

woman

2012 annual report



WOMEN'S LEGAL CENTRE

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WOMEN'S LEGAL CENTRE

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CONTENTS

Introduction	4
Directors Letter	5
Focus Area 1: Gender Based Violence	7
Focus Area 2: Access to Resources in Partnerships	11
Focus Area 3: Access to Land and Housing	15
Focus Area 4: Employment Rights	17
Focus Area 5: Access to Health	19
Free Legal Advice	25
Support to other NGOs	26
Staff	27
Trustees	27
Funders	27
Financial Statements	28

I NTRODUCTION

The Women's Legal Centre (WLC) was established by the Women's Legal Centre Trust in 1999.

VISION

The WLC has a vision of women in South Africa free from violence, empowered to ensure their own reproductive and health rights, free to own their own share of property, having a safe place to stay, and empowered to work in a safe and equal environment.

MISSION

The WLC seeks to achieve its long term goals through litigation. The WLC has identified five strategic areas in which to litigate and conduct law reform:

1. **Being free from violence:** We will take up cases that improve the access of women and girl children to state protection from gender based violence, particularly rape and domestic violence, and increase protection for vulnerable groups such as girl children, HIV positive women, sex workers and women in male dominated environments.
2. **Fair access to resources in partnerships:** We will take up cases that ensure that when partnerships are dissolved, whether by death or separation, women receive a fair share of the assets of the partnership. This involves ensuring that all partnerships are legally recognised, irrespective of religion and custom.
3. **Having a safe place to stay:** We will take up cases that extend tenure to women in their own right, and to prevent loss of tenure on dissolution of relationships.
4. **Being able to work:** We will take up cases that extend employment protections to vulnerable groups, develop the law on sexual harassment in relation to farm and domestic workers, and ensure equal opportunities in the workplace.

5. **Being well:** We will continue to defend legal challenges to the right to make reproductive health choices, and to litigate to ensure that women have access to reproductive health care. We will take cases related to women's access to health care and the intersection between HIV/AIDS and our other strategic focus areas.

The WLC also offers free legal advice to women, to empower them with knowledge of their rights., These women are assisted by the WLC staff, or referred to the relevant government or Chapter 9 institution, non-governmental organisation (NGO), or court for assistance. The bulk of the queries we receive involve the dissolution of relationships (including civil marriages and other relationships not recognised in law), gender based violence and maintenance.

In the long term we hope to contribute to capacitating the sector to be more effective in advocating for women's equality. Our advocacy and training work focuses on providing support to other organisations, and groups of organisations, that advocate for the advancement women's rights in the focus areas of the WLC. We assist these organisations by providing legal opinions; drafting and making submissions to parliament; presenting workshops; and by drafting legislation, regulations and policies. We provide training to ensure the communication and implementation of gains won in court.

In particular, we have partnered with SWEAT on the Sex Work Human Rights Defender Project since 2009. We provide SWEAT with legal support to document human rights abuses, and to train and equip sex workers to respond those abuses. We undertake strategic litigation arising out of the project.

Finally, in order to work towards the transformation of the legal profession and broader society we provide information, training, and capacity building services on a regional level. We also train candidate attorneys to ensure transformation of the profession, and seek to make submissions on the gender record of acting judges before they are appointed.

DIRECTOR'S LETTER



The 2012 year was busy for the Women's Legal Centre. We experienced a sharp increase in requests to provide legal support to advocacy campaigns, other organisations in the sector and community based organisations working with women. It is impossible to capture all the meetings attended, presentations given and learnings from this work. It

is important to say, though, that this advocacy work feeds directly into our litigation and advocacy strategy, ensuring that we are able to identify the areas in the law that need amendment and the cases that will bring about improved implementation of women's constitutional rights.

The WLC obtained two impact judgments during 2012. One of these arose in the context of the Sexual Offences Act (SOA). Along with many other organisations, we were part of the advocacy campaign that interacted with parliament for many years, culminating in the passing of this legislation. We continue to provide legal support for civil society in campaigns to strengthen the response of the criminal justice system, and closely monitor the implementation of the law. In the case of *S v Prins*, the Cape High Court ruled that the provisions of the SOA that create certain offences do not in fact do so, because they fail to specify punishment. This case shocked the sector, but ultimately it was resolved by the courts and an amendment of the SOA. The WLC, due to its ongoing involvement and unique ability to litigate, was well

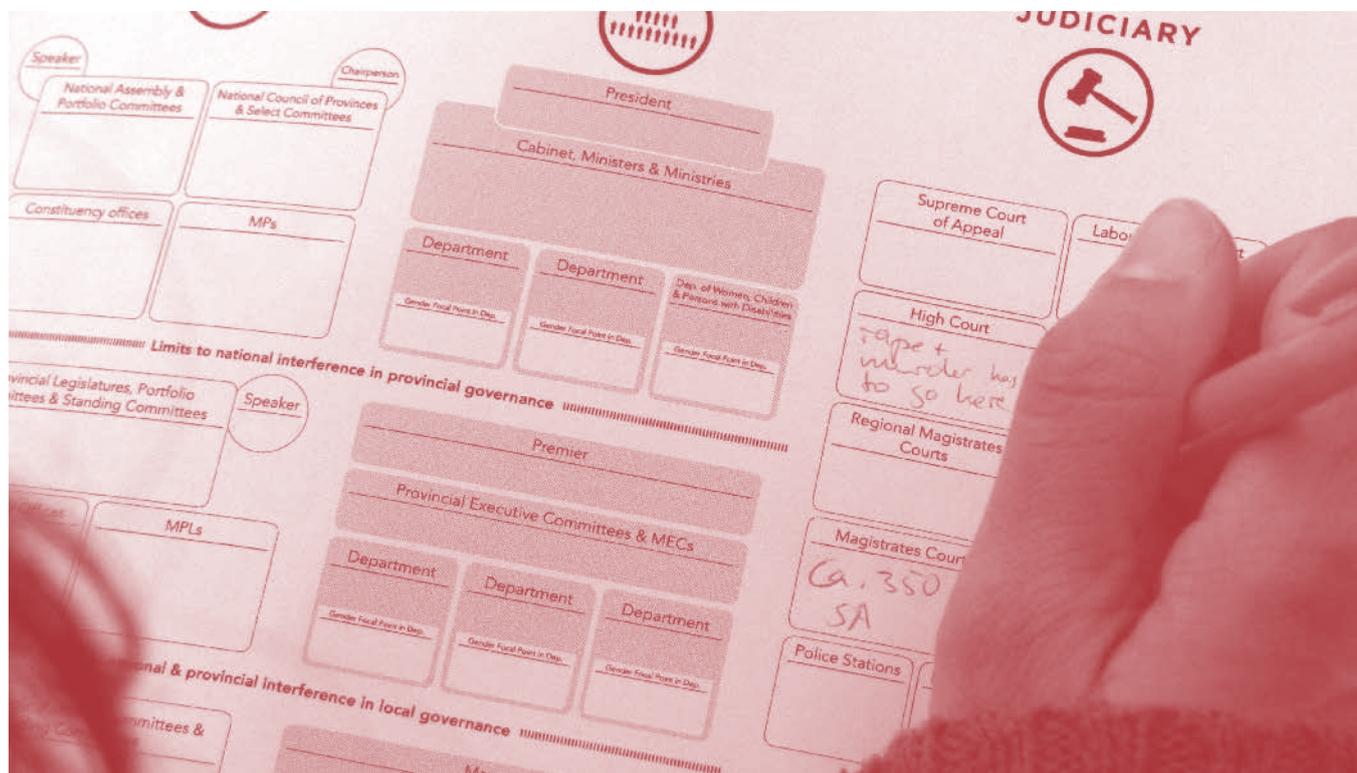
placed to intervene in court and suggest the amendment to the SOA accepted by the portfolio committee.

