

# CURRICULUM VITAE

## SANDRA LIEBENBERG

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### PERSONAL DETAILS

Name: PROFESSOR SANDRA LIEBENBERG

Date of Birth: 26 February 1965

First language: English  
Other languages: Afrikaans

Current Employment: H.F. Oppenheimer Chair in Human Rights Law  
Department of Public Law, Stellenbosch University  
Fellow, Ciucci Centre for Law and Social Development, Stellenbosch  
Law Faculty  
Co-Director, Socio-Economic Rights and  
Administrative Justice Research Project (SERAJ)

Employment address: Department of Public Law, Stellenbosch University, Private Bag X 1,  
Matieland, 7602.  
Tel: (021) 8083195

E-mail address: [sliebenb@sun.ac.za](mailto:sliebenb@sun.ac.za)

### ACADEMIC QUALIFICATIONS

Natal Senior Certificate  
(December 1982) Carter High School, Pietermaritzburg

Bachelor of Arts (BA)  
(11 December 1985) University of Cape Town

Bachelor of Law (LLB)  
(11 December 1987) University of Cape Town

Diploma  
(23 September 1994) Advanced Course on the International Protection of  
Human Rights (with distinction), Abo Akademi  
University Institute for Human Rights, Abo Akademi,  
Turku, Finland.

Master of Laws (LLM) (with distinction)  
(13 July 1995) International Human Rights Law  
University of Essex, United Kingdom

## PROFESSIONAL QUALIFICATIONS

Admission as Attorney of the  
Supreme Court of South Africa  
(Cape of Good Hope Prov. Div.)                      30 January 1991

## OVERVIEW OF CAREER AND EMPLOYMENT HISTORY

- H.F. Oppenheimer Chair in Human Rights Law, Law Faculty, University of Stellenbosch: January 2004 – present
- Senior Researcher and Co-ordinator, Socio-Economic Rights Project, Community Law Centre, University of the Western Cape, January 1997 – December 2003
  - Promoted to Associate Professor, January 2001
  - Acting Director of Community Law Centre (during Director, Prof Steytler's sabbatical leave): 2001
- Researcher and Co-ordinator, Women and Human Rights Project, Community Law Centre, University of the Western Cape: November 1995 – December 1996
  - During this period seconded part-time to Constitutional Assembly to serve as Chair of Technical Committee on Bill of Rights in 1996 South African Constitution.
- October 1993 – July 1995: LLM studies (University of Essex) on Helen Suzman Leadership Award (Foreign and Commonwealth Office Scholarship)
- Practising attorney (professional assistant): Bernadt, Vukic and Potash (Cape Town): January 1991 – September 1993.
- Candidate attorney, Bernadt, Vukic and Potash (Cape Town): January 1989 – December 1990.
- Fellowship, Legal Resources Centre (Cape Town): January 1988 – December 1988.

## SEPECIAL PROJECTS FOUNDED AND DIRECTED

Founded and Directed the *Socio-Economic Rights Project* at the Community Law Centre, University of the Western Cape, 1997 – 2003.

Co-ordinated University of Stellenbosch Law Faculty's *Strategic Research and Outreach Project, Combating Poverty, Homelessness and Socio-Economic Vulnerability Under the Constitution*, 2009 - 2011.

Co-founded and Co-Direct (with Prof Geo Quinot) the *Socio-Economic Rights and Administrative Justice Project (SERAJ)*, University of Stellenbosch Law Faculty, 2012 – (ongoing).

Goals and activities of SERAJ available on website: at: <http://blogs.sun.ac.za/seraj/>

## PROFESSIONAL ACHIEVEMENTS, MEMBERSHIP OF BOARDS, PROFESSIONAL NETWORKS

Academic honours and Dux of School	1982
Philosophy I class medal	1983
Dean's Merit List	1987
Helen Suzman Leadership Award (British Council Foreign and Commonwealth Office Scholarship) to study for LLM in International Human Rights Law, University of Essex	1993-1994
University of Essex and Suffolk & North Essex Law Society Human Rights Prize (joint recipient – top two students in LLM class)	March 1995
Chairperson, Bill of Rights Technical Committee, Constitutional Assembly of South Africa	October 1995 –December 1996
University of Stellenbosch Rector's Award for Teaching Excellence	2007
University of Stellenbosch Rector's Award for Community Service (with Prof Geo Quinot)	2008
University of Stellenbosch Rector's Award for Excellent Overall Performance	2010, 2012, 2013, 2014
Distinguished African Scholar, Cornell University Law School (USA)	2011
Assessor, Australian Research Council	2013
Distinguished Visiting Professor, Faculty of Law, Rhodes University	2014
University of Stellenbosch Chancellor's Award for Community Service	2014
JC Smith Trust Fund Distinguished Visiting Scholar School of Law, University of Nottingham.	2014-2015
Current membership of Editorial Boards of Academic Law Journals:	
<ul style="list-style-type: none"> <li>• SA Journal on Human Rights</li> <li>• African Human Rights Law Journal</li> <li>• Human Rights Law Journal (Univ of Nottingham, UK)</li> <li>• Constitutional Court Review</li> <li>• Speculum Juris</li> </ul>	

2009 – 2010: Served as member of two-person drafting group appointed by the African Commission on Human and Peoples' Rights to draft the *Principles and Guidelines on the Implementation of the Economic, Social and Cultural Rights* in the African Charter on Human and Peoples' Rights.

Membership of Boards of Directors of Non-Governmental Organisations:

- Former Chairperson of the Board of Directors, Women's Legal Centre.
- Board of Directors of the Socio-Economic Rights Institute of South Africa (SERI) (served as founding Chairperson of the Board of Directors until December 2014)
- Advisory Board, Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
- Advisory Board, ESCR-Net, Strategic Litigation Group
- Advisory Council, Institute for Strategic Litigation in Africa (ISLA)

Member of International Socio-Economic Rights Project (iSERP), a global network of academics and NGOs working on socio-economic rights, co-ordinated by Prof Lucy Williams and Karl Klare of North-Eastern University, Boston, USA.

Member of Staff of Global School on Economic, Social and Cultural Rights (see: <http://globalschool.co/index.php?mode=home>): In this capacity I annually teach on the African regional court on the judicial enforcement of economic, social and cultural rights, and co-organise and teach on the Advanced Course on the Justiciability of Economic, Social and Cultural Rights, a partnership with the Åbo Akademi Institute for Human Rights (Åbo/Turku, Finland), and the Norwegian Centre for Human

Member of Reference Group of the Human Rights and Development Postgraduate Programme and Doctoral Network in Human Rights co-ordinated Åbo Akademi Institute for Human Rights (Åbo/Turku, Finland).

National Research Foundation Rating: B1 for the period 1 January 2015 – 31 December 2020 (Researcher who enjoys considerable international recognition by their peers for the high quality and impact of their recent research outputs)

Current University Committees (2015):

- Chairperson of Law Faculty Research Committee
- Member of central University Research Committee (Sub-Committee "A")
- Member of interim University of Stellenbosch Transformation Committee
- Member of Task Team to Draft an Anti-Discrimination Policy for the University
- Live, Listen and Learn student accommodation "Guru" (mentor) for Human Rights House

## **RESEARCH AND SCHOLARSHIP**

### **BOOKS**

1995

S. Liebenberg (ed) *The Constitution of South Africa from a Gender Perspective* Cape Town, Community Law Centre in association with David Philip Publishers (Pty) Ltd. 1995, ISBN 0-620-19656-4.

2010

S Liebenberg *Socio-Economic Rights: Adjudication under a Transformative Constitution* (Juta & Co, 2010) 1 - 541 ISBN 978 0 7021 8480 2 (541 page single-authored monograph)

2011

S. Liebenberg G Quinot (eds) *Law and Poverty: Perspectives from South African and Beyond* (2012) Juta & Co)

### **CHAPTERS IN BOOKS**

1995

S. Liebenberg, 'Social and Economic rights: A critical challenge' *The Constitution of South Africa from a Gender Perspective* in S. Liebenberg (ed) (Community Law Centre in association with David Philip Publishers (Pty) Ltd, Cape Town, 1995) 79 – 96. ISBN 0-620-19656-4.

1997

S. Liebenberg 'Human Rights and Economic Development: The Constraints and Obligations Imposed by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights' *Democracy, Human Rights and Economic Development in Southern Africa* in N. Steytler (ed) (Lex Patria Publishers: Johannesburg, 1997) 49 – 75. ISBN 0 628 03 659 0.

S. Liebenberg 'Environment' *Fundamental Rights in the Constitution: Commentary and Cases* D. Davis, H. Cheadle and N. Haysom (eds) (Juta & Co Ltd, Cape Town 1997) 256 – 263. ISBN 0 7021 3636 0.

S. Liebenberg 'Education' *Fundamental Rights in the Constitution: Commentary and Cases* D. Davis, H. Cheadle and N. Haysom (eds) (Juta & Co, Ltd, Cape Town, 1997) 294-302. ISBN 0 7021 3636 0.

