

ANNUAL REPORT 2016/17



WOMEN'S LEGAL CENTRE

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ABOUT THE WOMEN'S LEGAL CENTRE

OUR VISION

The Women's Legal Centre (WLC) is an African feminist legal centre that advances women's rights and equality. The WLC has a vision of women in South Africa who enjoy equal and substantive access to their rights. The WLC seeks to achieve this vision through action in support of women's rights using tools such as litigation, advocacy, education, advice, and training.



OUR FOCUS AREAS

The WLC has five strategic areas of work. These are:



EQUAL ACCESS TO RESOURCES:

We take cases that ensure that women receive a just and equitable share of the assets on the dissolution of relationships (whether as a result of death or separation). This involves ensuring that all relationships are legally recognised, irrespective of religion and custom.



BEING SAFE FROM VIOLENCE:

We take cases that improve access of women and girl children to state protection from violence, particularly sexual and domestic violence.



THE RIGHT TO LAND, HOUSING AND PROPERTY:

We take cases that extend tenure to women in their own right, and prevent loss of tenure on the dissolution of relationships.



RECOGNITION OF THE RIGHT TO CHOOSE ONE'S PROFESSION AND TO JUST CONDITIONS OF WORK:

We take cases that extend employment protection to vulnerable groups, develop the law on sexual harassment in relation to vulnerable workers, and ensure equal opportunities in the workplace.



BEING WELL:

We take cases that promote and protect women's right to make choices about their own reproductive health, and litigate to ensure that women have access to reproductive health care.

The WLC uses different methodologies to achieve maximum impact. These include:



The WLC uses strategic litigation as a method to advance women's rights in our five focus areas. The WLC litigates in its own name, in the public interest, on behalf of clients, or as a friend of the court (*amicus curiae*). Strategic litigation is often the best tool to advance a specific right or to challenge a discriminatory statute or policy.



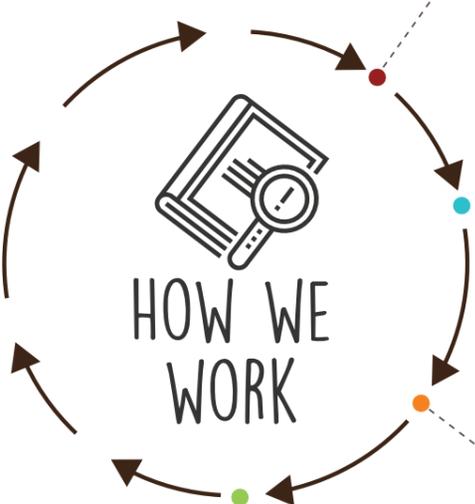
By collaborating with other organisations that work directly with communities, and providing legal support within civil society networks, **we advocate for the state and the private sector to uphold their responsibilities in terms of the law and women's rights.**



The WLC has committed to training the next generation of black women lawyers and as such has taken candidate attorneys into service.



We coordinate two free legal advice clinics in Khayelitsha and at the Cape Town Magistrates' Court. **The WLC assists women who would not ordinarily have access to legal services.**



OUR NEW STRATEGIC DIRECTION AND THEORY OF CHANGE

Since the WLC was founded many things have changed, and far too many things have stayed the same for women in South Africa. In 2017, the WLC undertook a strategic review process to evaluate our focus and our work. As a result of this process we identified new focus areas for each programme, which are elaborated on in the report that follows.

As the Director's and Chairperson's letters note, we have positioned ourselves as an unapologetically feminist and African law centre. Our core focus is on litigation that changes and impacts the law in favour of advancing women's rights.

Whilst we have been part of some noteworthy advocacy initiatives in the past, these have not always been aligned with our broader work. We are now ensuring that we use our time and our resources strategically. Going forward we are focussing our advocacy initiatives on legislative advocacy, social justice advocacy, and media advocacy.

We remain committed to strategic litigation that focuses on law reform, is precedent setting, and creates change at a systemic level. There are different approaches that can be taken to strategic litigation, and we are pursuing the most appropriate strategies in each case. These include *amicus curiae*, direct legal representation, class action, and taking up high profile cases that have a significant impact on the legislative framework. We are pursuing multiple approaches at various forums (including national courts, regional, and international forums). Our priorities and programme areas will continue to drive the cases we take up in future.