Our second impact judgement reflects the fact that the litigation cycle is a multi-year one, and much of the work is done in the years before a judgment is obtained. The *M v N* matter started at the High Court, then went on appeal to the Supreme Court of Appeal before the Constitutional Court ultimately decided the matter. This took a number of years and much research, formulation of arguments and consideration of the impact these cases have on the everyday lives of women.

When looking at the year in isolation, one also misses the many years of judgments and advocacy achievements that all form pieces of the larger puzzle, a jurisprudence that speaks to the rights of women. The *M v N* judgment fits into a larger context in which the customary law of inheritance has been brought in line with the Constitution (by the courts and legislation), customary marriages have been recognised (by legislation), and Muslim and Hindu marriages have been recognised for purposes of inheritance and maintenance (by the courts).

And then there is the work still to be done to fill in the missing pieces of the puzzle: Legislation recognising Muslim marriages, proper implementation of the law in relation to the registration of customary marriages, a law that recognises domestic partnerships. And this in only one focus area!

I would like to thank our team of dedicated, hard working and passionate staff for their effort this year, and our trustees for giving up the time and lending us their wisdom as and when needed. A special thanks to our Chairperson, Shereen Mills, who has been at the helm for the past two years. *Aluta continua!*





Focus Area 1: Being free from violence



The WLC works to improve the access of women and girl children to state protection from gender based violence, particularly sexual abuse in schools and domestic violence. We also work to develop the law in relation to particularly vulnerable groups such as sex workers, HIV positive women and girl children.

LITIGATION

Teddy Bear Clinic: Children and the Sexual Offences Act

When the Sexual Offences Act came into force in 2007 it criminalised consensual sexual activities, including kissing, between children between the ages of 12 and 16. If two children are caught kissing, both children can be charged with a sexual offence. In addition, any person (including parents, teachers, school nurses, school counsellors etc) who is aware of such activities between children, has to report the children to the police or face a possible prison term.

The WLC and Tshwaranang Legal Advocacy Centre (whom we represented) intervened as friends of the court, and supported the constitutional challenge against the offending provisions of the Sexual Offences Act.

On 23 and 24 April 2012 we made submissions to the Gauteng High Court. We argued that the requirement that both children be prosecuted results in the risk that girls, who are most often the victims of sexual offences, can be transformed from victims of rape or sexual assault to perpetrators of consensual sexual 'offences'. This is likely to discourage girls from reporting rape and sexual assault.

In addition, the sections discriminate against girls. Girls can bear a physical marker of sexual intercourse, in the form of pregnancy, where boys cannot. This makes girls more vulnerable to prosecution. The sections also threaten the uptake of crucial sexual and reproductive health services, since providers are forced to report any sexual activity between children they become aware of in the course of counselling or other sessions.

Prins: Invalidity of certain sexual offences

In May 2012, the Western Cape High Court handed down judgment in the matter of *S v Prins*. Mr Prins was accused of sexual assault but successfully objected to the charges laid against him on the grounds that the Sexual Offences Act (SOA) did not specify any penalty for the offence he was accused of. The court found that since the SOA did not prescribe a specific penalty, the offence of sexual assault was not punishable in law. This effectively called into question the existence of at least 29 other offences in SOA, which had repealed the common law sexual offences. This left the state in a position where it could not charge perpetrators with specific offences in accordance with the SOA, and thousands of convictions could be overturned and perpetrators released.

The WLC embarked on a two-pronged approach:

1. Calling for the amendment of the SOA to close the penalty gap;
2. Calling on the Western Cape Director of Public Prosecutions (DPP) to appeal the judgment.

The DPP was granted leave to appeal the judgment in the

Supreme Court of Appeal (SCA) on an urgent basis.

At the same time, and in response to our correspondence to the chair of the parliamentary portfolio committee, the WLC (in conjunction with UCT) was asked by the Justice and Constitutional Development portfolio committee to submit a draft "patch" clause for the SOA. Our proposal was accepted and passed by the portfolio committee, and has since been signed into law by the President.

However, while they ensure that future perpetrators won't escape charges, the amendments could not be retrospective. The Constitution prohibits the conviction of an accused of an offence that did not exist at the time the act was committed.

The WLC thus applied to be admitted as a friend of the court in the SCA appeal proceedings. Our application was supported by the Tshwaranang Legal Advocacy Centre, the UCT Gender Health and Justice Research Unit, Lawyers Against Abuse, and the Sonke Gender Justice Network. Our submissions drew the court's attention to the implications of the judgment for women, and brought statistical evidence on the many thousands of convictions under the SOA that would be vulnerable to being set aside.

On 11 June 2012 the SCA, expressly taking into account the high levels of sexual violence committed in South Africa against women and children, overturned the Western Cape High Court judgment and found that on a proper interpretation of the SOA, the legislature did indeed intend to create offences, and that the existing provisions in the SOA, supplemented by those in the Criminal Procedure Act, provided sufficient clarity as to the nature of the penalties. The potential crisis was averted.

Linden: Challenging discriminatory gender profiling in strip searches

The WLC represents Linden in a matter where the client was subjected to an invasive body search by airport officials because she was a "pretty girl travelling alone". This case considers the discriminatory nature of profiling in criminal matters based on race and gender. The case has been launched and will be opposed by the South African Police Service (SAPS) and the South African Revenue Service (SARS). There is a preliminary issue of constitutional damages to be argued in January 2013.

Maritz: The state's responsibility for known repeat offenders

In this matter, the WLC represents a client who was raped by the same man twice and assaulted by him on at least two other occasions. It is a damages claim that seeks to set due diligence standards in relation to state responsibility for known repeat offenders. The pleadings have closed and the matter is at trial preparation stage.

Mazwayi: The state's responsibility to provide safety at schools

Mr Mazwayi's eight-year-old daughter was allegedly raped at her school during school hours on two separate occasions during school hours, in August 2011. The perpetrator cannot be identified.

The WLC issued a notice within the prescribed time in terms of the Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002, holding the Minister of Education accountable for the damages suffered by the child because the Department failed to provide adequate safety measures at the school.

We are assessing the prospects of success in proceeding with the matter.

Khayelitsha Commission of Enquiry: Effective policing

In August 2012 Western Cape Premier Helen Zille established a Commission of Enquiry, following complaints in terms of section 206 of the Constitution that the police in Khayelitsha were inefficient, ineffective, and the relationship between the police and community had broken down.

The WLC represented a group of civil society organisations working in Khayelitsha (the Social Justice Coalition, Treatment Action Campaign, Triangle Project, Equal Education and Ndifuna Ukwazi). Proceedings commenced with the gathering of evidence, and we submitted over 50 community member statements and summaries of expert witnesses.

Shortly after the opening arguments, it became clear that the police would not co-operate with the investigation. They

subsequently launched an application to the Cape High Court to interdict the Commission. The WLC successfully opposed the application, on behalf of our clients.

ADVOCACY

- We made written submissions on the proposed regulations in terms of the Protection from Harassment Act.
- We trained NGO partners on the obligations of the state in relation to gender based violence. This helped our partners, led by Masimanyane Women's Support Centre in the Eastern Cape, to prepare a request for an enquiry by the CEDAW (Convention on the Elimination of Discrimination Against Women) committee.
- We presented the findings of our research on victim empowerment, done in conjunction with Rape Crisis and the Open Democracy Advice Centre, at the Western Cape Gender Justice Forum strategic planning session. We continue to advocate for the enactment of victim empowerment legislation and are part of the steering committee for civil society to campaign for such legislation.
- The WLC made submissions to the National Planning Commission on the chapter in the National Strategic Plan dealing with crime. This plan originally made only cursory reference to violence against women. The Commission has taken note of the WLC submission by acknowledging the importance of planning through a gender lens, and extended its chapter on community safety to specifically address sexual and domestic violence.