S. Liebenberg 'Housing' *Fundamental Rights in the Constitution: Commentary and Cases* in D. Davis, H. Cheadle and N. Haysom (eds) (Juta & Co Ltd, Cape Town, 1997) 342 – 353. ISBN 0 7021 3636 0.

S. Liebenberg 'Health, Food, Water and Social Security' *Fundamental Rights in the Constitution: Commentary and Cases* D. Davis, H. Cheadle and N. Haysom (eds) (Juta & Co Ltd, Cape Town, 1997) 354 – 359. ISBN 0 7021 3636 0.

## 1998

S. Liebenberg 'Socio-Economic Rights' *Constitutional Law of South Africa* M. Chaskalson et al (eds) Revision Service 3 (Juta & Co Ltd. Cape Town, 1998) chapter 41 - 1 – 56. ISBN 0 7021 3561 5.

## 2000

S. Liebenberg and K. Pillay (eds) *Socio-Economic Rights in South Africa: A Resource Book* (Community Law Centre, UWC, 2000). ISBN 0 – 620 26419-5.

S. Liebenberg 'Introducing socio-economic rights' *Socio-Economic Rights in South Africa: A Resource Book* S. Liebenberg and K. Pillay (eds) (Community Law Centre, UWC, 2000) 9 - 40 ISBN 0 – 620 264 19 –5.

S. Liebenberg 'Social Security as a Human Rights' *Circle of Rights. Economic, Social and Cultural Rights Activism: A Training Resource* International Human Rights Internship Program and Asia Forum for Human Rights and Development 2000, 200 – 219

S. Liebenberg 'The Development of Policy, Plans and Legislation to Protect and Promote Economic, Social and Cultural Rights' *Circle of Rights. Economic, Social and Cultural Rights Activism: A Training Resource* International Human Rights Internship Program and Asia Forum for Human Rights and Development 2000, 407 – 417.

## 2001

S. Liebenberg 'Violations of Socio-Economic Rights: The Role of the South African Human Rights Commission' *The Post-Apartheid Constitutions: Perspectives on South Africa's Basic Law* P. Andrews and S. Ellmann (eds) (Witwatersrand University Press and Ohio University Press, Athens, 2001) 405 – 443. ISBN 0-8214-1400-3.

S. Liebenberg 'The Protection of Economic and Social Rights in Domestic Legal Systems' *Economic, Social and Cultural Rights: A Textbook* (Second Revised Edition) in A. Eide, C. Krause and A. Rosas (eds) (Martinus Nijhoff Publishers Dordrecht/Boston/London, 2001) 55 – 84. ISBN 90-411-1595-1.

## 2002

S. Liebenberg 'Education' *South African Constitutional Law: The Bill of Rights* H. Cheadle, D. Davis, N. Haysom (eds) (Butterworths, Durban) 533 – 544. ISBN 0 409 01823 6

S. Liebenberg 'The Right to Social Security: A Response from a South African Perspective' *Exploring the core content of socio-economic rights: South African and international perspectives* D Brand and S Russel (eds) (Pretoria: Protea Book House, 2002) 147 – 158. ISBN 1-919825-87-8.

## 2003

S. Liebenberg 'The Interpretation of Socio-Economic Rights' in M. Chaskalson et al (eds.). *Constitutional Law of South Africa* 2<sup>nd</sup> ed OS (Juta & Co Ltd, 2003) ch 33, 1 – 66. ISBN 0 7021 3561 5.

## 2005

S. Liebenberg 'Enforcing Positive Socio-Economic Rights Claims: The South African Model of Reasonableness Review' in J. Squires, M. Langford and B. Thiele (eds) *The Road to a Remedy: Current Issues in the Litigation of Economic, Social and Cultural Rights* (Australian Human Rights Centre, The University of New South Wales Press: Sydney, 2005) 73 – 88. ISBN 0-646-45538-9.

S. Liebenberg 'The Value of Human Dignity in Interpreting Socio-Economic Rights' in A. J. van der Walt (ed) *Theories of Social and Economic Justice* (Stellenbosch: Sun Press, 2005) 141 – 167. ISBN 1-919980-82-2 (reprinted with minor editorial changed with the permission of I Currie (editor of *SAJHR*) and Juta & Co)

## 2006

S. Liebenberg 'The Judicial Enforcement of Social Security Rights in South Africa: Enhancing Accountability for the Basic Needs of the Poor' in E. Riedel (ed), *Social Security as a Human Right: Drafting a General Comment on Art 9, ICESCR – Some Challenges* (Springer: Berlin, Heidelberg, New York, 2006) 66 – 90. ISSN 1617-1497.

S. Liebenberg 'Making a Difference: Human Rights and Development – Reflecting on the South African Experience' in B. A. Andreassen and S. P. Marks (eds) *Development as a Human Right: Legal, Political and Economic Dimensions* (A Nobel Symposium Book, Harvard School of Public Health, Francois-Xavier Bagnoud Center for Health and Human Rights, 2006) 167-195. ISBN 0- 674-0 2121-5.

## 2007

S. Liebenberg 'Needs, Rights and Transformation: Adjudicating Social Rights in South Africa' in T Lovell (ed) *(Mis)recognition, Social Inequality and Social Justice: Nancy Fraser and Pierre Bourdieu* (Routledge: London and New Cork, 2007) 177-201. ISBN 10:0-415-40466-5 (reprinted with minor editorial changes and an updated section with permission of Stellenbosch Law Review. Article initially published in vol 17(1) 2006 *Stell Law Review /Regstydskrif* 5 – 36).

## 2008

S. Liebenberg 'Socio-Economic Rights under South Africa's Transformative Constitution' in M. Langford (ed) *Socio-Economic Rights Jurisprudence: Emerging Trends in International and Comparative Law* (Cambridge University Press, 2008) 75 – 101. ISBN: 13: 9780521678056.

S Liebenberg 'Socio-Economic Rights: Revisiting the Reasonableness Review / Minimum Core Debate' in S Woolman and M Bishop (eds) *Constitutional Conversations* (PULP Press, 2008) 303 – 329. ISBN 978-0-9814124-1-2.

## 2009

S. Liebenberg 'The Judicial Enforcement of Socio-Economic Rights under South Africa's Transformative Constitution' in D Fraser & Graca Rodrigues (eds) *Disrespect Today, Conflict Tomorrow* (Critical, Cultural and Communications Press, Nottingham, 2009) 161 – 173. ISBN 978-1-905510-12-2.

Liebenberg S 'Reflections on Drafting a Bill of Rights" A South African Perspective' in N Kersting (ed) *Constitution in Transition: Academic Inputs for a New Constitution in Zimbabwe* (GTZ and Friedrich Ebert Stiftung, 2009) 21 – 45. ISBN: 978-0-7974-4065-4.

## 2011

S. Liebenberg 'L'Afrique du Sud: l'adjudication des droits sociaux dans le contexte d'une constitution transformatrice' in P Bosset & L Lamarche (eds) *Droit de cite pour les droits économiques, sociaux et culturels* (2011) Editions Yvon Blais 405 – 459 [ selected for translation into French from S Liebenberg 'Adjudicating social rights under a transformative constitution' in M Langford (ed) *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (2008) Cambridge University Press 75 – 101]

## 2012

S. Liebenberg 'Equality rights and children: Moving beyond a one-size fits all approach' in K Hall, I Woolard, L Lake and C Smith (eds) *2012 South African Child Guage* (2012) Children's Institute, University of Cape Town 24 – 31. ISBN: 978-0-799292489-4.

## 2014

S. Liebenberg 'Socio-economic rights beyond the public/private divide' in M Langford, J Dugard, T. Madlingozi (eds) *Symbols or Substance? The Role and Impact of Socio-Economic Rights Strategies in South Africa* (2014) (Cambridge University Press) 63 – 91. ISBN: 978-1-107-02114-3.

## 2015

S Liebenberg & K G Young 'Adjudicating social rights: Can democratic experimentalism help?' in H Aliviari Garcia, K Klare, L A Williams and (eds) *Socio-Economic Rights in Theory and Practice: Critical Inquiries* (2015) (Routledge) 237 – 257. ISBN 978-0-415-70564-6.

## REFEREED/PEER-REVIEWED ARTICLES IN JOURNALS

### 1995

S. Liebenberg 'The International Covenant on Economic, Social and Cultural Rights and its Implications for South Africa' 1995 (11) *South African Journal on Human Rights* 359 - 378.

'Social rights in the Constitution: Towards Effective Equality for Women in South Africa' 1994 - 1995 *Third World Legal Studies Journal* (International Third World Legal Studies Association and The Valparaiso University Law School) 225 - 242.

### 1997

S. Liebenberg Book review: E. de Wet, 'The Constitutional Enforceability of Economic and Social Rights: The Meaning of the German Constitutional Model for South Africa' (1997) 13 *South African*



*Journal on Human Rights* 163 - 168.

S. Liebenberg 'Identifying Violations of Socio-Economic Rights: The Role of the SA Human Rights Commission' 1997 (1) *Law, Democracy and Development* 161 - 191.