A necessary element of furthering our work is ensuring that awareness is created about the WLC, and about women's rights more broadly. We have developed a communications strategy that is helping us reach the broader public, specifically women and lawmakers, using as many methods as there are available.

By doing this work, we aim to achieve the impact of ensuring that vulnerable and marginalised women, particularly black women, lead lives free of violence; enjoy substantive equality and agency at home, work, and in the community at large; and have access to justice and equitable resources. Part of doing this work is demanding that public and private institutions in South Africa support and promote these rights, either through litigation, or advocacy, or a combination of both.

As legal professionals, the Centre reflects inwards in seeking to address some of the barriers and discrimination faced by women in the legal profession. We have an obligation to contribute towards the transformation of the legal profession and have prioritised the employment of black female candidate attorneys at the Centre. We have also started a process of briefing black and female counsel in order to contribute towards the racial and gender imbalances in briefing patterns experienced at the Bar.

It has been a long journey, and yet the journey is just beginning. Building on solid foundations, through the work of skilled and committed staff, and with the support of our board of trustees and funders, we believe we can fundamentally improve the lives of women in South Africa.

WHO WE WORK FOR

The WLC adopts an inclusive definition of women that recognises women as individuals with rights and freedoms. The WLC pursues an intersectional approach, where we consider vulnerable and marginalised women to include:



LETTER FROM THE CHAIRPERSON

Equality is one of the foundational values of our democracy and a substantive right entrenched in our Bill of Rights. South Africa is lauded the world over for its progressive Constitution and legislation which prohibits gender-based discrimination. However, true equality continues to elude South African women, who bear the brunt of the impact of poverty, poor health care, and unemployment. Black women, in particular, are at the coalface of the cycle of poverty and the lack of service delivery.

This lived reality of inequality has many stark and dangerous ramifications. Violence against women occurs at epidemic rates. Despite much legal progress in this field since 1994, instances of rape, domestic violence, and sexual abuse continue to dominate our headlines and our court rolls. Still many of these cases go unreported and undocumented as women are unable to access the protection of the law. The best legislation and policies are meaningless without effective and sustained implementation. Implementation remains one of the key barriers to women enjoying full access to their rights. Government has repeatedly made promises to women in South Africa which are rarely followed by action, or budget.

This is the context in which WLC operates and in which we seek to provide much needed services and support to the most marginalised women within our communities and our country.

2016 and 2017 have presented the WLC with a unique opportunity to reflect on its relevance and the role that it has played in the lives of women and the development of law and policy.

This period of reflection has allowed the Centre to consider the impact which WLC has had from its inception and how

best to achieve a strategic and sustainable impact in the lives of South African women going forward. We have consciously cast ourselves as an African Feminist Law Centre – to recognise the unique voices and experiences of African, and in particular South African, women. In many respects little has changed for South African women since the inception of the WLC some nineteen years ago. This requires us to think and act creatively and strategically to achieve real differences in the lives of women. To this end, our core focus is on strategic, impact-based litigation in an effort to achieve the proper implementation of women's rights.

In 2016 we appointed a new Director, Seehaam Samaai, who shares the vision and objectives of the Centre and the Board of Trustees. She has taken up a process of review and transformation in a manner that has kept the Centre on course, and ensured that we continue to provide specialised services to the clients that we represent, and the partners that we work with. Under Seehaam's strong leadership, I am confident that the WLC will continue to grow and thrive.

I am very grateful for the wonderful group of women who sit on our Board of Trustees. They each bring a particular skill set to the table and have given extensively of their time and knowledge in making WLC the strong and vibrant organisation it is. We said goodbye to Shireen Mills, who for so many years contributed to the Board of Trustees. Her kind dedication and valuable insight will be missed. We also welcomed Nozizwe Vundla to the Board of Trustees. Nozizwe has already made a wonderful contribution to our team. My thanks to all our Trustees: Basetsana Molebatsi, Nicole Fritz, Penny Parenzee, Kholeka Zama, Michelle Huber, and Nozizwe Vundla.