Harmful cultural practices discussion - November 2012



People's power workshop. Khayelitsha — August 2012

Focus Area 2: Fair Access to Resources in Partnerships



The WLC pursues litigation and advocacy that attempts to ensure that women receive a fair share of the resources when their relationships dissolve, whether by death or divorce. This involves ensuring that all partnerships are legally recognised, irrespective of religion and custom.

LITIGATION

M v N: Registration of polygynous customary marriages in accordance with the RCMA

Polygynous marriages are permissible in South African law, provided that they are customary marriages. In this case, the husband had two wives and when he passed away, there was a dispute about the validity of the second marriage. The High Court found the second marriage to be invalid, because the husband failed to comply with section 7(6) of the Recognition of Customary Marriages Act (RCMA), which states that a husband should apply to court and register a contract when taking a second or subsequent wife. However, the section is silent on the effect of a failure to do so. The High Court reasoned that the consequence of such a failure would be to render the marriage invalid.

The WLC successfully applied to be admitted as a friend of the Supreme Court of Appeal in 2012. We argued that section 7(6) of the RCMA must be seen in the context of the Act as a whole and of women's constitutional rights to equality and dignity. We also argued the need to take into account the factual realities of marriage and the unequal bargaining power between men and women in our society. On such a reading one should not penalise wives for a husband's failure to register the contract (especially when the section refers to the husband exclusively and so cannot be utilised by the wives); and one should not discriminate between wives by favouring the first wife.

In its judgement on 1 June 2012 the SCA held that Section 7(6) was not intended to invalidate subsequent customary marriages, but was intended to protect the matrimonial property rights of the spouses by ensuring a fair distribution of the property; and thus invalidity was not the intended sanction for non-compliance. The Court accepted that the purpose of the Act was to protect the rights of women married in accordance with customary law and tradition. Therefore it would be difficult to reason that section 7(6) could be intended solely for the protection of a first wife in an existing marriage, without protection for the second wife.

The respondent applied to the Constitutional Court (CC) for leave to appeal. The WLC was again admitted as amicus. The CC directed that the parties make submissions in relation to whether the consent of the first wife was a customary law requirement. The WLC made submissions to the CC on the requirement for the consent of the first wife, and set out what the impact of declaring such marriages invalid will be on women.

Ngewu: Extension of the Pension Law Amendment Act to government pension funds

In 2011, the WLC launched an application on behalf of Ms Ngewu in the Cape High Court. She claimed that her ex-husband's pension fund was unfairly discriminating against her, on the basis of her gender, by refusing to allow her immedi-

ate access to her share of the pension fund interest. The legal framework that compels women to wait until their spouses retire impacts negatively on women as they are often adversely affected socially and economically by divorce. The law has been amended in relation to private pension funds but not state pension funds.

The High Court recently ruled that similar provisions in the Government Employees Pension Fund are unconstitutional and its order was referred to the Constitutional Court (CC) for confirmation. The WLC applied for direct access to the CC to have the Ngewu case heard jointly with that case in the last quarter of 2011. The state accepted that the principle is discriminatory (in both cases) and the CC, during 2012, postponed the Ngewu matter for a period of 8 months to allow the necessary amendments to the Fund to be approved.

In a similar matter, Martin, we approached the Transnet Pension Fund before issuing summons against them. The Fund agreed to amend its rules and has subsequently published the amendment.

Rose and Goolam: Recognition of Muslim Marriages

The WLC continues to litigate individual cases in order to develop the law in relation to unrecognised Muslim marriages. These cases are aimed at achieving the application of the remedies contained in the Divorce Act to such marriages. The Rose and Goolam cases are two such cases. The Goolam matter has settled. In the Rose case, we are also arguing that the wife should be treated as a spouse for purposes of the husband's pension interest. The Rose matter is at pre-trial stage.

Muhidin: Jurisdiction of courts in Muslim marriages

In the Muhidin case, the magistrate in the East London Family Court upheld a special plea that the court does not have jurisdiction to grant divorce in a Muslim marriage. We assisted our client to lodge an appeal on the basis that the failure to recognise Muslim marriages is unfair discrimination on grounds of gender, race and religion. This led to the intervention of the Somalian Association, who persuaded the husband to settle the case on terms favourable to our client.

Magona: Registration of customary marriages

This matter concerns the difficulty of registering a customary marriage with the Department of Home Affairs. Our client was unsuccessful in registering her marriage at Home Affairs in Cape Town because her husband was absent; her application was forwarded to their Head Office.

We intend to make an application to the High Court seeking the registration of the customary marriage and a declaratory order about the registration procedure governing customary marriages.

ADVOCACY

- We have partnered with UCT's Law, Race and Gender Unit, which will be referring a number of cases dealing with women's property rights and customary marriages to us. In mid-2012 we travelled to their project in Msinga north of Durban, where we took instructions from clients who have struggled to register their customary marriages with the Department of Home Affairs. These cases are being assessed for a test case which sets due diligence standards for the registration of customary marriages.
- We presented at the Colloquium on Maintenance and Child Support hosted by the Legal Aid Board, and are part of the task team mandated to investigate strategic litigation.
- The South African Law Reform Commission released a report recommending a wide variety of reforms to family law. The WLC made submissions in relation to customary marriages, maintenance, unrecognised relationships, the minimum age for marriage, harmful cultural practices and the proprietary consequences of marriage.
- The WLC hosted workshops on Muslim Personal Law to consult women (whose voices have been largely silent) on the content of the Muslim Marriages Bill. Women were informed on what is in the Bill and why it is necessary, and were given an opportunity to have their questions about the Bill answered. We visited areas where there is a strong Muslim community and where there has been opposition to the Bill by the male members of those communities, such as Port Elizabeth, Uitenhage, Kimberley, Worcester, Paarl and Strand.



Ms Martin receives her share of the pension interest benefit from her ex-husband's pension fund on the 18th October 2012.



WLC Trustee Alison Tilley and Director Jennifer Williams speak to SABC radio at the Victim Empowerment Conference in October 2012

Focus Area 3: Access to Land and Housing



Women's access to land and housing is often limited by the fact that they hold tenure through a male relative or through their husbands. This renders them vulnerable to losing their homes, especially if their relationships are not recognised by the state. We work to improve women's access to housing, and to develop the duty of the state to provide emergency housing for victims of domestic violence.

ADVOCACY

- We have partnered with the Saartjie Baartman shelter for victims of domestic violence to find a client for a test case on the right to emergency shelter and domestic violence. They will refer women whom they cannot accommodate to us, and we will assess the merits of each case to identify the right set of facts for a test case.
- We endorsed the submissions by civil society for the implementation of the Western Cape Housing Policy on Special Needs for Women who experience domestic violence.
- We are part of the Alliance for Rural Democracy (headed by the UCT Law, Race and Gender Unit), which opposes the passing of the proposed Traditional Courts Bill. Although there was overwhelming criticism of the Bill at the national hearings hosted by the National Council of Provinces, the committee has adopted a report on the hearings that excludes the majority of the submissions made as “irrelevant”. The Bill was processed further in 2013.



Jody - WLC Legal advisor in consultation.

Focus Area 4: Employment Rights



Despite legislation and policy to reduce sexual harassment in the workplace, it is still prevalent. Many women face a workplace culture that renders them vulnerable to sexual harassment and are unlikely to report it for fear of repercussions. The Centre seeks to improve the application of the Code of Good Practice on Sexual Harassment in workplaces where the state is the employer, as well as in male dominated, rural, and domestic workplaces. The Centre also works to extend the application of the right to fair labour practices to sex workers.