**1999**

S. Liebenberg 'Social Citizenship - a Precondition for Meaningful Democracy' 1999 (40) *AGENDA* 59 - 65.

**2001**

S. Liebenberg 'The Right to Social Assistance: The Implications of *Grootboom* for Policy Reform in South Africa' 2001 (17) *South African Journal on Human Rights* 232 – 257

**2001**

S. Liebenberg and Michelle O'Sullivan 'South Africa's New Equality Legislation: A Tool for Advancing Women's Economic Equality?' 2001 *Acta Juridica* (Equality Law: Reflections from South Africa and Elsewhere) 70 – 103.

**2002 - 2003**

S. Liebenberg (Guest Editor), special two-part issue of *Law Democracy and Development* entitled 'Socio-Economic Rights and Transformation in South Africa' (forthcoming as vol 6 (2002) and vol 7(2003)).

S. Liebenberg 'South Africa's Evolving Jurisprudence on Socio-Economic Rights: An Effective Tool in Challenging Poverty?' 2002 (6) *Law Democracy and Development*: 159 – 191.

**2004**

B. Goldblatt and S. Liebenberg 'Giving money to children: The State's constitutional obligations to provide child support grants to child headed households' (2004) 20 *South African Journal on Human Rights* 151 – 164.

**2005**

S. Liebenberg 'The Value of Human Dignity in Interpreting Socio-Economic Rights' (2005) 21 *South African Journal on Human Rights* 1 – 31.

**2006**

S. Liebenberg 'Needs, Rights and Transformation: Adjudicating Social Rights in South Africa' (2006) 1 *Stellenbosch Law Review / Regstydskrif* 5 - 36

S. Liebenberg 'The Adjudication of Social Rights under South Africa's Transformative Constitution' *Chilean Human Rights Yearbook* (2006).

## 2007

S. Liebenberg and B Goldbatt 'The Interrelationship between Equality Rights and Socio-Economic Rights under a Transformative Constitution' (2007) 23 *South African Journal on Human Rights* 335 – 361.

S. Liebenberg 'Towards a Transformative Adjudication of Socio-Economic Rights' (2007) 1 *Speculum Juris* 41 – 59.

S. Liebenberg 'Book review: D Bilchitz *Poverty and Fundamental Rights: The Justification and Enforcement of Socio-Economic Rights*' (2007) 4 *South African Law Journal* 882 – 889.

## 2008

S Liebenberg 'The Application of Socio-Economic Rights to Private Law' (2008) 3 *TSAR* 464 - 480 (Special edition in honour of Prof. Ig Rautenbach).

S Liebenberg 'The Value of Freedom in Interpreting Socio-Economic Rights' (2008) *Acta Juridica* (Special edition based on conference in honour of Emeritus Judge Laurie Ackerman)

## 2011

S Liebenberg 'Grootboom and the seduction of the negative/positive rights dichotomy' (2011) 26 *SAPL* 37-59

S Liebenberg & G Quinot 'Narrowing the band: Reasonableness review in administrative justice and socio-economic rights jurisprudence in South Africa' (2011) 3 *Stell LR Law and Poverty Special Edition* 639-663.

## 2012

S Liebenberg "Engaging the paradoxes of the universal and particular in human rights adjudication: The possibilities and pitfalls of 'meaningful engagement' (2012) 12 *African Human Rights Law Journal* 1 – 29 (cited in two Constitutional Court judgments).

## 2013

G Muller and S Liebenberg 'Developing the law of joinder in the context of the eviction of people from their homes' (2013) 29 *SAJHR* 554 – 570.

## 2014

M Strauss and S Liebenberg 'Contested spaces: Evictions law in post-apartheid South Africa' (2014) 13 *Planning Theory (Special Issue: Planning and Human Rights)* 428 – 448.

S. Liebenberg 'Participatory approaches to socio-economic rights: Tentative lessons from South African evictions law' 32(4) *Nordic Journal on Human Rights* (Special edition on Human Rights Based Approaches to Development) 312-330.

S. Liebenberg 'Judicially enforceable socio-economic rights in South Africa: Between light and shadow' vol 37 *Dublin University Law Journal* 131 – 171.

2015

S Liebenberg 'Towards an equality promoting interpretation of socio-economic rights in South Africa: Insights from the egalitarian liberal tradition' Vol 132 (2) *South African Law Journal* 411 – 437.

K Moyo and S Liebenberg 'The privatization of water services: The quest for enhanced human rights accountability' 37 *Human Rights Quarterly* 691 – 727.

S Liebenberg 'Social rights and transformation in South Africa: Three frames' 3 *South African Journal on Human Rights* (forthcoming).

## SELECTION OF ARTICLES IN POPULAR JOURNALS/MEDIA

### *ESR Review*

I was the founder and editor of *ESR Review* (*Economic and Social Rights in South Africa*, publication of the Socio-Economic Rights Project, Community Law Centre (UWC)). I was editor of *ESR Review* from 1997 until my departure from the Community Law Centre at the end of 2003 to take up my present post at the Stellenbosch University Law Faculty.

I have published the following articles in *ESR Review*:

'The National Water Bill: Breathing life into the right to water' (1998) 1 *ESR Review* 3.

'The South African Human Rights Commission' (1998) 1 *ESR Review* 6.

'Social Security and Human Rights: Current Issues' (1998) 1 *ESR Review* 10.

'NGO Networking and Strategy Meeting' (1999) 1 *ESR Review* 22.

'Advancing Equal Access to Socio-Economic Rights: The New Equality Legislation' (1999) 2 *ESR Review* 12.

'Challenging the Common Law of Evictions: *Ross v South Peninsula Municipality* (1999) 2 *ESR Review* 16.

'Case Review: *Ross, Cape Killarney Property Investments and Grootboom*' (1999) 2 *ESR Review* 11 (with Steve Kahanowitz).

'The New Equality Legislation: Can it advance socio-economic rights?' (2000) 2 *ESR Review* 7.

'*Grootboom v Oostenberg Municipality and others*' (2000) 2 *ESR Review* 10 (with Karrisha Pillay).

'The South African Human Rights Commission's Second Economic and Social Rights Report' (2000) 2 *ESR Review* 13 (with Danie Brand).

'The Courts and Socio-Economic Rights: Carving Out a Role' (2002) 3 *ESR Review* (Special Edition: *Socio-economic Rights and Transformation in South Africa*) 4.

'Universal Access to Social Security Rights: Can a Basic Income Grant Meet the Challenge' (2002) 3

*ESR Review* 8.

'Towards the Light of Day: An Individual Complaints Procedure under the International Covenant on Economic, Social and Cultural Rights' (2002) 3 *ESR Review* 17.

'Taking Stock: The Jurisprudence on Children's Socio-Economic Rights and its Implications for Government Policy' (2004) 5 *ESR Review* 2 – 6.

'Basic rights claims: How responsive is 'reasonableness review'?' (2004) 5 *ESR Review* 7 – 11.

'Needs, Rights and Transformation: Adjudicating Social Rights in South Africa' (2005) 6 *ESR Review* 1 – 8.

Guest editor, Special edition of *ESR Review* (2006) vol 7, no 3 on 'forced evictions'.

'Socio-Economic Rights under a Transformative Constitution: The Role of the Academic Community and NGO's' (2007) 8 *ESR Review* 3 – 9.

S Liebenberg and L Chenwi 'The Constitutional Protection of those facing Eviction from "Bad Buildings"' (2008) 9 *ESR Review* 12.

J Dugard and S Liebenberg 'Muddying the waters: The Supreme Court of Appeal's judgment in the *Mazibuko* case' 10 *ESR Review* (2009) 11-17.

'The potential of the International Covenant on Economic, Social and Cultural Rights as a tool for poverty reduction in South Africa' (2014) 15 *ESR Review* 3 – 7.

#### Other popular journals:

Co-editor, *Your Social and Economic Rights*, written by J. Cole, (Development Action Group, 1996).

'Equalisation at what cost? A case study on the new child support benefit' (1997) (1) *Development Update* (quarterly journal of the South African National NGO Coalition and INTERFUND) 43 - 49.

'The New Child Support Grant' in (1997) *NGO Matters*, publication of the South African National NGO Coalition (SANGOCO).

'Gender Equality in the Enjoyment of Economic and Social Rights' (1998) 2 *Women and Human Rights Documentation Centre Newsletter*.

'The *Soobramoney* case: An unpromising start?' (1998) *Rights Now* National Association of Democratic Lawyers (NADEL) Human Rights Research and Advocacy Project.

'Evictions, Municipalities and the Constitution: The right to housing' in (1999) 1 (4) *Local Government Bulletin*, Community Law Centre and the South African Local Government Association (SALGA).

'Towards a Right to Alternative Accommodation: South Africa's Constitutional Jurisprudence on Evictions' 2005: vol 2(3) *Housing and ESC Rights Law Quarterly* 1 – 5.

'Adjudicating the Positive Duties Imposed by Economic, Social and Cultural Rights' (2006) vol 15 (3) *Interights Bulletin* 109 – 113.

'Protecting Economic and Social Rights under Bills of Rights: The South African Experience' (2007) vol 16 (3) *Human Rights Defender* (a publication of the Australian Human Rights Centre: The University of New South Wales) 2 – 6.

