooko and Silverman discuss empirical data, collected through interviews with civil society actors in two countries – Kenya and Uganda – at the epicentre of on-going debates on the role of the ICC in Africa. By interrogating the cooperation between the ICC and the Democratic

Republic of Congo (DRC), Tunamsifu solidly grounds his discussion at the domestic level.

Meyer and Appiagyeyi-Atua frame their contributions from a broader African perspective. Both authors engage with themes of contemporary concern across the continent: the negative effects of multinational companies on the environment, and the inclusion of students in debates about academic freedom at universities.

The remaining eight articles explore aspects of human rights at the domestic level. Kakungulu-Mayambala and Rukundo write about digital activism in Uganda. Shale advances an argument for a more effective reliance on international human rights treaties in Lesotho. With reference to a report by the African Children's Committee, Kajiru and Mubangizi critically discuss the placement of children with albinism in temporary holding shelters in Tanzania. The right to legal aid for accused persons in Ghana is the issue that concerns Tufuor. The final three articles deal with diverse aspects related to human rights in South Africa. Van der Berg proposes a new way of looking at remedies that have resource implications in socio-economic rights cases. Botha and Kok consider the right to equality and, specifically, the South African equality courts, against the background of empirical data on the early practice of these courts. Another aspect of equality, namely, the right of government employees to access courts, is explored in Mhango's contribution.

In the section in which recent developments are reviewed, O'Connell provides a critical assessment of the decision of the Court of Justice of the Economic Community of West African States, which made the first judicial finding of violations of the Protocol to the African Charter on the Rights of Women in Africa. Prinsloo discusses a South African domestic court decision related to the rights of children to education in the context of the divorce of their parents.

From time to time a section of the *African Human Rights Law Journal* is devoted to a special thematic focus. In this issue it is the right to development that is under the spotlight. Although the right to development has received relatively scant attention in the scholarly literature on human rights in the past, the *Journal* has attracted contributions and published articles on this topic. See, for example, RF Oppong 'Trade and human rights: A perspective for agents of trade policy using a rights-based approach to development' (2006) 6 *African Human Rights Law Journal* 123; MA Tadeq 'Reflections on the right to development: Challenges and prospects' (2010) 10 *African Human Rights Law Journal* 325; and O Nnamuchi and S Ortuanya 'The human right to health in Africa and its challenges: A critical analysis of Millennium Development Goal 8' (2012) 12 *African Human Rights Law Journal* 178. This special focus, therefore, builds on these antecedents. A number of the articles in the special focus are based on papers presented at the second International Conference on the Right to Development, held from 15 to 17 August 2018 at the University of Pretoria, South Africa. The editors of the *Journal* thank the editor and

contributors to the special focus for the seamless collaboration on this timely special focus section.

Our sincere appreciation go out to all who have been involved in making the *AHRLJ* the quality and well-regarded journal it has become since its establishment in 2001. For this particular issue, we extend our genuine gratitude to our anonymous reviewers who so generously gave of their time, expertise and insights: Omogboyega Abe; Adem Abebe; Jegede Ademola; Dennis Armah; Gina Bekker; Lilian Chenwi; Rebecca Cook; Anthony Diala; Ebenezer Durojaye; Lovell Fernandez; Eugene Fidell; Ama Hammond; Christof Heyns; Tomiwa Ilori; Obonye Jonas; Kristi Kenyon; Anton Kok; Rosaan Kruger; Josua Loots; Kitty Malherbe; Stuart Maslen; Izak Minnaar; Freddy Mnyongani; Trésor Makunya; Godfrey Musila; Sylvie Namwase; Carol Ngang; Michael Nyarko; Geoffrey Ogwaro; Chairman Okoloise; Dejo Olowu; Nicholas Orago; Chris Maina Peter; and Aifheli Tshivhase.