LITIGATION

Zaranyika: Sexual harassment in the workplace

In the case of Zaranyika our client's employer attempted to rape her, and subsequently constructively dismissed her. This case begins to hold small employers – in this case a small bakery business -- accountable for sexual harassment in the workplace, where employers do not always apply the Code of Good Practice on the Handling of Sexual Harassment Cases. An award for unfair dismissal was obtained from the CCMA, certified as an order of the Labour Court, and executed.

Radebe: The state's duty of care as an employer to prevent sexual harassment

Our client reported being raped by her supervisor in the Johannesburg Metro Police, and subsequently faced victimisation and ostracism to the point that she was forced to resign her job. In 2009 she was awarded compensation by the CCMA for constructive dismissal.

The WLC then sought to develop the law of civil damages by claiming for the damages she suffered as a result of the employer's failure to prevent her victimisation, and to inform her or involve her in the process relating to her complaint. This claim was launched in the Gauteng High Court in May 2010. The claim is opposed, and 2012 was a year of trial preparation. The matter was set down for trial on 10 April 2013.

Mmamadi: Holding the SAPS liable for damages

Our client, a police officer, was raped and sexually assaulted by her Station Commissioner. The WLC is seeking an order holding the South African Police Service liable for damag-

es. We hope to highlight the hostile working conditions for women in male dominated environments, especially within state employment contexts. This case was launched in 2011 and is opposed by the state. In 2012 we engaged in trial preparations and locating witnesses.

ADVOCACY

- We commenced research into a potential individual and/or class action to claim compensation for women's unpaid care work when caring for miners with silicosis. Women often engage in this care work for many years, during which they are unable to pursue an education, find paid work, or take up opportunities for income generation.
- We partnered with the Commission for Gender Equality in their 50/50 campaign to effect 50% women's representation in political parties and government decision-making structures. We presented draft legislation at a CGE-hosted public dialogue. The campaign will now engage the Department of Women, Children and People with Disabilities and other stakeholders directly in order to present draft legislation and lobby stakeholders for support.
- We made submissions on the Employment Equity Amendment Bill in relation to equal pay for equal work
- We conducted training for the UCT Discrimination Office on sexual harassment.



Counter Sexual Exploitation Working Group Meeting - November 2012

Focus Area 5: Access to Health



We focus on defending the gains made around women's rights to reproductive health, which are continuously being challenged. The Centre also seeks to develop the jurisprudence around women's rights to reproductive health and access to health care services.

LITIGATION

Sitamile: Informed consent and coercive sterilisations

Our client, a refugee from Congo (DRC), was sterilized without her consent at Karl Bremer hospital. The hospital's employees failed to discuss the sterilisation procedure with our client in a language that she understands, or to ensure that she understood the nature and consequences of the procedure. We represent her in a damages claim, seeking an order declaring that the hospital violated the provisions of section 4 of the Sterilisation Act of 1998, and violated our client's constitutional rights as set out in sections 10, 12 and 14 of the Constitution. We are in the process of discovery and preparation for trial.

Sithole: Informed consent and coercive sterilisations

The WLC has launched proceedings in the Sithole case in the South Gauteng High Court. Our client was sterilized without her informed consent at Baragwanath Hospital in 2009, because of her HIV status. This is contrary to the policies of the national Department of Health, and the Sterilisation Act, as well as ethical guidelines for medical practitioners on obtaining patients' informed consent for medical procedures. Our client's constitutional rights were violated, and she suffered severe consequences in her personal life as a result of the sterilisation.

Consequently, our client is seeking damages against the Gauteng Department of Health, and the medical practitioners responsible for the procedure being performed without our client's informed consent.

In 2012 we consulted with medical experts, and awaited plea from the state. We applied for a trial date, and the date of 14 March 2014 was allocated.

ADVOCACY

- We represented Her Rights Initiative (HRI) at a meeting with the representative of the Minister of Health to present research on the prevalence of coerced sterilisations. The Department has requested proof that the practice is still occurring, as many of the cases had prescribed. The possibility of compensation for the women whose cases have prescribed was also mooted. The WLC and HRI are following up in relation to later cases and the compensation.
- We contributed a clause on forced sterilisation to the National Contraception Policy and Clinical Guidelines, making it clear that coercive sterilisation is against the law.
- We represented HRI in July 2012 at the Commission for Gender Equality in relation to its research report

detailing the practice of coerced sterilisation of HIV positive women. The Commission undertook to assist with advocacy efforts to end this practice. We are also assisting HRI prepare a complaint to the Commission regarding the prevention and treatment of cervical cancer in HIV positive girls and women.

- We made oral submissions to the South African Human Rights Commission hearings on sanitation, raising the disproportionate burden that poor sanitation places on women and the attendant risk to their health and physical safety.
- We provided training on the constitutional right to health for UCT "human rights and health" medical students.
- We are a member of the Expert Group of the SA National AIDS Council Women's Sector Focus Group.
- We provide legal support for Amanitare Sexual Rights Network for Women's Health.
- We are providing legal support to Marie Stopes South Africa in ridding the streets of Cape Town of illegal abortion advertising. We have consulted a range of stakeholders, and have called on the mayor of Cape Town to convene a joint stakeholder meeting with a view to formulating a coordinated response to the illegal practice.



Stacey explains the role of the WLC to a student at the Stellenbosch University open day.

CROSS-CUTTING WORK: SEX WORKER RIGHTS

Since 2009 we have partnered with SWEAT on the Sex Work Human Rights Defender Project. This project was established by the advice and instruction of the community that it serves and has two overall objectives:

- A human rights defence programme that defends the human rights of sex workers, prevents further abuses and builds the capacity of sex workers to exercise their legal and constitutional rights.
- The realization of an empowered sex worker sector in South Africa and regionally that is capacitated and thus significantly better able to defend human rights and challenge health and human rights abuses.

This work cut across all our key focus areas – being free of violence, having fair access to resources in partnerships, having access to safe housing, being treated fairly in employment and having access to health – and so we report on it separately here.

RESEARCH

We launched our research report *Stop Harassing Us! Tackle Real Crime! A Report on Human Rights Violations by police against Sex Workers at the first ever Sex Work Symposium in Johannesburg in August 2012*. The report draws on the views and voices of more than 300 sex workers around the country.

The report's findings highlight the gap between the rights enshrined in the South African Constitution and treatment meted out to sex workers:

- Almost one in six of the sex workers who approached the WLC had been sexually or physically assaulted, and one in three had been harassed, by the police;
- Of the 45% of sex workers that had been arrested, more than 85% of those arrests had been carried out by a police officer who was not wearing proper identification;
- Almost half of those who had been arrested were held beyond the 48 hour maximum permitted by law, and nearly 70% had been denied access to food or water whilst in detention;
- Almost half of all sex workers who were arrested and 40% of sex workers who were fined, reported that police did not follow the formal procedure required; and
- Almost half of all sex workers who were arrested reported being placed in cells that were dirty, wet and smelled bad, that had toilets that did not work, and/or mattresses and blankets that were dirty.

The patterns of abuse that sex workers experience are the direct result of their criminal status, which increases their

vulnerability to violence. The only remedy is to change the way in which the sex work industry in South Africa is viewed under the law and by the institutions responsible for its administration.

WLC, SWEAT and sex work paralegals we have trained presented this research to the Deputy Minister of Police, who was shocked at the extent of the abuse. She subsequently attended a meeting, which we facilitated, with approximately 200 sex workers to listen to their problems with the police. The Deputy Minister assured us that she will take all complaints of police violence seriously and that she will meet with all police commissioners to obtain further information regarding the police abuse of sex workers.

LITIGATION

We have represented sex workers in numerous cases. Many of these were withdrawn for lack of evidence, often after clients had spent weeks or months in detention because they could not afford bail. A few of the more notable cases are listed below. They are representative of the ongoing harassment sex workers face.