### Selected Media

'Protecting people's rights even behind prison bars', feature article in the Supplement to *The Weekly Mail*, June 18 - 24 1993.

Guest on Agenda/Newsline Television programme on the genesis of the First Working Draft of the final Constitution, November 1995.

'The Challenge of Socio-Economic Rights', feature article in *Reconstruct*, supplement to *The Sunday Independent* newspaper, 13 December 1998.

Panellist on the SABC - TV programme, *Future Imperfect* on 'Women's rights in South Africa' produced by Penguin Films in Association with the Centre for Applied Legal Studies, March 1996.

'Economic and social rights in the Constitution', IDASA radio interview, 1997

'The new child support grant' SAFM radio interview, 1998.

'The new child support grant' Radio C Flat interview, 1998.

'The *Grootboom* Case' Radio interview on *The Law Reports*, SAFM, 2000.

'Making a Pro-Poor Constitution' *Mail & Guardian*, 12 – 18 May 2006

'Municipalities must consider people's housing rights when planning evictions' *Cape Times* 21 February 2008 13.

'Protect Constitution's transformative project' *Cape Times* 11 August 2008, 9 (opinion piece). Republished on request in LRC Annual Report 2008.

'Crucial leaks in mayor's attack on water ruling' *Business Day* 20 May 2008 13.

'Joe Slovo eviction: Vulnerable community feels the law from the top down' *Business Day* 22 June 2009, 9 (Opinion Piece).

Academic expert interviewed on television documentary entitled, *Democracy: Back to Human Rights – "Human Settlements"*, Paw-Paw Films, screened on various SABC TV stations, September 2009.

'Constitution Compels State to Act – The Right Not to Languish in Poverty' Opinion Piece, *Cape Times*, 6 September 2010, 11.

"No Bill of Rights, No Democracy" Opinion Piece, *Cape Times* 3 April 2012

"Why race should still be an important factor in higher in education admissions from a pedagogical viewpoint" Blog article, *SA First*, Stellenbosch University SRC initiative, 2012

'What the law says about evictions' *Groundup* and *Mail & Guardian* online, 1 September 2014:

[http://groundup.org.za/article/what-law-has-say-about-evictions\\_2185](http://groundup.org.za/article/what-law-has-say-about-evictions_2185)

<http://mg.co.za/article/2014-09-01-what-the-law-has-to-say-about-evictions>

'Social audits as a tool to realise the right to sanitation': *Groundup* and *Mail and Guardian* online, 22 October 2014

[http://www.groundup.org.za/article/social-audits-and-right-sanitation\\_2372](http://www.groundup.org.za/article/social-audits-and-right-sanitation_2372)

<http://mg.co.za/article/2014-10-22-social-audits-as-a-tool-to-realise-the-right-to-sanitation>

## RESEARCH PAPERS, POLICY REPORTS AND SUBMISSIONS

*Report on what Parliament has done to improve the Quality of Life and Status of Women in South Africa* (with Pethu Serote, Jacqui Nolte and Nozipho January Bardill) commissioned by the Speaker of the National Assembly, Dr. Frene Ginwala, 1995

*Submission to the Truth and Reconciliation Commission concerning the Relevance of Economic, Social and Cultural Rights to the Commission's Mandate* (co-author) Community Law Centre, Legal Resources Centre, Development Action Group and others, 1997.

*Submission to the Portfolio Committee on Welfare and Population Development (National Assembly) on the new Child Support Grant*, 1997.

*The Concept of the 'Primary Care-Giver' in new South African legislation - Special Focus: The new Child Support Grant* (with Julia Sloth-Nielsen) Report on a seminar co-hosted by the Women and Human Rights Project and Children's Rights Project, Community Law Centre (UWC), 1997.

*The Right to Housing and Gender Equality in the Housing Bill* (co-author) Joint Submission to the Portfolio Committee on Housing (National Assembly) by the Community Law Centre, Centre for Rural Legal Studies, the Legal Resources Centre, Development Action Group, Surplus People's Project and African Gender Institution (University of Cape Town), September 1997.

Editor and author of a number of chapters in *Monitoring Socio-Economic Rights - The Role of the South African Human Rights Commission*, a booklet on the proceedings of a seminar convened by the South African Human Rights Commission, the Community Law Centre (UWC), and the Centre for Human Rights (University of Pretoria) 1997.

*Equality Legislation in relation to Housing*, research report commissioned by the Equality Legislation Drafting Unit established by the Ministry of Justice in conjunction with the SA Human Rights Commission, 1998.

*Socio-Economic Status as a Prohibited Ground of Discrimination* (with Shireen Motara) background research paper submitted to the Equality Legislation Drafting Unit, 1998.

*Poverty and Social Security in South Africa* (with Allison Tilley) Research paper, National 'Speak Out on Poverty' Hearings convened by the SA Human Rights Commission, the SA National NGO Coalition (SANGOCO), and the Commission for Gender Equality, (SANGOCO, 1998).

*Poverty and Human Rights* (with Karrisha Pillay) Report of the National 'Speak Out on Poverty Hearings' jointly convened by the SA Human Rights Commission, the SA National NGO Coalition (SANGOCO) and the Commission for Gender Equality (SANGOCO, 1998). This report was tabled in

Parliament as part of the Human Rights Commission's first report on economic and social rights to Parliament, *Economic and Social Rights Report: Baseline Information*, volume V, March 1999.

*The Right to Social Security: An Analysis of Information provided by Relevant Organs of State in terms of Section 184(3) of the Constitution*, Research Report commissioned by the South African Human Rights Commission. The evaluation of the information provided by government on the right to social security was tabled in Parliament as part of the Human Rights Commission's first report on economic and social rights to Parliament, *Economic and Social Rights Report: Baseline Information*, volume IV, March 1999.

*The Right to Water: An Analysis of Information provided by Relevant Organs of State in terms of Section 184(3) of the Constitution*, Research Report commissioned by the South African Human Rights Commission. The evaluation of the information provided by government on the right to social security was tabled in Parliament as part of the Human Rights Commission's first report on economic and social rights to Parliament, *Economic and Social Rights Report: Baseline Information*, volume IV, March 1999.

*Joint submission of the Women's Legal Centre and the Socio-Economic Rights Project on The Promotion of Equality and Prevention of Unfair Discrimination Bill* (with Karrisha Pillay and Michelle O'Sullivan) to the Parliamentary Ad-Hoc Joint Committee on Promotion of Equality and Prevention of Unfair Discrimination, 23 November 1999.

*Human Development and Human Rights: South African Country Study*, background study commissioned by United Nations Development Programme (UNDP) for the Human Development Report, 2000. Extracts published in *Human Development Report 2000*, United Nations Development Programme (New York and Oxford, Oxford University Press, ISBN 0-19-521678-4 2000).

*A Comparative Survey of the Role of National Human Rights Commissions and International Human Rights Committees in protecting Economic and Social Rights*, commissioned by the Government of Finland as part of an evaluation of support services to the SA Human Rights Commission for monitoring of social and economic rights. Published in Institute for Human Rights, Abo Akademi University, *Evaluation of Human Rights Institute of South Africa's (HURISA) support services to South African Human Rights Commission for monitoring of social and economic rights* Final report, October 2000.

Editorial advice and assistance to the chairperson of the Committee of Inquiry into a Comprehensive Social Security System in South Africa in relation to the aspects of the Committee's reports dealing with the constitutional implications of social security, 2001.

*Judicial and Civil Society Initiatives in the Development of Economic and Social Rights in the Commonwealth* background research report for the Millennium Report of the Commonwealth Human Rights Initiative (submitted to the Commonwealth Heads of Government Meeting) entitled *Human Rights and Poverty Eradication: A Talisman for the Commonwealth* ISBN 81-88205-00-1 (2001).

*Rights, Roles and Resources: An Analysis of Women's Housing Rights – Implications of the Grootboom case* (co-editor with Debbie Budlender, Report co-authored by Karrisha Pillay, Rashida Manjoo and Elroy Paulus) Research Report for Women's Budget Project and IDASA, 2002.

*The Basic Income Grant: Realising the Right of Access to Social Assistance*, Submission to the Ministry of Social Development on the Consolidated Report of the Committee of Inquiry into a Comprehensive System of Social Security for South Africa, Community Law Centre, 14 June 2002.

*Submission on Proposed Amendments to the Social Assistance Act* (co-author) joint submission of the Socio-Economic Rights Project (CLC), the Black Sash, ACCESS, Children's Institute (UCT), and the South African Federal Council on Disability to the Department of Social Development, January 2003.

*The Draft Social Security Agency Bill* (co-author) joint submission of the Socio-Economic Rights Project (CLC), the Black Sash, the LRC, the SACC, COSATU and other organisations to the Minister of Social Development, April 2003.

*Draft Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights* (co-author with Alain Olinga) commissioned by the African Commission on Human and Peoples' Rights, 2005.

*Discussion Document on the Transformation of the Judiciary and the Role of the Judiciary in a Development State* (co-ordinated and supervised together with Geo Quinot; lead author: Mr Michael Clerk with participation by other postgraduate students in SERAJ) submission to Department of Justice and Constitutional Development, April 2012.)