22 YEARS AFTER DEMOCRACY,
WOMEN IN SOUTH AFRICA DO NOT
HAVE SUBSTANTIVE ACCESS TO
THEIR RIGHT TO EQUALITY.

At an organisational level, we welcomed Bronwyn Pithey and Charlene May as in-house counsel and senior attorney respectively, and Nathalie Chezi Buthelezi as our newest attorney in Johannesburg. I can already see the positive impact of their drive and commitment to the work of the WLC.

2016 and 2017 have demonstrated that the WLC is a dynamic and progressive organisation ready to meet any challenges which lie ahead. The Board and I are committed to supporting the WLC team in achieving our goal of substantive equality for women.

**NASREEN
RAJAB—BUDLENDER**
Chairperson

20 November 2017



This report marks both the end and the beginning of an era. Nineteen years after its founding, the WLC's work continues and remains vital in the struggle for gender equality in South Africa. However, as you'll see from the report, the way we work has to change in order to maximise our impact.

In 2016, I took over the position of Executive Director from Ms. Hoodah Abrahams Fayker, who had acted in the position since March 2015. On behalf of everyone at the Centre, I would like to take this opportunity to express our gratitude to Hoodah for her leadership.

The Centre occupies a critical space within the public interest law clinic sector in South Africa. It is the only one of its kind in the country providing strategic, feminist, legal representation, advice, and support exclusively to women in South Africa. We are pioneers in our field, and we intend to continue to lead in this regard.

The work of the Centre remains relevant in the lives of women in South Africa because of the perpetual and systemic nature of patriarchy at all levels of our society. Twenty-three years into our democracy women continue to be the most vulnerable to violence within their homes, communities, and workplaces. The laws and policies that have been put in place are not able to adequately respond to the increasing violence that women face. The lack of human and financial resources has had a devastating impact on the way that violence against women is policed, investigated, and prosecuted. Little effort has been put into ensuring that this violence is prevented in the first place.

Poverty in South Africa continues to have a female face. Our weakening economy, and the socio-economic impact of corruption, has trapped many women in situations of poverty, and many are unable to provide for themselves or their families. Food security is so often linked to access to land, housing, and property. As a result women in rural areas are even more at risk of insecure tenure and eviction. South Africa is one of the most unequal countries in the world, and this intersectional inequality affects women most significantly.

Despite existing legislative protections, the lack of social recognition given by the state, private institutions, and communities, to women's rights to make decisions about their health, sexual orientation, and bodily autonomy, impacts directly on women's ability to express their choices. Women continue to be more at risk of being infected with and severely affected by the HIV/AIDS pandemic, and struggle to obtain access to basic health care. Gains made in the area of reproductive rights through legislation and policies are constantly under threat as a result of the non-implementation of law and policy, and challenges of access. Rights realisation, and the enjoyment of the agency that accompanies it, remains elusive for the majority of women in South Africa.

The lack of accountability and implementation of legislation and policies have led to a model of formal equality with little to no rights realisation by government departments and institutions, perpetuating the cycle of discrimination that women find themselves in. Women continue to bear the brunt of extreme physical, emotional, and psychological abuse, and they continue to be sent from pillar to post when seeking to challenge the state's failure to protect them.

There is a lack of legal aid services for women who face violations. Funding has historically been made available for 'impact litigation,' but not for the enforcement of the 'high impact' cases by creating an enabling environment for women to be able to respond to everyday violations. There are fewer legal services for women today than there were ten years ago. In addition, the criminal justice system's failures have led to a mistrust of the role of the law as a tool for social change, and of courts as a place where justice can be obtained by or for women. The inability to pursue or enforce judicial recourse through existing systems increases women's vulnerability to poverty, crime, and sexual exploitation.

Our work takes account of intersecting forms of discrimination and the disproportionate impact these have on groups of women such as vulnerable workers (namely sex workers, domestic workers, and farm workers), HIV positive women, and victims of sexual and domestic violence. We have identified these groups as the beneficiaries of our work across our programmes.