“G” and two other cases: Entrapment and prejudice against sex workers

G was arrested on 2 June 2011 in Wynberg, Cape Town after an undercover operation authorised by the office of the Director of Public Prosecution.

WLC represented G at her trial. We argued that the undercover operation amounted to a trap, and was unlawful and unfair because it was used to instigate and encourage the commission of an offence.

In February 2012, the Magistrate handed down a guilty judgment. We addressed the court *ex parte* in mitigation of sentencing, and we managed to have the sentence suspended for 3 years.

However, when the magistrate read her judgment, she made remarks which in our view reinforced prejudice against sex workers. We decided to lodge an appeal against the conviction and obtained a note from the advocate who represented the client on our instructions that “[the magistrate’s] apprehension of bias towards the accused as a sex worker has also impacted on her judgment in finding the accused guilty of the charge.” Unfortunately, we were instructed by the client not to proceed with the appeal.

We also represented sex workers in two additional cases who were charged with keeping a brothel after being arrested through entrapment operations. We believe the way the police obtained the evidence against our clients exceeded the limits of the law – in one incident, a police officer requested oral sex from our client. Both cases were struck from the roll after the dockets were not present at court for two successive dates.

Foxy Ndlovu & others: Holding the SAPS liable for damages

WLC represented five sex workers who were arrested and charged with soliciting. They appeared at the Bellville Magistrates Court and the presiding officer set bail at R1 500. Neither the court nor the state asked whether they could afford the bail, as the law enjoins them to do. As a result, they spent approximately 2 months in detention.

While they were detained, we made several attempts to get our clients to court. At the second last court appearance, the presiding officer agreed to release all our clients on a warning, and at the final court appearance the charges were withdrawn due to insufficient evidence.

We instituted a claim in the Western Cape High Court for damages in the amount of R1 040 000. The State Attorney filed a Notice of Intention to Defend and we received the plea.

“L”: Police harassment and rape of sex workers

A sex worker was arrested and the police officer asked her for oral sex in exchange for release. She contacted the WLC and was advised to lay a rape charge against the police officer. The sex worker was not assisted at the police station where she went to lay the charge, and subsequently a paralegal accompanied her and referred the case to the Independent Police Investigative Directorate (IPID). The officer was subsequently arrested and the paralegal supported her when she met with the prosecutor for a consultation.

At the identity parade held by IPID and SAPS, our client was unable to identify the perpetrator. The docket was then referred to the Director of Public Prosecutions, who decided not to prosecute the matter.

We have subsequently been informed that SAPS has dismissed the police officer after a disciplinary inquiry. We are in the process of obtaining further instructions from our client so that we can respond to the DPP and make representations as to why they should continue with the prosecution.

Salie: Forfeiture of assets from a brothel

SWEAT was served with legal pleadings from the State Attorney in a matter where the National Prosecuting Authority applied for an order of forfeiture of the proceeds of crime (the brothel) against the brothel owner. WLC representing SWEAT, wished to make the following arguments:

1. That the State's failure to consider the property rights of sex workers would impact negatively on them and would violate their constitutional rights to equality, human dignity, freedom of movement and residence, housing, property and freedom and security of the person.
2. That the Court should consider whether the forfeiture of the preserved assets was just and equitable, taking into account the possible consequences for sex workers

which could include their eviction from the brothel, thus rendering them homeless.

3. Whether forfeiture of the property would amount to an arbitrary deprivation of property for sex workers, in terms of section 25(1) of the Constitution.
4. That SWEAT would present a submission on how certain sections of the Sexual Offences Act permit the arbitrary deprivation of property and may be unconstitutional.

WLC and SWEAT were, however, unable to locate the sex workers who lived at the brothels, and so we were unable to present arguments to the court and had to withdraw our application to intervene. We did however serve and file a memorandum to the court in which we advised that we will be on the lookout for similar set of facts and will intervene then. In the memorandum we also thanked the court for ordering the NPA to contact SWEAT to intervene and briefly set out the arguments that we wanted to raise in this matter.

“N”: Harassment and illegal strip searches

N works at an indoor bar/brothel in Cape Town. When she visited a friend's house in Sea Point the police raided the premises and demanded that they strip naked and expose their genitals, in full view of male officers. WLC was instructed to challenge the invasive body search and the property search, both of which were conducted without a search warrant. We have drafted an opinion for a challenge to the searches as well as on the merits of a challenge to the Criminal Procedure Act 51 of 1977, in that it lacks the necessary safeguards to protect individuals from unlawful body searches, and is therefore an unconstitutional expansion of police power.

Denial of ARVs during detention at police cell

In 2011 we identified two clients who were arrested and detained for 48 hours in a police holding cell. Both informed police officers that they needed to take their ARV medication, but the officers refused to allow them to make a phone call to family to bring their medication, or to give them ARVs. When they were released, both fell ill. We consulted with the clients and they have instructed us that they do not want to take these cases further.

Confidentiality of HIV status

We consulted with a sex worker who experienced discrimination on the grounds of her HIV status at a clinic in Cape Town. When she visited the clinic to collect her medication the receptionist said loudly, “No you people with HIV must wait over there”. Our client was so embarrassed by this that she left and never went back to collect her medication. This client is a migrant and we have been unsuccessful in locating her in order to obtain further instructions.

PARALEGALS

WLC has trained and employed three paralegals, stationed at our offices and at SWEAT, to assist sex workers with legal advice, assistance and research. They also manage a 24 hour legal advice helpline for sex workers and a “please call me” cellphone service.

These paralegals have been actively involved in further training and outreach work:

- Two paralegals attended an Introductory Paralegal Training for Community Based Advice Offices hosted by the Foundation for Human Rights.
- Two paralegals attended a workshop on Domestic Violence hosted by Mosaic.
- All paralegals attended a three day accredited training course at Stellenbosch University (arranged through SWEAT) on HIV, pre and post counselling and rapid finger testing.
- The paralegals facilitated two meetings with the Western Cape Police Commissioner’s office for sex workers who wanted to lay charges against the police.

ADVOCACY

Condoms as Evidence

With the assistance of the Open Society Foundation, we interviewed 20 sex workers and 5 outreach workers across seven countries regarding condoms and the police. The key findings were:

- Police confiscate and destroy sex workers’ condoms, putting sex workers and their clients’ health at risk.
- Police cite condom possession as justification to detain or arrest people on charges related to sex work.
- Police harass and abuse sex workers who carry condoms and use the threat of arrest on the grounds of condom possession to extort and exploit them.
- Some sex workers opt not to carry condoms because they fear police harassment and detention
- Police harass and arrest outreach workers, limiting their ability to distribute and educate sex workers about safer sex practices.

We presented these findings at the International Aids Conference in July 2012 in Washington DC, where we also held several meetings to plan further collaboration.

In late July 2012, we attended a meeting with the Western Cape MEC for Health Theuns Botha, Councillor JP Smith and his colleagues from the Vice Squad, and officials from the Department of Health and the TB/HIV care unit. The South African Police Service failed to attend this meeting. We raised the issue of unlawful profiling (see below) and the confiscating and destruction of condoms. JP Smith and his colleagues confirmed that they would draft directives to their officers not to confiscate and/or destroy condoms. We have agreed to assist them with the directives. JP Smith agreed that condoms should not be used as evidence against sex workers.

Unlawful profiling of sex workers

SWEAT and sex workers informed us that police officers often photograph sex workers, take their fingerprints and display their information at police stations. This is unlawful profiling in terms of Sections 37 and 69(3) of the Criminal Procedure Act.