## **CONTRIBUTION TO DRAFTING OF BILL OF RIGHTS IN 1996 CONSTITUTION**

In my capacity as member of the four - person Technical Committee advising the Constitutional Assembly on the drafting of the 1996 Constitution, I was responsible for preparing a number of research reports and memoranda on various sections of the Constitution. These included:

- Freedom and security of the person
- Environment
- Adequate housing
- Health, social assistance, food and water
- Education
- Language and culture
- Detained, arrested and accused person (with Prof. J. Dugard)
- States of emergency

The above memoranda deal with the following aspects: compliance with Constitutional Principle II; an overview of relevant public international law; an overview of comparative law; relevant South African law; suggested resolutions of contentious and outstanding issues; and a draft formulation of the relevant sections in the Constitution.

## **SELECTED PAPERS, PRESENTATIONS AND PUBLIC LECTURES AT CONFERENCES AND SEMINARS**

Plenary address, 'Enforcement mechanisms for economic and social rights in international law.' Seminar on *Economic and Social Rights in the Final Constitution*, co-hosted by the Centre for Applied Legal Studies (University of the Witwatersrand), the Legal Resources Centre and the Community Law Centre (UWC), Johannesburg, March 1995.

Paper, 'The justiciability of economic and social rights' at mini-conference on *Economic and Social Rights*, hosted by the Institute for Democratic Alternatives in South Africa (IDASA), Parliament, Cape Town, April 1995.



Paper, 'Constitutional accountability for economic and social rights.' *Congress of the Society of University Teachers of Law*, University of the Western Cape, January 1996.

Plenary Address, 'Socio-economic rights: Should they be included in a Bill of Rights?' *Annual Judges' Conference*, organised by the Centre for Applied Legal Studies (University of the Witwatersrand), Mabula Lodge, July 1995.

Plenary Address, 'The main issues facing South African women in the final constitution-drafting process.' Seminar on *Women and the Constitution*, Women and Human Rights Project, Community Law Centre (UWC) as part of the NGO-Forum of the Fourth World Conference on Women, Beijing, September 1995.

Plenary Address, 'Comments on the inclusion of social and economic rights in the final South African Constitution.' *Seminar on the 1996 Constitution*, co-hosted by the French Embassy and the Community Law Centre (UWC), Cape Town, April 1996.

Plenary Address, 'An introduction to the application section of the final Constitution with particular reference to the horizontality debate.' *Annual Judges' Conference*, organised by the Centre for Applied Legal Studies (University of the Witwatersrand), Magaliesberg, July 1996.

Plenary Address, 'Hearing the voices of South African women in the law-making process.' Seminar on *Strategies for Fostering Parliament's Sensitivity to Meeting the Needs of Ordinary Women*, hosted by the Gender Advocacy Project, Parliament, August 1996.

Plenary Address, 'Introduction to the protection of socio-economic rights in the final Constitution.' national conference on *The Monitoring of Socio-Economic Rights*, hosted by the South African Human Rights Commission, Johannesburg, September 1996.

Plenary Address, 'The theoretical framework of the UN Convention on the Elimination of All Forms of Discrimination against Women.' Regional Conference entitled *Gender Equality: Strategies for Effective Intervention*, hosted by the Gender Education and Training Network (GETNET) and the World University Service, Cape Town, December 1996.

Presentation, 'Monitoring Socio-Economic Rights' Seminar on 'Socio-Economic Rights' *NGO-week*, hosted by the South African National NGO Coalition (SANGOCO), Bloemfontein, September 1997.

Presentation, 'Developing policy on social security within the framework of South Africa's new constitutional order.' Seminar on *Social Security Policy*, hosted by the ANC Study Group on Welfare, Parliament, October 1997.

Paper, 'The horizontal application of socio-economic rights under the 1996 Constitution', joint seminar on *The Horizontal Application of Socio-Economic Rights*, co-hosted by the Universite d'Aix-Marseille III, the University of the Western Cape and the French Embassy in South Africa, Cape Town, November 1997.

Paper, 'Gender Equality in the Enjoyment of Socio-Economic Rights: A Case Study of the South African Constitution' Expert Group Meeting on *Promoting Women's Enjoyment of their Economic and Social Rights* convened by the United Nations Division for the Advancement of Women, Finland, December 1997.

Plenary Address, 'Civil Society's Engagement with the Judiciary: Social Justice Advocacy and Judicial Accountability' IDASA seminar on *Law and Democracy*, Cape Town, January 1998.

Paper, 'Setting Benchmarks in National Action Plans: The Right to Water in South Africa as a Case Study.' International conference on *Developing Benchmarks for Monitoring the Realisation of Socio-Economic Rights in the Context of National Action Plans*, hosted by the UN High Commissioner for Human Rights, Geneva, March 1998.

Discussant, Welfare and Health Policy Papers. International conference, *Democracy and the Political Economy of Reform*, hosted by the Development Policy Unit (University of Cape Town), Cape Town, January 1998.

Paper, 'Towards universal access to social security in South Africa' *11<sup>th</sup> Annual Labour Law Conference*, Durban, July 1998

Paper, 'Should the concept of a minimum core duty have a place in our constitutional jurisprudence on socio-economic rights?' Conference, *Poverty and the Constitution*, hosted by the Legal Resources Centre, Constitutional Litigation Unit, Johannesburg, August 2000.

Paper, 'The justiciability of socio-economic rights: The South African experience' international conference jointly organised by the Office of the UN High Commissioner for Human Rights in co-operation with the International Commission of Jurists and the Government of Finland on *The Justiciability of Economic, Social and Cultural Rights with Particular Reference to Drafting an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, Geneva, 5 - 6 February 2001

Paper, 'Children's right to social security: South Africa's international and constitutional obligations' national conference entitled, *Children's Entitlement to Social Security* organised by the Child Health Policy Institute, Soul City, Children's Rights Centre and the Committee of Inquiry into a comprehensive social security system for South Africa, Cape Town, February 2001.

Paper, 'The constitutional right to social security' conference entitled, *The Right to Social Security: Changing Women's Realities: The Basic Income Grant* organised by the Gender Advocacy Programme, Franschoek, November 2001

Participated as an expert in an Expert's Roundtable convened by the International Commission of Jurists, Geneva, on *Issues Central to an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*; Introductory comments on the nature of states' parties obligations under the International Covenant on Economic, Social and Cultural Rights, 26 – 27 September 2002.

Paper, 'Rights-Based Approach to Development: A South African Case Study' at the *Nobel Symposium on the Right to Development and Human Rights in Development* in Oslo, 13 –15 October 2003.

Paper, 'Children's Socio-Economic Rights' at a seminar on *The Incorporation of Child Socio-Economic Rights Obligations in Government Programming and Budgeting*, hosted by Children's Budget Unit, IDASA & Community Law Centre (UWC), Cape Town, 2 June 2004.

Paper, 'The SA Model of Review in Socio-Economic Rights Cases and Separation of Powers Doctrine' Symposium on *Social and Economic Rights* hosted by UCT Law Faculty for The Joint Committee on Human Rights (House of Lords and House of Commons, UK), UCT, 10 June 2004.

Paper on 'The value of human dignity in interpreting socio-economic rights.' Conference of the South African Journal on Human Rights entitled *Twenty Years of Human Rights Scholarship and Ten Years of Democracy*, Johannesburg, 5 – 7 July 2004.

Paper on 'The Judicial Enforcement of Social Security Rights in South Africa: Enhancing Accountability for the Basic Needs of the Poor' International Expert Seminar on the Right to Social Security convened by the German Institute for Human Rights in cooperation with the Friedrich Ebert Foundation, University of Mannheim and Centre on Housing Rights & Evictions, Berlin, 6 – 7 April 2005.

Inaugural lecture, Stellenbosch University Law Faculty: 'Needs, Rights and Transformation: Adjudicating Social Rights in South Africa' Stellenbosch University, 4 October 2005

Keynote Address, 'Economic and Social Rights in Context: Lessons from South Africa' at a conference on *Developing Economic & Social Rights in Transition: The Global and the Local* organised by the Transitional Justice Institute, University of Ulster, Belfast, Northern Ireland, 11 November 2005.

Paper, 'The Protection of Economic, Social and Cultural Rights under International Law'. International Human Rights Academy organised by the Human Rights Centre of Ghent University (Belgium), the Netherlands Institute of Human Rights (SIM), the UWC Law Faculty and the International Federation of Health & Human Rights Organisations, Cape Town, 26 October 2005.

Paper, 'Economic and Social Rights and Governance: Some Practical Dimensions' at a seminar on a research methodology workshop on economic, social and cultural rights organised by the Human Rights and Peace Centre, Faculty of Law, Makerere University, Kampala, Uganda, 17 January 2006.

Paper, 'Does the Concept of Minimum Core Obligations have Transformative Potential?' at *Constitutional Law of South Africa* Conference, Centre for Human Rights, SAIFAC and Juta Law, Johannesburg, 28 – 30 March 2006.

