

Editorial

This issue of the *Journal* appears at a time of controversy about the rights to equality on the basis of sexual orientation and gender identity (SOGI). In 2014, the African Commission on Human and Peoples' Rights (African Commission) adopted a resolution urging African Union (AU) member states to curb violence – both by state and non-state actors – on the basis of actual or perceived SOGI, and called on states to ensure the effective investigation of crimes and punishment of perpetrators (Resolution 275 on Protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity). In April 2015, the African Commission, reversing a previous decision, granted observer status to the Coalition of African Lesbians (CAL), a non-governmental organisation. However, in June 2015, while considering the African Commission's activity report, the AU Executive Council requested the African Commission to reverse this decision, thus denying observer status to CAL. It did so by requesting

... the ACHPR to take into account the fundamental African values, identity and good traditions, and to withdraw the observer status granted to NGOs who may attempt to impose values contrary to the African values; in this regard, REQUESTS the ACHPR to review its criteria for granting Observer Status to NGOs and to withdraw the observer status granted to the Organization called CAL, in line with those African values.

(DOC.EX.CL/Dec 887 (XXVII) Decision on the Thirty-Eighth Activity Report of the African Commission on Human and Peoples' Rights)

In timely fashion, therefore, three contributions in this issue of the *Journal* speak to the issue of SOGI in Africa: Rudman evaluates the level of protection on the basis of sexual orientation in the African human rights system; Oloka-Onyango focuses on related developments at the national level by looking at the situation in two countries in East Africa (Kenya and Uganda); and Mwambene and Wheal ask questions about the South African government's responsibility in the context of the pervasive rape of black lesbians in the country.

Another three contributions place the spotlight on human rights-related issues in specific African countries: Mujuzi looks at evidence obtained through torture in South Africa; Madebwe at environmental

protection in Zimbabwe; and Asomah at the clash between culture and human rights in Ghana.

The *Journal* also welcomes contributions on topics or themes more broadly related to democracy or democratisation. One should never lose sight of the fact that human rights prosper or wane due largely to an enabling or constricting political environment. Experience teaches us that human rights are relegated to inconsequential levels when they conflict with power and political interests. In her contribution, Azu looks at election petitions arising from disputed elections. Fuo forwards an argument in favour of greater decentralisation, and for public participation in processes of decentralisation.

In the final contribution of this issue, another theme of emerging interest and importance is scrutinised more fully – the role of African sub-regional organisations in realising human rights. Perhaps due to the weakness of the quasi-judicial mandate of the African Commission, and the relative late advent of the African Court, Africa has seen the innovative exploitation by litigants of the human rights potential in sub-regional judicial fora. One such forum is the East African Court of Justice. Possi investigates to what extent this Court has been able to strike a balance between the norms of the East African Community, on the one hand, and the imperative of human rights, on the other.

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