We sent formal letters of complaint to the provincial and national Police Commissioners, the City of Cape Town’s Chief Metro Police and Manager of Law Enforcement, and to the Station Commanders at Bellville, Claremont, Goodwood, Wynberg, Milnerton, Parow and Sea Point Police Stations. The City of Cape Town, on behalf of the Vice Squad and Goodwood Police Station, responded as follows:



Deputy Minister of Police visits SWEAT in August 2012

“...the gathering of information from sex workers is done with the best interests at heart and furthermore to protect the rights that might be infringed by criminal activities in the future and it is therefore suggested that these sex workers see the actions of the police in a positive light. The complaint by sex workers that pictures are taken of them is noted and the relevant Station Commanders have been advised to cease such activities with immediate effect”.

The Vice Squad, who was the main perpetrator of profiling, undertook in a meeting that they will no longer unlawfully profile sex workers. They also undertook to obtain consent from sex workers in order to get their personal information. The WLC is monitoring adherence to this undertaking. We also continue to monitor the SAPS use of profiling, and have asked sex workers nationally to come forward if this occurs.

Contempt of SWEAT Interdict

In 2009 SWEAT obtained a High Court interdict prohibiting police officers from arresting and harassing sex workers for ulterior purposes.

During 2012 we sent letters to the Station Commanders at 14 police stations, providing detailed reports of violations of the interdict. We did provide the full names of sex workers, out of concern for their safety. The police stations asked for more information and eleven sex workers gave their consent for their details to be shared, in the form of a power of attorney. Their statements will now be sent to the relevant police stations for investigation.

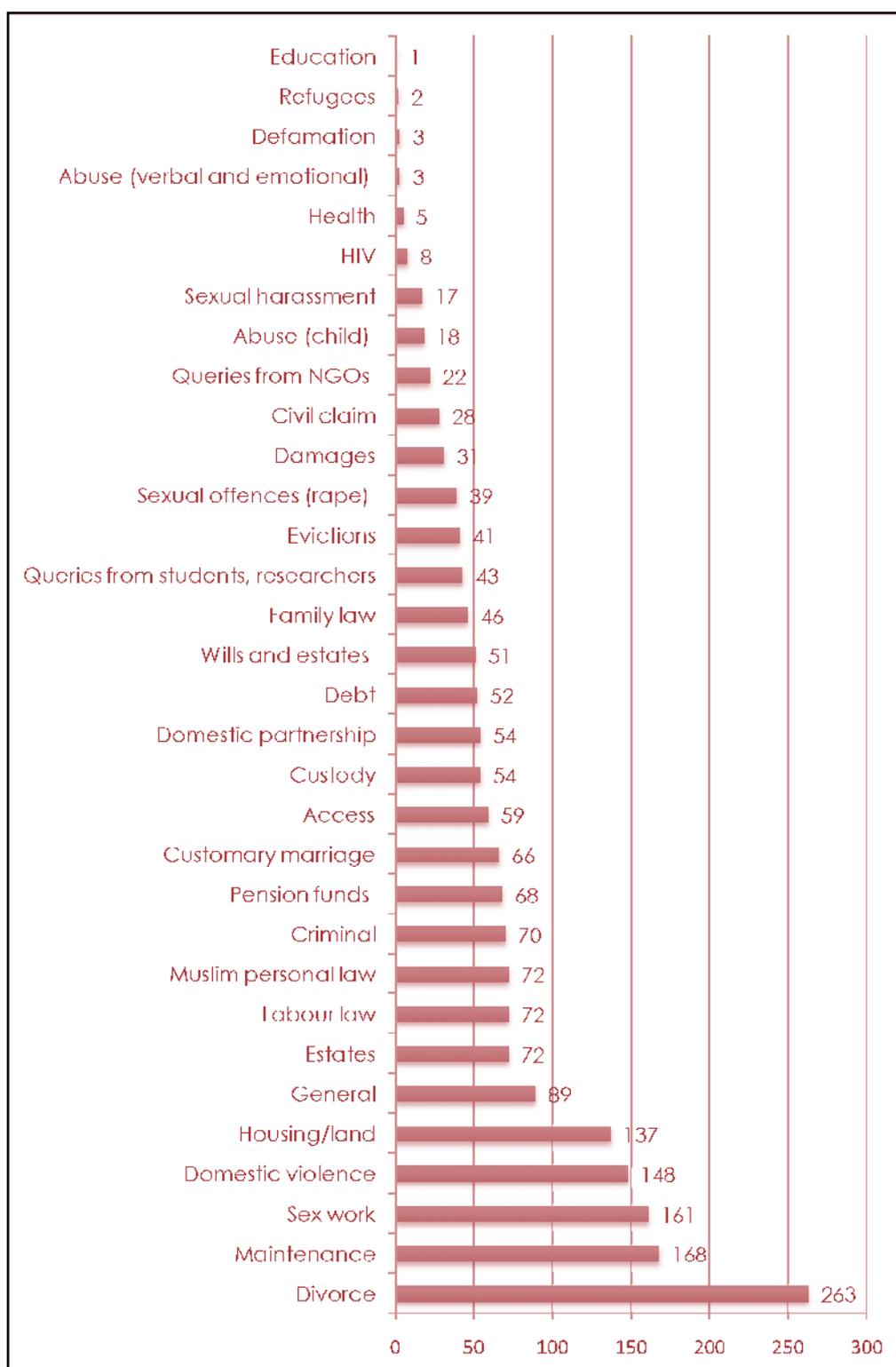
Additional advocacy work

- We attended a symposium on Lawyering on the margin where a WLC attorney and paralegals presented their legal assistance programme and their activities to assist sex workers.
- We attended a symposium hosted by the Uganda Coalition and presented on sex worker rights and precedent setting litigation on sex worker rights in South Africa.
- Cosatu invited us, thanks to a suggestion from SWEAT, to attend the Gender Conference on 27, 28 and 29 March 2012. We made a presentation on labour rights.
- WLC has assisted SWEAT with a submission to the Director of Police on their strategic plan. We included the statistics that we have collected through our documentation as well as the trends of abuse that we identified. WLC also assisted SWEAT with drafting a short card on human rights, known as the “Police Card”, the aim of which is to assist sex workers when they deal with the police at the point of arrest and detention, and to provide a summary of their rights. This was piloted with a group of sex workers at the first sex work symposium in August 2012.
- We produced a Know Your Rights Booklet for sex workers which explains all the rights applicable when they are arrested and detained. It also lists labour rights and remedies. We conducted training sessions based on this booklet for sex workers and other NGOs in Durban, East London, Rustenberg and in Limpopo as well as in Cape Town.
- WLC, SWEAT and Sisonke made submissions on the Prevention and Combating of Torture of Persons Bill [b21-2012]. We made recommendations on how the treatment of sex workers can be torture, that cruel, inhuman and degrading treatment should be included, that in “aggravating factors” they should include “*discrimination on the basis of work; (m) whether the complainant suffered physical or mental harm relating to the cumulative effect of repeated harassment or intimidation; and (n) sexual coercion was used against the complainant*”, and we recommended that they should establish a subcommittee to carry out the responsibilities in the Bill. WLC presented the recommendations at Parliament and also handed out copies of the research report to the Portfolio Committee. WLC wrote to the Parliamentary Researcher requesting assistance with a meeting with the Police Portfolio Committee to discuss the report.
- WLC submitted a letter of complaint to the Commission of Gender Equality to address the human rights violations that sex workers experience as a result of the criminalisation of their work.
- WLC’s attorney serves on the SA National Aids Council (SANAC) Human Rights and Access to Justice Technical Task Team.
- We presented our research findings to 80 police officers at a training day. The police officers expressed their frustration with the law in that it is difficult to enforce. An attorney at the Police Commissioners Office informed the police officers of the damages claims we have instituted against the Department for unlawful arrest and wrongful detention, as well as other claims that the Department had to pay out. He informed the officers that the Department will recover the costs that they have to pay out in claims from the offending officer’s pension fund after he/she is dismissed.

