

Editorial

This is the fiftieth issue of the *African Human Rights Law Journal*. In the first issue of 2025, our editorial took stock of the 25 years of the *Journal*. It noted that from 2001 the *Journal* was published by JUTA Publishers, and since 2013 by the Pretoria University Law Press (PULP), when it became a fully open-access journal – one of the first to make the leap to ‘diamond’ open access.

This edition of the *African Human Rights Law Journal* contains three parts. The first part consists of 11 articles covering a wide array of human rights issues of continental and national relevance. Exceptionally and, for the first time, to mark the *Journal's* half century of published issues, it comprises two ‘Special Focus’ sections dealing with issues of contemporary concern. The second part of the *Journal* is a ‘Special Focus’ feature devoted to a topic of considerable emerging importance: communication surveillance law and human rights in Africa. It contains six articles and an editorial introduction by the two editors, Tomiwa Ilori and Magnus Killander. The research emanates from the work Ilori was doing as a post-doctoral fellow at the Centre for Human Rights, University of Pretoria, under the supervision of Professor Killander. The third part of the *Journal* is another ‘Special Focus’ section, focusing on the implementation of the decisions of the African Court on Human and Peoples’ Rights (African Court). It consists of an editorial and seven reworked versions of papers presented at a conference on this topic, held in June 2024 in partnership with the African Court and the Coalition for an Effective African Court in Arusha, Tanzania. The Special Focus is edited by Foluso Adegalu and Zainab Olaitan, who at the time were respectively the manager and a staff member of the Litigation and Implementation Unit of the Centre for Human Rights.

In the ‘articles’ section, the first three articles deal with aspects of interplay between human rights in the African and global spheres. Strohwalld discusses the cultural dimension of the child’s right to education by comparing the United Nations Convention on the Rights of the Child, adopted in 1989, and the African Charter on the

Rights and Welfare of the Child, adopted in 1990 as part of the African regional architecture. She concludes that state parties should, in a contextual and culturally sensitive way, take the interrelatedness of culture and education into account when realising the child's right to education. Building on an article that he had published 15 years ago, in the 2010 volume of the *Journal*, Tadeu interrogates the prospects of the adoption of a binding treaty on the right to development. He also analyses the most recent Draft International Covenant on the Right to Development, and considers its role as a potential gateway to global justice. Cohen interrogates the reparations orders in the Ongwen case, decided by the International Criminal Court Trial Chamber in 2021 and finalised by the Appeals Tribunal in 2022, and considers its role in charting a course to deal with transgenerational harm for international crimes.

The other contributions have a country-specific focus: one article each dealing with Cameroon, Ethiopia, Kenya and Nigeria; and four with South Africa.

Keluh, Amidou and Barnard explore the right to water in Cameroon by examining legislation and implementation in light of the South African approach. Drawing on the South African experience, the authors argue for legal reforms to achieve universal access to safe and affordable water in Cameroon. Melesse explores the experiences of women survivors of intimate partner violence in Addis Ababa, Ethiopia. Based on semi-structured interviews with victims of violence and others, as well as an analysis of case files, the research reveals that survivors generally tend to prefer seeking help from informal sources, and only opt for formal institutions in extreme cases. Drawing attention to the non-ratification by Kenya of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), Adegale argues for its ratification based on the complementary role OPCAT can play alongside existing institutions aimed at preventing torture. To overcome resistance against ratification, he suggests that an initial emphasis on legal initiation should be followed by consensus building, careful institutional design and legislative entrenchment, accompanied by capacity building. Osimen, Wonosikou and Odeigah discuss cybersecurity policy and citizens' digital rights in Nigeria. They ascribe inequitable internet access to implementation failures and infrastructural deficits, rather than an explicit statutory ban. Their research emphasises the need for rights-respecting cybersecurity governance to protect democratic participation online by aligning national policy with international human rights norms,

establishing independent oversight, and investing in infrastructure to reconcile security with rights.

In her contribution, Baird demonstrates that the protection granted by the South African Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) to transgender persons is inadequate. Drawing on principles of transformative constitutionalism, the article argues for a substantive interpretation of equality that goes beyond formal protections to dismantle entrenched structural inequities. Eloff dissects mayoral term limits in South Africa. He argues that South Africa's Structures Act intentionally limits mayors to two consecutive terms while allowing non-consecutive returns, balancing democratic accountability and leadership rotation with continuity and experience in local government. Kruger contends that South Africa's refugee laws restrict the political participation of refugees and asylum seekers, creating broad prohibitions that undermine constitutional and international human rights while treating political activity as potentially subversive. These restrictions, loosely justified by regional security concerns, risk legitimising political suppression within South African and wider African refugee law. Naidoo, Twala and Mahomed shed light on the right to food and market inquiries in South Africa. Their article argues that market inquiries represent a practical accountability mechanism that links competition policy to human rights outcomes, moving the right to food from principle to implementation through structural reform and sustained oversight.

The editors thank the reviewers for their contributions to ensuring the quality of the *Journal*.

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