Paper, 'The Role of Research in Advancing a Transformative Socio-Economic Rights Agenda' at joint seminar on *Strategies for Advancing Socio-Economic Rights in South Africa* Socio-Economic Rights Project, Community Law Centre and the Oslo Institute for Human Rights, Cape Town, 29 – 30 May 2006.

Paper (with Beth Goldblatt), 'The Interrelationship between Equality Rights and Socio-Economic Rights in the South African Context' at International Conference on *Equality as a Social Right: Towards a Concept of Substantive Equality in Comparative and International Law*, International Association of the Sociology of Law, Onati, Spain, 21 – 23 June 2006.

Paper, 'Beyond Civil and Political Rights: Protecting Social, Economic and Cultural Rights under Bills of Rights' presented at Conference, *Protecting Human Rights* Melbourne Law School, The University of Melbourne, Australia 25 September 2007.

Annual Human Rights Lecture, 'The Judicial Enforcement of Socio-Economic Rights: The South African Experience' organised by The Centre for Human Rights, University of New South Wales, Sydney, Australia, 4 October 2007 (published in *Human Rights Defender*, a publication of the Australian Human Rights Centre: The University of New South Wales).

Seminar paper 'Socio-Economic Rights and Urban Evictions', Seminar Series of the Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape, 17 October 2007.

Presentation, 'The Implications of the Bill of Rights for Social Security Policy Development in South Africa' at a conference on *Social Security Policy Development*, co-hosted by SPII (Studies in Poverty and Inequality Institute) and the Department of Social Development, Johannesburg, 12 August 2008.

Convenor and Presentation, Panel Discussion: 'The Law of Economic and Social Rights: Standards of Review and Remedies' International Workshop on *The Justiciability of Socio-Economic Rights*' Northeastern University School of Law: Programme on Human Rights and The Global Economy, Boston, USA, 19-21 March 2009.

Paper, 'Reflections on Drafting a Bill of Rights: A South African Perspective, Conference entitled Academic Inputs for a New Constitution in Zimbabwe' organised by Friedrich Ebert Stiftung (FES), Harare, Zimbabwe, 26 – 30 October 2009.

Keynote address, 'Protecting the Right to Education in South Africa', Workshop on the *Right to Education*, Australian Capital Territories (ACT) workshop series on Protecting Economic, Social and Cultural Rights hosted by the Australian National University (together with the Australian Human Rights Centre of the University of New South Wales), Canberra, Australia, 24 March 2010.

Public lecture, 'Substantive Reasonableness Review in the context of Socio-Economic Rights', Public Lecture delivered at the Australian National University Law Faculty, Canberra, Australia, 25 March 2010.

Keynote address, 'Advantages and Disadvantages of the South African Model of Protecting Socio-Economic Rights', Roundtable on *Protecting Economic, Social and Cultural Rights*, Workshop for Members of the Australian Capital Territory Legislative Assembly hosted by the Australian National University together with the Australian Human Rights Centre, University of New South Wales, Canberra, Australia, 26 March 2010.

Guest Speaker, Luncheon with the Australian Solicitor General, Chairperson of the Australian National Human Rights Consultation Committee, and academic staff of the Australian National University and University of New South Wales Economic, Social and Cultural Rights Research Group, Canberra, 29 March 2010.

Presentation, 'Reasonableness Review in Recent Jurisprudence of the SA Constitutional Court', Convenor of Panel Discussion: 'Comparative Reasonableness and Comparative Proportionality', *Second Workshop on Socio-Economic Rights*, co-organised by the Universidad de Los Andes, Bogota, Colombia and the Project on Human Rights and the Global Economy, Northeastern University School of Law, Boston, Colombia, 14-15 May 2010.

Presentation, "The Horizontal Application of Socio-Economic Rights under the SA Constitution", Delivered as participant in Panel Discussion on 'Comparative Horizontality' at the Second Workshop on Socio-Economic Rights, co-organised by the Universidad de Los Andes, Bogota, Columbia and the Project on Human Rights and the Global Economy, Northeastern University School of Law, Boston, Colombia, 14-15 May 2010.

Paper, 'The Impact of Socio-Economic Rights Litigation on Private Law', delivered at Authors' Workshop: *Symbols or Substance? The Role and Impact of Socio-Economic Rights Strategies in South Africa*, Convened by the Norwegian Centre for Human Rights, University of Oslo, Stellenbosch Lodge, 1 - 2 June 2010.

Presentation, 'Socio-Economic Rights: Promising Real or False Hope?' Conference on *Hope in South Africa*, University of Stellenbosch, 22 July 2010.

Presentation, 'A Critique of *Mazibuko v City of Johannesburg*', Panel Discussion with Former Constitutional Court Justice, Kate O'Regan, Adv. Wim Trengove and members of civil society organisations, Students for Law and Social Justice (SLSJ) Western Cape Regional Seminar on "Transforming Legal Education and Access to Justice", Onrus, 31 July 2010.

Presentation, 'The African Commission's Guidelines: An Academic Critique', African Network of Constitutional Lawyers Workshop, *Promoting Socio-Economic Rights in Africa*, Milnerton (Cape Town), 8 September 2010.

Presentation (with L A Dyasophi) 'Developments in South African Jurisprudence on the Right to Education' Staff seminar, Equal Education, Khayelitsha, 17 September 2010.

Keynote paper 'Grootboom and the seduction of the negative/positive duties dichotomy' Conference, *Government of the RSA v Grootboom: A Ten Year Retrospective*, Verloren van Themaat Centre for Public Law Studies, UNISA, Pretoria, 7 - 8 October 2010.

Paper, 'Reflections on Teaching Human Rights Law to Foster Deliberative Democracy', Colloquium on "Hopeful Pedagogies", Panel on Democracy, Human Rights and Participation, Stellenbosch Institute for Advanced Studies, Stellenbosch, 19 November 2010.

Plenary paper 'Constitutional Adjudication of Human Rights Norms: Engaging the Paradoxes of the Universal and Particular' International Association of Constitutional Law, VIII World Conference of Constitutional Law, University of Mexico, Mexico, 6-10 December 2010.

Stellenbosch Forum Lecture, 'Using Constitutional Rights and Institutions to Promote Socio-Economic Justice in South Africa' (dedicated to Kobus Piennaar), Library Auditorium, Stellenbosch University, 17 February 2011.

Paper (with G Quinot), 'Narrowing the Band: Reasonableness Review in Administrative Justice and Socio-Economic Rights Litigation', Colloquium on *Law and Poverty*, Organised by Law Faculty's Hope Project on 'Combating Poverty, Inequality and Socio-Economic Vulnerability Under the Constitution', Stellenbosch Institute for Advanced Studies (STIAS), 29 – 31 May 2011.

Presentation, 'The Impact of Housing Rights on South African Evictions Law' Seminar organised by International Human Rights Clinic, Cornell University Law School, Ithaca, USA, 29 August 2011.

Public lecture, 'Socio-Economic Rights in the South African Constitutional Court: A Reasonable Response to Poverty?' Cornell University Law School, Ithaca, USA, 6 September 2011.

Presentation, 'The Role of Human Dignity in the Interpretation of Socio-Economic Rights' Inception Workshop of project on *Lone Mothers in South Africa: The Role of Social Security in Respecting and Protecting Dignity*, Centre for the Analysis of South African Social Policy (Oxford Institute for Social Policy) and the HSRC, Cape Town (with videoconference links to JHB and Pretoria), 14 October 2011.

Presentation, 'Equality and Social Justice under a Transformative Constitution', 2<sup>nd</sup> Child Poverty Roundtable on *Children and Inequality*, The Presidency, Programme to Support Pro-Poor Policy Development (PSPPD) and the Children's Institute, UCT, 17 November 2011.

Presentation, 'The democratic potential of meaningful engagement', Panel Discussion on Democracy and Socio-Economic Rights, Workshop, International Socio-Economic Rights Project (iSERP), hosted by University College, London, 21 – 24 June 2012

Co-ordinator of housing panel, International Socio-Economic Rights Workshop (iSERP), hosted by University College, London, 21 – 24 June 2012.

Commentator: Seminar paper by Prof Ulrike Davy, 'Citizenship Reframed in Human Rights Terms: Social Citizenship Going Global', Multidisciplinary seminar, *Global Social Citizenship: Human Rights Perspectives* organised by ZIF Centre for Interdisciplinary Research, University of Bielefeld, Germany, 27 – 28 June 2012.

Presentation, 'The Courts' Response to Poverty and Inequality in South Africa' Constitutional Panel Discussion, *Towards Carnegie III*, University of Cape Town, 4 September 2012.

Plenary panel address, "A Rights Framework for Creating an Equal Society" with Minister Trevor Manuel and representatives of UNICEF, the SAHRC and the Children's Institute, at Launch of the *2012 Children's Gauge*, Cape Town, 17 October 2012.

Paper (with K Young), 'Adjudicating Social Rights: Can Democratic Experimentalism Help?' International Seminar, *Social and Economic Rights in Theory and Practice: A Critical Assessment*, organised by International Social and Economic Rights Project (iSERP), Bellagio, Italy, 26 – 30 March 2013.