FREE LEGAL ADVICE

The pattern of increased demand for the services of the WLC has carried into 2012. Below is a table of queries for the East London, Cape Town and Khayelitsha advice offices. The WLC will resolve the query, take on the case, or refer the client to the appropriate organisation or department for assistance.

The bulk of the queries relate to divorce, maintenance and domestic violence. In all of these areas we have seen systemic failure resulting in the denial of women's access to justice. The nature of the queries is set out below:



SUPPORT TO OTHER NGOS

The WLC seeks to transform the legal profession as this will ultimately result in better access to justice for women. To this end, we lectured candidate attorneys on gender law and participated in UCT's Alternative Careers in Law program and the Women and the Law course.

The WLC nominated Justice Mandisa Maya (in conjunction with other organisations) for a Constitutional Court vacancy. We were also part of a group of organisations that nominated candidates for the many vacancies on the Commission for Gender Equality, as well as proposing criteria for Commissioners.

We provided legal support to Triangle Projects in relation to violence against lesbians by monitoring criminal cases. We also assisted Gender Dynamix and Intersex SA with a parliamentary presentation on the gaps in the Alteration of Sex Description Act that allow for misrepresentation.

The WLC prepared a response to the President's State of the Nation address in February 2012. The response was a feminist analysis of the government's priority areas, including comment on progress made to date and the impact on women. This is the second year we have done this and it was well received and enjoyed good media coverage. The WLC was also invited by the parliamentary committee to comment on the strategic plan of the Department of Women Children and Persons with Disabilities. We also briefed the Western Cape ANC women's caucus on the ANC Gender Policy.

In addition to several workshops on the Muslim Marriages Bill, training was provided to the community in Khayelitsha (93 people, including community workers) and the New Women's Movement on the justice system and women's rights.

COMMUNICATIONS

A communications officer was hired in August to raise the WLC's profile and manage social media. WLC's media coverage has since increased, as well as the number of followers on social media.

PRESENCE IN THE MEDIA

Towards the end of 2012, the WLC had a 138% growth rate in media presence. We have been featured on national and regional television and radio stations including SABC, eNews Channel Africa, Eyewitness News and Voice of America.

During the year we also featured in local, national and international print and online media including The New York Times, Business Day, Mail & Guardian, Sunday Times, Daily Maverick, Die Burger, Diplomatic Courier, the Pulitzer Centre, various legal publications and many others.

The table below shows the growth in WLC's social media following in 2012:

	01 August 2012	31 December 2012
Facebook	441	605
Twitter	694	1038



STAFF

Legal Staff

Jennifer Williams: Director/Attorney

Hoodah Abrahams-Fayker: Attorney

Stacey-Leigh Manoek: Attorney

Sanja Bornman: Attorney

Sithuthukile Mkhize: Attorney

Jody-Lee Fredericks: Legal Advisor

Lin Soekoe: Legal Advisor (Volunteer)

Support Staff

Ingrid Johnson: Litigation Secretary

Aretha Louw: Litigation Secretary

Nwabisa Ntshibelo: Receptionist

Nomhle Magwaza: Administrator

Estelle Malgas: Office Assistant

Gcobisa Silwana: Communications

Trustees

Basetsana Teboho Molebatsi (Chairperson)

Alison Tilley

Shereen Mills

Shaamela Cassiem

Mary Vilakazi

Patrons

Yasmin Carrim

Lebogang Molepe

Funders

British High Commission

Finnish Embassy

Ford Foundation

Foundation for Human Rights

Heinrich Böll Stiftung

HIVOS

Open Society Foundation

Sigrid Rausing Trust

Wallace Foundation

Womankind

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
Annual Financial Statements for the year ended 31 December, 2012

Index	Pages
Statement of Trustees' Responsibility and Approval	1
Report of the Independent Auditor	2-3
Trustees' Report	4
Balance Sheet	5
Income Statement	6-7
Notes to the Annual Financial Statements	8-9
The following supplementary information do not form part of the financial statements and is unaudited:	
Annexure - Analysis of Funds by Funder	10

General Information

Country of registration and domicile	South Africa
Registered Office	7th Floor Constitution House 124 Adderly Street Cape Town 8001
Postal address	PO Box 5356 Cape Town 8000
Bankers	Standard Bank
Auditors	Solace and Associates
Trust registration number	IT 3486/98

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2012

Statement of Trustees' Responsibility and Approval

The trustees are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The auditors are responsible for the fair presentation of the financial statements.

The trustees are also responsible for the trust's systems of internal financial control. These are designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the trustees to indicate that any material breakdown in the function of these controls, procedures and systems has occurred during the year under review.

The financial statements have been prepared on the going concern basis, since the trustees have reason to believe that the Trust has adequate resources in place to continue in operation for the foreseeable future.

The annual financial statements which appear on pages 4-10 were approved by the trustees and are signed on their behalf by:

Shereen W. Mills 

 Trustee

Alison Tilly 

 Trustee

15 June 2013

 Date

3/7/2013

 Date



SOLACE

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Bringing you peace of mind...

Solace & Associates
Registered Auditors (Practice number: 930780)
Chartered Accountants (S.A)

 14 Franz Square, Allenby Estate, Retreat 7945

 +27 (0)21 702 2238

 +27 (0)21 702 2238

REPORT OF THE INDEPENDENT AUDITORS

To the Trustees of Women's Legal Centre Trust

We have audited the accompanying annual financial statements of Women's Legal Centre Trust, which comprise the balance sheet and income statement as at 31 December 2012, a summary of significant accounting policies and other explanatory notes, as set out on pages 4 to 9.

Trustees' Responsibility for the Financial Statements

The trust's trustees are responsible for the preparation and fair presentation of these financial statements in accordance with the generally accepted accounting practice in the manner required by the Trust Deed.

This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of annual financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the annual financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the annual financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the annual financial statements, whether due to fraud or error.

In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the annual financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the trustees, as well as evaluating the overall presentation of the annual financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**SOLACE**

AUDIT | ACCOUNTING | CONSULTING

Bringing you peace of mind...

Opinion

In our opinion, the annual financial statements have been prepared, in all material respects, in accordance with the basis of accounting described in note 1 of the financial statements and the requirements of the Trust Deed for the year ended 31 December 2012.

Emphasis of Matter

Without qualifying our opinion above, we draw attention to the fact that the financial statements have not been drawn up in accordance with generally accepted accounting practice in that assets are fully depreciated in the year of acquisition.

Supplementary Information

We draw your attention to the fact that the supplementary annexure set out in page 10 do not form part of the annual financial statements and is presented as additional information. We have not audited the information contained in the annexure and its content is therefore not part of our audit opinion.

Solace & Associates CA (SA)
PER: G Cronje
Registered Auditors

Cape Town
Date: 10 July 2013

Annual Financial Statements for the year ended 31 December 2012

Trustees' Report

The Trustees have pleasure in submitting the annual financial statements of the Trust for the year ended 31 December 2012.

Main object

The main object of the Trust shall be to advance women's rights by conducting constitutional litigation and advocacy on gender issues.

Trustees

The trustees of the Trust during the accounting period and the date of this report were:

B. Molebatsi
S. Mills (Chairperson)
A. Tilley
S. Cassiem
M. Vilakazi

Post balance sheet events

The trustees are not aware of any matter or circumstance arising since the end of the financial year that would materially affect the financial position of the Trust.

