



Lawfare: Judicial Over-reach or the Rule of Law?

20 February 2018

The first Roundtable of 2018 was addressed by three speakers: Adv Thuli Madonsela, former Public Protector and now Professor of Social Justice at Stellenbosch University; Mr John Jeffery, the Deputy-Minister of Justice and Constitutional Development; and Professor Pierre de Vos, Professor of Constitutional Governance at the University of Cape Town.

Adv Madonsela began by questioning the terms 'lawfare' and 'judicial over-reach'. She suggested that these terms have negative connotations. We should speak instead of judicial activism. There were many examples in our recent jurisprudence where such activism has advanced human rights, including the various TAC cases and the reform of customary law. The separation of powers was indeed important, but if one branch of government was not working properly the others had to step in. This was what the Courts had been doing recently in SA.

Mr Jeffery referred to the 'counter-majoritarian dilemma' that emerged when the Courts overturned decisions taken by duly elected authorities. There was a need to strike a balance between the legitimate exercise of parliament or government's democratic mandate and the need to adhere to constitutional principles and provisions. In his opinion the Courts had usually exercised self-restraint.

Prof De Vos noted that the Constitutional Court in particular had been circumspect in dealing with some constitutional cases, and that some lawyers believed it should be more, not less, activist. There was always a danger that some judges might in effect try to take over the running of the country through their decisions, but if the political system was not working as it should then the Courts needed to protect the democratic space.



Adv Thuli Madonsela



Prof Pierre de Vos



Mr John Jeffery

Roundtable Discussions

The First Thousand Days and the Failure to Thrive

28 February 2018

From the moment of conception, the developing child is vulnerable to the effects of substance abuse; poor maternal nutrition; poverty; and inter-personal violence. These intersecting risk factors can be avoided with appropriate psycho-social and public health interventions. These issues were addressed at a Roundtable Discussion by Prof Lisanne du Plessis from the Division for Human Nutrition at Stellenbosch University; Dr Liezille Jacobs from the Department of Psychology at Rhodes University; and Dr Leana Olivier, the CEO of the Foundation for Alcohol Related Research.



L-R: Ms Joan Armstrong (Centre for Pastoral Development, Director and Moderator for this Roundtable); Prof Lisanne du Plessis; Dr Leana Olivier; and Dr Liezille Jacobs



L-R: Adv Mike Pothier (Programme Manager, CPLO); Ms Hopolang Selebalo; and Fr Russell Pollitt, S.J.

Budget 2018: What about our human rights?

9 March 2018

Ms Hopolang Selebalo, a senior researcher at the Studies in Poverty and Inequality Institute, and Fr Russell Pollitt, S.J., Director of the Jesuit Institute, were the main speakers at this Roundtable. Ms Selebalo's analysis of the 2018 Budget focused on whether the Budget has been articulated into a programme of action that uses the redistributive power of government spending to enable the Constitutional goal to "Improve the quality of life of all citizens and free the potential of each person". Fr Pollitt held up a Catholic Social Teaching (CST) magnifying glass to the Budget to analyse the extent to which it adheres to the seven pillars of CST.

Migrant Children and the Right to Education

23 March 2018



L-R: Mr Colin Northmore; Prof Ann Skelton; and Mr Musa Emmanuel

Held in Johannesburg at the Sacred Heart College, this Roundtable attracted more than 90 people, representing various stakeholders including the migrant community, educators, legal practitioners and an array of civil society groups working in the field of displaced persons. The event was co-hosted with Three2Six, a project of Sacred Heart College which provides educational possibilities for children of migrants who, for various reasons, fall between the cracks and cannot enter the normal educational stream. Prof Anne Skelton from the University of Pretoria's Centre for Child Law spoke about the Constitutional obligations around education for all children irrespective of status, and the national legislation and the interpretations given to contested clauses which all favour universal education. She mentioned creeping practices which seek to limit this right. Mr Colin Northmore, Head of Sacred Heart College, spoke about the history of the Three2Six Project, the gaps in education which it seeks to remedy, and the quest of the school to use its resources in socially responsible and just ways. Mr Musa Emmanuel, a refugee community activist, spoke about the bewildering array of obstacles which migrant parents face in accessing education for their children and the social pathologies that follow if children

are not schooled. All the speakers challenged various stakeholders to intensify their advocacy attempts in this field.

Other Events and Visitors

Choice on Termination of Pregnancy Mass

1 February 2018

A Mass at St Mary's Cathedral was hosted to mark the coming into law of the Termination of Pregnancy Act in 1997. The Director of the CPLO, Fr Peter-John Pearson, referred to David's speech to Solomon, which was the reading for the day. David instructed Solomon to stand by his principles, not to make expedient decisions, to repent of that which is wrong and to have a heart of hope. He encouraged the congregation to have a similar paradigm in confronting policies and practices that undermine life.



Fr Peter-John greets parishioners



Apostolic Nuncio Reception

15 February 2018

We hosted a reception for the Apostolic Nuncio to Southern Africa, Archbishop Peter Wells. Archbishop Wells, who is the Vatican's ambassador to SA, was in Cape Town to attend the opening of Parliament. The event was attended by MPs from the ANC, DA, UDM

and ACDP, and by a number of High Commissioners and Consuls General. Archbishop Wells spoke of the importance of the Church's role in advocating for justice and good governance and referred to the positive way in which recent political developments were being perceived.

Distributed Publications

Briefing Papers:

- BP 447 State Capture
- BP 450 The Global Compact for Safe, Orderly & Regular Migration

Digests:

Refugees Digests

Refugees, Migrants and Displaced Persons 22

Refugees, Migrants and Displaced Persons 23

Family Digest:

The Listeriosis Outbreak: A Public Health Challenge

Other Digests:

The 2018 Budget

Responses:

- The Zuma Lessons
- The State of the Nation Address
- The 2018 Budget
- A Holding Cabinet

Submissions:

- The 2018 Budget
- The South African Law Reform Commission Report on Adult Prostitution
- The National Minimum Wage Bill



ACAT visits the CPLO

6 March 2018

Two members of the Cameroonian human rights organization ACAT (Action by Christians for the Abolition of Torture) visited CPLO in March. Mr Lenjo Derrick Bongnyan and Mr Nyingka Marcel Nyuiye were in South Africa to meet organisations working in the field of restorative justice.

L-R: Ms Lois Law (Project Co-ordinator, CPLO); Ms Karen Morris (Finance Manager, CPLO); Adv Mike Pothier (Programme Manager, CPLO); Mr Lenjo Derrick Bongnyan; Mr Nyingka Marcel Nyuiye; and Ms Tonia Wyngaard (Events & Media Co-ordinator, CPLO)

The Amendments to Key Labour Legislation: What's the impact on workers?

12 March 2018

Dr Carin Runciman, a senior researcher at the University of Johannesburg's Centre for Social Change, spoke at a seminar aimed at unpacking the National Minimum Wage Bill, as well as the amendments to the Labour Relations Act and the Basic Conditions of Employment Act. According to Dr Runciman, the amendments to the labour laws are the biggest changes to the labour environment since 1994. She argued that if the three Bills are passed in their current form, they will limit the right to strike; change the conditions of collective bargaining, allowing minority unions to dominate sectors; not guarantee a monthly minimum wage of R3500, but rather only R20 per hour; and remove important protections for vulnerable workers which are currently guaranteed in sectorial determinations.

L-R: Mr Kenny Pasensie (Economic & Social Development Project Co-ordinator, CPLO and Dr Carin Runciman)

