



Africa Regional Social Rights Litigation Workshop

12-14 March 2012, Johannesburg South Africa

Agenda

Sandton Lodge

143 12th Avenue OR 13 River Road [cnr 12th Avenue & River Rd], Rivonia Sandton

Monday, March 12

DAY 1: Strategic Litigation: Challenges and Opportunities

9:15-9:45 Welcome and Overview/Goals of the Workshop

- Welcome - *Jackie Dugard, Socio-Economic Rights Institute of South Africa - SERI (South Africa)*
- Background to Workshop - *Rebecca Brown, International Network for Economic, Social and Cultural Rights - ESCR-Net (New York)*
- Introduction: Achievement, Challenges and Questions - *Malcolm Langford, Norwegian Centre for Human Rights - NCHR (Norway)*

PART I. Strategic Litigation in Context: National Experiences, Challenges and Achievements

This session aims at identifying common strategies, issues and obstacles involving strategic litigation in a range of countries. Each speaker will speak on successes, challenges, opportunities and lessons learned in a relevant field. Presentations will be followed by an open discussion.

9:45- 11:00 Housing Rights, Right to Water, Right to Sanitation and Right Food

- Housing Rights in Kenya - *Odindo Opiata, Hakijamii (Kenya)*
- Housing Rights Litigation in South Africa: the State of Play - *Stuart Wilson, Socio-Economic Rights Institute of South Africa - SERI (South Africa)*

Chair: *Bruce Porter, Social Rights Advocacy Centre - SRAC (Canada)*

11:00-11:15 Break

11:15-12:45 Health and Education Rights

- Challenges, Lessons and Opportunities in Litigating Economic, Social and Cultural Rights in Uganda: The Maternal Health Case - *Christopher Mbazira, Makerere University (Uganda)*
- When Incarceration Turns into a Death Sentence: Access to ARV Treatment Whilst in Police Custody and in Prison - *Tafadzwa Christmas, Zimbabwe Human Rights NGO Forum - ZHRF (Zimbabwe)*
- Norms and Standards for Education Infrastructure: the Mud Schools - *Janet Love, LRC (South Africa)*
- State Failure to Guarantee the Right to Education for Girls Who Fall Pregnant in Schools in Tanzania - *Fausta Musokwa, HakiElimu (Tanzania)*

Chair: Adetokunbo Mumuni, Socio-Economic Rights and Accountability Project - SERAP (Nigeria)

12:45-13:30 Lunch

13:30-15:30 Private Actors, Labour Rights, and Equality Rights

- Holding Multinational Corporations Accountable: the Malawian Case - *Reinford Mwangonde, Citizens for Justice - CFJ (Malawi)*
- Mining Cases in Ghana - *Augustine Niber, Centre for Public Interest Law - CEPIL (Ghana)*
- Poverty and Women's Access to Resources through Succession and Maintenance - *Shereen Mills, Women's Legal Centre - WLC (South Africa)*

Chair: Gertrude Angote, Kituo (Kenya)

15:30-16:00 Coffee

PART II. Strategic Litigation from a Regional Perspective: Challenges and Achievements

16:00-18:00 Regional Perspective

- Overview - *Frans Viljoen, Centre for Human Rights, University of Pretoria (South Africa)*
- Strategic Litigation from a Regional Perspective: A Focus on Children's Rights - *Benyam Mezmur, AU Commission's African Committee of Experts on the Rights and Welfare of the Child*
- Litigating Economic and Social Rights in West Africa: SERAP Right to Education Case before the ECOWAS Court - *Adetokunbo Mumuni, Socio-Economic Rights and Accountability Project - SERAP (Nigeria)*

Chair: Nicole Fritz, Southern African Litigation Centre - SALC (South Africa)

19:00 Dinner Together (Hotel Restaurant)

Tuesday, March 13

DAY 2: Enforcement and long-term strategies in national contexts: challenges and opportunities

This session aims at identifying challenges and strategies for effective enforcement in particular countries as well as regionally.

9:15-11:15 Enforcement from a Regional Perspective

- Comparative Perspective on the Enforcement Project - *Cesar Rodriguez, Dejusticia (Colombia)*
- Regional Courts' Decisions and the Enforcement Challenge: Lessons From the Ogoni Case - *Victoria Ibezim-Ohaeri, Social and Economic Rights Action Center - SERAC (Nigeria)*
- From Judgement to Justice: In Search of Implementation of the Endorois Decision - *Korir Sing'Oei, Center for Minority Rights Development - CEMIRIDE (Kenya)/Odindo Opiata - Hakijamii (Kenya)*

Chair: *Christopher Mbazira, Makerere University (Uganda)*

11:15-11:30 Break

11:30-12:30 Maximizing Impact within Strategic Litigation

- Strategy, Tactics and Impact: Revisiting Winning and Losing – *Jackie Dugard, SERI (South Africa)*

Group 1: Strategies to Ensure Implementation of Successful Judgments

Chair: Susie Talbot, Interights

Group 2: Strategies to Maximize Impact Regardless of Judgment Outcome

Chairs: Gertrude Angote, Kituo (Kenya) and Reinford Mwangonde, CFJ (Malawi)

12:30-12:40 Report back to plenary

12:40-14:00 Lunch

There will be a side meeting with South-African groups working on ICESCR Ratification in order to have a better understanding of the state of the situation in the country.