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December, 2012

Balance Sheet

	NOTES	2012 R	2011 R
ASSETS			
Current assets		6 227 374	6 148 672
Deposits		61 023	61 023
Trade and other receivables		384 039	1 600
SARS - VAT receivable		69 780	74 793
Cash and cash equivalents	2	5 712 532	6 011 256
Total assets		<u>6 227 374</u>	<u>6 148 672</u>
CAPITAL AND LIABILITIES			
Capital and reserves		5 511 103	5 774 601
Initial donation		100	100
Retained funding	3	5 511 003	5 774 501
Current liabilities		716 271	374 071
Trade and other payables		498 057	143 859
SARS - VAT provision		67 659	60 063
Litigation Fund - Trust Account		12 301	13 237
Leave provision		138 254	156 912
Total capital and liabilities		<u>6 227 374</u>	<u>6 148 672</u>

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December, 2012

Income Statement

	NOTES	2012 R	2011 R
INCOME		4 849 886	5 361 571
Donations and grants	4	4 150 580	5 016 495
Cost recovery		406 016	61 528
Interest received		286 593	282 647
Other income		6 697	902
EXPENDITURE		5 113 384	4 769 298
Employment costs		2 777 381	2 858 068
Salaries & benefits		2 606 055	2 666 580
Contributions		69 141	83 363
Other employment costs		0	11 926
Supervision		66 715	55 454
Recruitment costs		8 469	40 445
Consultancies		27 000	300
Litigation costs		991 844	524 260
Advocacy & training		337 920	210 981
Information costs		166 141	277 553
Newsletter and annual report		13 633	30 058
Law books & subscriptions		24 122	22 529
Material development		74 173	163 294
Resource centre		3 855	2 910
Volunteer costs		205	1 993
Distribution costs		0	4 385
Website design and maintenance		7 366	9 982
Internet/computer support		42 787	42 402
Governance costs		22 757	35 796
Trust costs		22 757	24 567
AGM		0	11 229
Administrative costs		596 816	568 712
Bank charges		21 348	20 725
Equipment rental and maintenance		53 754	64 724
Insurance		15 356	13 966
Interest paid		252	977
Rental of offices and parking bays		411 923	375 800
Stationery and postage		21 608	17 020
Sundries		5 266	14 467
Supplies		5 087	4 847
Telephone and fax		62 222	56 187

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December, 2012

Income Statement (Continued..)

	NOTES	2012 R	2011 R
Audit and accounting		157 741	155 634
Audit fees		33 000	33 057
Accounting fees		124 741	122 576
Fundraising		10 263	0
Organisational and staff development		6 142	40 231
External evaluation		22 000	40 000
Capital expenditure		24 380	58 063
Computers & office equipment		24 380	31 840
Furniture & fittings		0	16 688
Equipment		0	9 535
NET (DEFICIT) OR SURPLUS		(263 498)	592 273
OPENING RETAINED FUNDING		5 774 501	5 182 228
CLOSING RETAINED FUNDING		5 511 003	5 774 501

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Women's Legal Centre Trust
 Annual Financial Statements for the year ended 31 December, 2012
 Notes to the Financial Statements

1. SUMMARY OF ACCOUNTING POLICIES

The following are the principal accounting policies of the Trust which are consistent in all material respects with those applied in the previous years, except as otherwise indicated.

Basis of Preparation

The financial statements have been prepared on the historical cost basis, except as otherwise indicated.

Revenue

Revenue comprises funding received from donations and grants. Revenue is recognised when it is received. Grant periods do not always correlate to the financial year end of the Trust and therefore balance of retained funding per funder is for expenditure to be incurred in the next financial year in terms of the funding contract.

Financial Instruments

Financial instruments carried on the balance sheet include cash and cash equivalents, receivables and amounts payable. These instruments are generally carried at their estimated fair value.

Property, Plant and Equipment

Property, plant and equipment are written off to the income statement on acquisition date against the funding received for this purpose.

A detailed fixed register is maintained and is available for inspection.

	2012 R	2011 R
2. CASH AND CASH EQUIVALENTS		
Current accounts	64 341	216 934
Trust bank account	12 801	13 737
Investment accounts	5 635 012	5 780 077
Petty cash	378	508
	<u>5 712 532</u>	<u>6 011 256</u>
3. RETAINED FUNDING ANALYSED BY FUNDER		
Finnish Embassy	32 519	109 685
Foundation for Human Rights	(11 000)	0
Heinrich Böll Stiftung	-	17 946
HIVOS	-	10 125
Open Society Foundation	78 425	101 834
Sigrid Rausing Trust	879 540	885 448
Womankind	0	140 403
General Funds	4 531 619	4 509 060
	<u>5 511 103</u>	<u>5 774 501</u>

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December, 2012

Notes to the Financial Statements (Continued..)

	2012	2011
	R	R
4. GRANTS AND DONATIONS		
Claude Leon Foundation	-	150 000
Finnish Embassy	480 252	513 685
Ford Foundation	596 190	553 564
Foundation for Human Rights	88 000	228 910
Heinrich Böll Stiftung	459 350	340 435
HIVOS	414 004	603 609
Open Society Foundation for South Africa	1 135 578	643 349
OSISA	-	262 500
Other donations	22 666	2 700
Sigrid Rausing Trust	954 540	896 755
Wallace Global Fund	-	403 190
Womankind	-	417 798
	<u>4 150 580</u>	<u>5 016 495</u>

5. TAXATION

The organisation is exempt from income tax under 10(1)(cN) as read with Section 30 of the Income Tax Act. No provision has been made for taxation in the current year.

WOMEN'S LEGAL CENTRE TRUST
ANALYSIS OF FUNDS BY FUNDER FOR THE YEAR ENDED
31 DECEMBER 2012

	Total	Ford Foundation	Finnish Embassy	Foundation for Human Rights	Heinrich Bohl Stichtung 1	Heinrich Bohl Stichtung 2	HIVOS Foundation	OSF	OSF MPL	Open Society Foundation SHARP	Open Society Foundation SHARP new	OSF research	Sigrid Rausing Trust 1	Sigrid Rausing Trust 2	Womankind	General Funds
INCOME	4 849 884	596 190	480 252	88 000	342 698	116 632	414 004	350 000	37 500	262 500	425 000	60 578	0	954 540	0	721 970
Donations and grants	4 150 580	596 190	480 252	88 000	342 698	116 632	414 004	350 000	37 500	262 500	425 000	60 578	0	954 540	0	22 665
Interest received	286 593															286 593
Cost recovery	406 014															406 014
Other income	6 697															6 697
EXPENDITURE	5 113 381	596 190	557 418	99 000	360 644	116 632	424 129	350 000	63 550	338 284	346 575	60 578	885 447	75 000	140 403	699 512
Employment costs	2 777 380	325 190	345 355	82 443	226 589	45 000	263 869	272 065	27 523	240 158	195 000	3 088	410 854	50 000	114 564	175 382
Litigation costs	991 843	145 513	113 546		76 300		54 600	37 935	0	7 661	17 929		142 714			395 645
Advocacy & training	337 919	15 174	4 958	6 242	11 128	55 271	13 905		32 827	63 658	79 771	22 213	2 095		16 349	14 128
Information costs	166 141	18 900			4 740	16 381	28 755				3 875	30 277	63 213			
Operational & admin costs	787 576	91 413	71 559	10 315	41 887		63 000	40 000	3 200	26 306	50 000	5 000	239 000	25 000	9 490	111 405
Staff development / training	6 142							0					3 191			2 951
Monitoring & Evaluation / External evaluation	22 000		22 000													
Capital expenditure	24 380													24 380		
NET SURPLUS OR (DEFICIT)	(263 497)	0	(77 166)	(11 000)	(17 946)	0	(10 125)	0	(26 050)	(75 784)	78 425	0	(885 447)	879 540	(140 403)	22 458
OPENING RETAINED FUNDING	5 774 600	0	109 685	0	17 946	0	10 125	0	26 050	75 784	0	0	885 447	0	140 403	4 509 160
CLOSING RETAINED FUNDING	5 511 103	0	32 519	(11 000)	0	0	0	0	0	0	78 425	0	0	879 540	0	4 531 618