Paper, 'Egalitarian Liberalism: What are its Implications for an Equality-Promoting Interpretation of Socio-Economic Rights in South Africa?' Conference on *Egalitarian Liberalism: What are its Possible Futures in South Africa*, SAIFAC (University of Johannesburg) and Department of Political Studies (University of the Witwatersrand) Constitutional Court Auditorium, Johannesburg, 3 – 4 October 2013.

Keynote paper, 'Participatory approaches to Socio-Economic Rights Adjudication: Tentative Lessons from South African Evictions Law' Seminar entitled *Challenges in Integrating Human Rights and Development*, Åbo Akademi Institute for Human Rights, Åbo, Finland, 25 – 26 November 2013.

Presentation, 'The Adjudication of Economic and Social Rights', Panel Discussion Commonwealth Law Association Conference, Cape Town Convention Centre, 17 April 2013.

Presentation, 'Housing as a constitutional right' Seminar on *Housing* organised by South African Human Rights Commission and Drakenstein Municipality, Paarl, 15 August 2013.

Presentation, 'The Constitution and Human Rights: Focusing on Socio-Economic Rights with an Emphasis on Housing Rights', Edward, Nathan & Sonnenberg attorneys Pro Bono Training, Mitchell's Plein Offices, 29 August 2013.

Commentator, Paper by S Heleba and S Kamga, 'Can Economic Growth Translate into Access to Socio-Economic Rights in South Africa?' hosted by Community Law Centre (UWC), 1 November 2013.

Keynote paper, 'Deepening Democratic Transformation in South Africa through Participatory Constitutional Remedies' Conference entitled, *Constitutional Remedies: Are They Meaningful and Effective?* David Asper Centre for Constitutional Rights, University of Toronto Law School, Toronto, 28 February 2014.

Paper, 'The Potential of the International Covenant on Economic, Social and Cultural Rights as a Tool for Poverty Reduction in South Africa' Seminar, *The Implications of South Africa's Ratification of the International Covenant on Economic, Social and Cultural Rights*, Community Law Centre (UWC), Cape Town, 28 March 2014.

Keynote paper, 'Justiciable Socio-Economic Rights: The South African Experience' Conference entitled, *The Judicial Enforcement of Socio-Economic Rights*, Law School, Trinity College, Dublin, 9 May 2014.

Presentation, 'What are the Policy Implications of the Constitutional Court's Jurisprudence on Socio-Economic Rights for Defining and Realising a Social Protection Floor?' Workshop entitled, *A Social Protection Floor: Towards Defining a Decent Standard of Living in SA*, National Planning Commission, Johannesburg, 3 June 2014.

Public Lecture, 'Forging New Tools for Protecting the Rights of the Poor in the Crucible of the Eastern Cape' Rhodes Law Faculty on occasion of visit as Distinguished Visiting Professor, Grahamstown, 28 July 2014.

Presentation, 'Current Trends in the Interpretation of Socio-Economic Rights' Second Judicial Forum, Democratic Governance and Rights Unit (UCT), Mount Fleur, Stellenbosch, 7 – 9 November 2014.

Conference paper, 'The Framing of Social Rights: Implications for Social Policy in South Africa' International Conference, *Understanding Southern Welfare – The B(R)ICS Countries* organised by the Center for Interdisciplinary Research (ZiF), University of Bielefeld, Bielefeld, 24 – 26 November 2014.

Conference paper, 'Social Rights and Transformative Constitutionalism: Three Frames, Conference entitled, *Thirty Years of the SA Journal on Human Rights: Transformation and the Courts*, Wits Law School, 28 – 29 January 2015.

Presentation (with Prof L Chenwi, Wits Law School), 'The Implications of South Africa's Ratification of the International Covenant on Economic, Social and Cultural Rights', National workshop hosted by the Department of Justice and Constitutional Development and Foundation for Human Rights, Johannesburg, 21 – 22 September 2015.

## CONFERENCES, SEMINARS AND PUBLIC LECTURES ORGANISED

*Law in a State of Emergency: A Focus on Law and Repression in South Africa*, a national conference hosted by the Law Student's Council, University of Cape Town, Cape Town, April 1986.

*South Africa's International Treaty Obligations*, conference co-hosted by the Ministry of Justice, the Community Law Centre (UWC) and the Raoul Wallenberg Institute, University of Lund (Sweden), Cape Town, 10 December 1994.

*Towards the Final Constitution: A Critique of the interim Constitution from a Gender Perspective - The Way Forward*, conference hosted by the Women and Human Rights Project, Community Law Centre (UWC), Cape Town, January 1995 (co-organised with Fayeeza Kathree).

*Women and the Constitution*, Seminar organised by the Women and Human Rights Project, Community Law Centre (UWC) as part of the NGO-Forum of the Fourth World Conference on Women, Beijing, September 1995.

*The Concept of the 'Primary Care-Giver' in new South African legislation - Special Focus: The new Child Support Grant*, Seminar co-organised with the Children's Rights Project of the Community Law Centre, Cape Town, 1997.

*Monitoring Socio-Economic Rights in South Africa - The Role of the South African Human Rights Commission*, joint seminar co-hosted by the Socio-Economic Rights Project, Community Law Centre (University of the Western Cape), the Centre for Human Rights (University of Pretoria), and the South African Human Rights Commission, Johannesburg, July 1997.

*From Rights to Real Change: The Implementation and Monitoring of Economic and Social Rights in South Africa*, conference co-hosted by the Socio-Economic Rights Project, Community Law Centre and the Portfolio Committee on Welfare (National Assembly), Parliament, February 1998.

*Giving Effect to Socio-Economic Rights: The Role of the Judiciary and other Institutions*, national conference co-hosted by the Socio-Economic Rights Project, Community Law Centre and the Legal Resources Centre (Constitutional Litigation Unit), Johannesburg, October 1998.

*The Promotion of Equality and Prevention of Unfair Discrimination Bill*, workshop co-organised with other members of the Equality Alliance, Cape Town, April 1999.

*Strategies for Advancing Women's Economic Equality*, international conference co-hosted by the National Association of Women and the Law (Canada), the Centre on Housing Rights and Evictions (Geneva), the Centre for Economic and Social Rights (US), the Socio-Economic Rights Project, Community Law Centre (UWC), and the Women's Legal Centre, Cape Town, December 2000 (co-organised with representatives of these organisations).

*Realising Socio-Economic Rights in South Africa: Progress and Challenges*, national colloquium hosted by the Socio-Economic Rights Project, Community Law Centre, Strand, March 2003.

*The Draft Social Security Agency Bill*, workshop hosted by the Socio-Economic Rights Project, Community Law Centre, University of the Western Cape, 5 February 2003.

*Transformative Constitutionalism* seminar co-organised with Prof. André van der Walt to commemorate the 10<sup>th</sup> anniversary of the publishing of Karl Klare's seminal article on this topic in the *SA Journal on Human Rights*, 8 August 2008.

*Tenure Security for Farm Workers and Dwellers: Enforcing, Challenging and Defending ESTA*, workshop co-hosted by PLAAS (UWC), University of Oslo (Norwegian Centre for Human Rights), Stellenbosch Legal Aid Clinic, Stellenbosch Law Faculty, H.F. Oppenheimer Chair in Human Rights Law, 27 October 2008.

*Constitutional Rights in Two Worlds*, colloquium co-hosted by H.F. Oppenheimer Chair in Human Rights Law and Prof. Penny Andrews, Valparaiso Law School, Stellenbosch University Law Faculty, 5 March 2009.

*Law and Poverty*, international conference co-organised with Project Manager of Faculty 'Hope Project', Gustav Muller, Stellenbosch Institute for Advanced Studies (STIAS), 29 May – 1 June 2011.

*Meaningful Engagement as a Political Process: Understanding the Roles of Government, Citizens and Civil Society* co-hosted by SERAJ, Prof Ray, Cleveland-Marshall Law School, and the Socio-Economic Rights Project of the Community Law Centre (UWC), School of Government University of the Western Cape, 30 May 2013. The Report of this seminar is available on-line at: <http://blogs.sun.ac.za/seraj/2013/06/20/seraj-participates-in-roundtable-on-meaningful-engagement-as-a-political-process/>

Selection of Guest Seminars Organised under auspices of Faculty Hope Project and Socio-Economic



Rights and Administrative Justice Project (SERAJ):

- Malcolm Langford "Judicial enforcement of Economic, Social and Cultural Rights: A Global Snapshot of Trends, Issues and Gordian Knots", 17 February 2010.
- Malcolm Langford "Still Lost in Translation? The MDGs, Human Rights and the State of the Debates", 19 February 2010.
- Malcolm Langford "Methodology, Inter-Disciplinary Research and the Science of the Law", 22 February 2010.
- Malcolm Langford "A Case of Commercial Cosmopolitanism? International Disputes, Human Rights and *Forresti v South Africa*", 24 February 2010.
- Prof David Bilchitz "Business and Human Rights: The Next Frontier of Legal Responsibility", 28 May 2010.
- Prof Danie Brand "Discussion of the *Mazibuko* judgment", 18 August 2010.
- Prof Hans Lindahl "In between: Immigration, Distributive Justice, and Political Dialogue", 4 October 2010.
- Prof Mark Kende "The Health of Socio-Economic Rights: South African and US Examples", 19 October 2010.
- Prof Sandra Fredman "From a Hand-Out to a Hand-Up and Beyond: Engendering Social Welfare Rights", 1 March 2013.
- Hosted Prof. Aoife Nolan, Professor of International Human Rights Law, University of Nottingham School of Law on a research visit under the auspices of SERAJ, March – April 2013. Presented SERAJ seminar entitled, 'Socio-Economic Rights in a Time of Austerity', 22 March 2013.
- Hosted Prof Brian Ray, Cleveland-Marshall Law School, Ohio, USA on a Fullbright Scholarship under the auspices of a Fullbright Scholarship, January – August 2013. Presented SERAJ seminar entitled, 'Evictions, Avoidance and the Transformational Impulse', 19 April 2013.
- Judge Glenn Goosen, Eastern Cape High Court "Rights Activism and Court Orders – Reflecting on Recent Developments", 26 September 2014.