14:00-15:30 Creating a Favorable Environment for Strategic Litigation and Enforcement

This session aims at discussing challenges and strategies involving strategic litigation and enforcement from an exogenous perspective, including institutional and legal reform. We will have short presentations followed by a facilitated discussion.

- Social Movements and Empowerment – *Legborsi Saro Pyagbara, Movement for the Survival of the Ogoni People - MOSOP (Nigeria)*
- Overview of the OP-ICESCR, Why is it important for Social Rights Advocacy? - *Bruce Porter, SRAC (Canada)*

- The Intersection between Migrant Issues and ESCR - *Jacob van Garderen, Lawyers for Human Rights (South Africa)*
- Judicial Education and Constitutional Reform – *Odindo Opiata, Hakijamii (Kenya)*
- Trends in Africa – *Iain Byrne – Amnesty International*

Chair: Gaye Sowe, Institute of Human Rights and Development (Gambia)

15:30-16:00 Break

**16:00-18:00 Roundtable Discussion: What Is Next?
Needs and Opportunities for Partnerships and Support**

This session aims at identifying opportunities for mutual support in litigation initiatives among participants and with ESCR-Net. The discussion would focus on needs and responses to those needs by participants themselves. We expect to have an open, facilitated discussion.

Chairs: *Malcolm Langford and Daniela Ikawa*

Wednesday, March 14

DAY 3: OP-ICESCR Ratification: Building a Regional Strategy in Africa

9:00 – 9:15 Overview and Introduction

- Overview of International NGO Coalition Campaign and Current Context of OP Ratification in Africa - *Lilian Chenwi, University of Witwatersrand (South Africa)*

9:15 – 11:00 Current OP Ratification Efforts in Africa.

Key Issues in Ratification Debates of the OP-ICESCR in Africa

Presentations will be followed by a facilitated discussion where all participants are expected to give an update on OP ratification efforts, including obstacles, actors involved, and opportunities.

- Nigeria's Journey towards the Ratification of the OP-ICESCR: Issues, Challenges and Opportunities- *Victoria Ibezim-Ohaeri, Social and Economic Rights Action Center - SERAC (Nigeria)*
- Challenges and Opportunities in Kenya – *Odindo Opiata, Hakijamii (Kenya)*
- Challenges and opportunities in South Africa - *Lilian Chenwi, University of Witwatersrand, and Ebenezer Durojaye, Community Law Centre - CLC (South Africa)*

Chair: *Elin Wrzoncki, International Federation for Human Rights - FIDH*

11:00 – 11:30 Break

11:30-13:00 Open discussion - National Level Linkages

Facilitated and open discussion, focusing on the obstacles faced in each country. This session aims at providing a better understanding on existing obstacles and the context in which those obstacles are framed.

Facilitator: Sandra Ratjen, International Commission of Jurists – ICJ Victoria Ibezim-Ohaeri, Social and Economic Rights Action Center - SERAC (Nigeria)

13:30 – 14:00 Lunch

14:00 – 16:00 Start Building a Regional Campaign: Opportunities, Key Messages and potential actions. Focal Points.

What Are the Countries that Might Ratify the OP-ICESCR Soon?

- Lobbying at African Commission level (Amnesty’s letter writing campaign) - *Iain Byrne, Amnesty International - AI*
- Sharing strategies being used in Latin-American region - *Ivahanna Larrosa, International Network for Economic, Social and Cultural Rights - ESCR-Net/ OP Coalition*

Presentations will be followed by an open discussion, where participants will share specific information regarding opportunities, partners and potential actions in their countries (and the region) in order to start building a road map.

Facilitators: *Lilian Chenwi, University of Witwatersrand and Ivahanna Larrosa - International Network for Economic, Social and Cultural Rights - ESCR-Net/ OP Coalition..*

16:00 - 16:30 Closing / Next Steps: *Rebecca Brown, International Network for Economic, Social and Cultural Rights - ESCR-Net and Jackie Dugard, Socio-Economic Rights Institute of South Africa – SERI*

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