## Annual Human Rights Lectures organised by H.F Oppenheimer Chair since 2004

Year	Name of speaker	Title of address	Publication reference in Stellenbosch Law Review
2004	Justice Kate O'Regan	"Equality under our New Constitutional Order"	Unpublished.
2005	Justice Edwin Cameron	"Legal and Human Rights Responses to the HIV/AIDS Epidemic"	E Cameron "Legal and Human Rights Responses to the HIV/AIDS Epidemic" (2006) 17 <i>Stell L R</i> 37-46
2006	Chief Justice Pius Langa	"Transformative Constitutionalism"	P Langa "Transformative Constitutionalism" (2006) 17 <i>Stell L R</i> 351-360
2008	Deputy Chief Justice Dikgang Moseneke	"Transformative Constitutionalism: Its Implications for the Law of Contract"	D Moseneke "Transformative Constitutionalism: Its Implications for the Law of Contract" (2009) 20 <i>Stell L R</i> 3-13
2009	Justice Yvonne Mokgoro	"Ubuntu, the Constitution and the Rights of Non-citizens"	Y Mokgoro "Ubuntu, the Constitution and the Rights of Non-citizens" (2010) 21 <i>Stell L R</i> 221-229
2010	Chief Justice Sandile Ngcobo	South Africa's Transformative Constitution: Towards an Appropriate Doctrine of Separation of Powers"	S Ngcobo "South Africa's Transformative Constitution: Towards an Appropriate Doctrine of Separation of Powers" (2011) 22 <i>Stell L R</i> 37-49
2011	Thuli Nomkhosi Madonsela	"The role of the Public Protector in Protecting Human Rights and Deepening Democracy"	TN Madonsela "The Role of the Public Protector in Protecting Human Rights and Deepening Democracy" (2012) 23 <i>Stell L R</i> 4-15
2013	Chief Justice Wa Mogoeng Mogoeng	"The Implications of the Office of the Chief Justice for Constitutional Democracy in South Africa"	WM Mogoeng "The Implications of the Office of the Chief Justice for Constitutional Democracy in South Africa" (2013) 24 <i>Stell L R</i> 393-405
2014	Advocate Geoff Budlender, SC	"Twenty Years of Democracy: The State of Human Rights in South Africa"	G Budlender "20 Years of Democracy: The State of Human Rights in South Africa" (2014) 25 <i>Stell LR</i> 439 – 450.
2015	Professor Karl Klare	"Self-Realisation, Human Rights and Separation of Powers: A Democracy-Seeking Approach"	To be published in <i>Stell Law Review</i> , vol 3, 2015.

## INVOLVEMENT IN PUBLIC INTEREST LITIGATION

### As a Practising Attorney:

I was based in the public interest department at the law firm where I was employed, and my practice centred on human rights and public interest cases. These included mounting legal challenges to the forced removal of communities under *apartheid* legislation, assisting disadvantaged communities to gain security of tenure and access to housing and services, and political trials (including work on the 'Upington 26' case).

I also gained a degree of general litigation experience, and was also responsible as a professional assistant for supervising the work of various articled clerks/candidate attorneys at the firm.

### During my employment at the Community Law Centre, UWC:

**1996:** Co-author of *Brief to the Constitutional Court in defence of the provisions concerning socio-economic rights during the certification process*, Community Law Centre (UWC), Legal Resources Centre, and Centre for Applied Legal Studies (University of the Witwatersrand).

**2001:** Co-researched *amici curiae* brief of the Community Law Centre and the SA Human Rights Commission in the Constitutional Court case of *Government of the Republic of South Africa and Others v Grootboom and Others* 2001 (1) SA 46 (CC).

**2002:** Co-researched and involved in drafting *amici curiae* brief of the Community Law Centre and the Institute of Democracy in South Africa (IDASA) in the Constitutional Court case of *Minister of Health and Others v Treatment Action and Others* 2002 (5) SA 721 (CC).

**2003:** Researching and co-ordinating the Community Law Centre's intervention as joint *amici curiae* in the Supreme Court of Appeal and the Constitutional Court in the case of *President of the Republic of South Africa v Modderklip Boerdery* 2005 (5) SA (3) (CC).

**2003:** Member of litigation committee of the Alliance for Children's Entitlement to Social Security Rights (ACCESS) in respect of a planned legal challenge to the amendment of the regulations promulgated under the Social Assistance Act governing eligibility for the child support grant.

### During my employ as Chair in Human Rights Law at Stellenbosch University

**2007:** Assisted with preparation of *amici curiae* intervention of the Centre on Housing Rights and Evictions (COHRE) and the Community Law Centre in both the Supreme Court of Appeal and Constitutional Court in *Occupiers of 51 Olivia Road and Others v City of Johannesburg and Others* Case 2008 (3) SA 208 (CC).

**2008:** Assisted counsel in drafting heads of argument and presenting argument in the case of *Florence Mahlangu v Minister of Social Development and Another* heard in the TPD in March 2008 (extension of the child support grant to 18 years.)

**2008 – 2009:** Together with my colleague, Prof. Geo Quinot, I assisted in background research and drafting sections of the *amici curiae* submissions of the Centre on Housing Rights and Evictions (COHRE) and the Community Law Centre in the case of *Residents of Joe Slovo Community, Western Cape v Thubelisha Homes* 2010 (3) SA 454 (CC).

**2010:** Supervised postgraduate students working under auspices of Faculty's 'Hope Project' to conduct research for the Legal Resources Centre's Heads of Arguments in the so-called "Mud Schools case" involving the Nomandla, Tembeni, Madwaleni, Sibanda, Nkonkoni, Maphindela and Sompá Senior Primary schools near Mthatha in the Eastern Cape

**2011:** Drafted amicus curiae submissions on behalf of the Inner City Resource Centre in *Maphango v Aengus Lifestyle Properties (Pty) Ltd* 2012 (3) SA 531 (CC) (with postgraduate student assistance of Sue-Marie Maass and Shanelle V D Berg)

## POSTGRADUATE SUPERVISION AND UNDERGRADUATE TEACHING

### POSTGRADUATE SUPERVISION

#### LLD students with completed doctoral degrees:

Prof Danwood Chirwa "Towards Binding Human Rights Obligations for Non-State Actors" University of the Western Cape, 2001 (co-supervised with Prof J Sarkin).

Dr Gustav Muller "The Impact of Section 26 of the Constitution on the Eviction of Squatters in South African Law", University of Stellenbosch, 2011 (co-supervised with Prof A J van der Walt).

Dr Khulekani Moyo "Water as a Human Right under International Human Rights Law: Implications for the Privatisation of Water Services" University of Stellenbosch, 2012.

Dr Demichelle Petherbridge "The role of international law in the interpretation of socio-economic rights in the South African Constitution", 2014 (co-supervised with Prof A Rudman)

#### LLM (by research thesis) students with completed masters degrees:

Mr Sibusiso Radebe "The Protection of the Right of Access to Housing by the South African Constitutional Court", University of Stellenbosch, 2012.

Ms Tarryn Bannister "The Right to have Access to Health Care Services for Survivors of Gender-Based Violence", University of Stellenbosch, 2012 (degree awarded *cum laude*).

Ms Megan Elizabeth Donald "Advancing the Constitutional Goal of Social Justice through a Teleological Interpretation of Key Concepts in the Environmental Rights in Section 24", 2014 (degree awarded *cum laude*).

#### Current supervision responsibilities

Currently supervising 1 LLM research degree and 4 LLD candidates under the auspices of the Socio-Economic Rights and Administrative Justice Research Project (SERAJ) of the University of Stellenbosch Law Faculty

## UNDERGRADUATE TEACHING

Community Law Centre (University of the Western Cape):

- Designed and taught LLM module on Economic, Social and Cultural Rights

University of Stellenbosch Law Faculty:

- International Law – 2004, 2005
- LLM Module: Comparative Human Rights Law; later changed to Advanced Human Rights Law: 2004 – 2008.
- Constitutional Law at various levels of the LLB curriculum
- Since 2012: Design and teach Constitutional Law 312; and co-teach on Constitutional Law elective 451.