Advances made towards the recognition of women's rights to bodily autonomy, agency, and to live free from all forms of violence are increasingly under threat at a regional, international, and domestic level. The backlash to feminist law-making and gender equality continues.

This report provides an overview of where we have come from, and it makes clear where we are going. In order to respond to this backlash, and the socio-economic challenges that exist in South Africa, the WLC needed to change its strategic direction and focus. The Centre has therefore repositioned itself as unapologetically African and feminist to enable us to step forward and address challenges holistically and intersectionally.

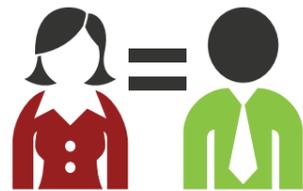
SEEHAAM SAMAAI
Director



Intersectionality is a sociological theory describing multiple threats of discrimination when an individual's identities overlap with a number of minority classes — such as race, gender, age, ethnicity, health and other characteristics. Often, intersectional experiences reveal that existing legal and policy mechanisms are stacked against people with a multiple minority identity. And these institutions may fail to account for critical cultural differences. – Care 2, 2017

LETTER FROM THE DIRECTOR

HIGHLIGHTS OVER THE PAST 5 YEARS



WLC acted as *amicus curiae* in the *Mayelane v Ngwenyama* matter and ensured that Tsonga Customary Law must be developed in line with the Constitution to ensure that a first/current wife's consent is obtained for her husband to lawfully enter into subsequent marriage(s).

2013
ADVANCING EQUALITY OF WOMEN WITHIN CUSTOMARY LAW AND PRACTICES



In July 2014, we were admitted as *amicus curiae* in the Cape Town Equality Court in a case (*Kente v van Deeventer*) of a domestic worker who had alleged unfair discrimination on the grounds of race, as well as for harassment and hate speech by her employer's partner. We made submissions to the court highlighting the plight of domestic workers and the discrimination they face on multiple and intersecting grounds, including that of gender. The court found in favour of the applicant.

2014
PROTECTING THE RIGHTS OF VULNERABLE WORKERS



WLC represented four sex workers in two separate cases (*L and 2 others v Minister of Safety and Security, M v Minister of Safety and Security*) relating to unlawful arrest and wrongful detention. In both cases the Minister settled the matter out of court.

2015
PREVENTING THE UNLAWFUL ARREST AND WRONGFUL DETENTION OF SEX WORKERS



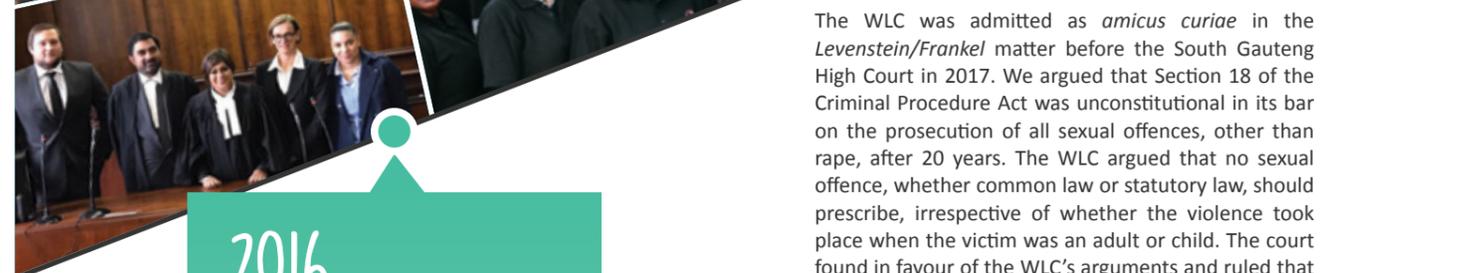
The WLC represented Women on Farms Project (WFP) to challenge the Extension of Security of Tenure Act, which excluded the spouses of occupiers from deriving their rights of occupation from the main occupant (employee). The Constitutional Court held that Mrs Klaase's occupation of the premises "under her husband" subordinated her rights to those of Mr Klaase, and that describing her occupation in those terms demeaned her rights to equality and human dignity. As a result of our action, the rights of female farm workers to occupy land in their own name was recognised.

2016
PROMOTING WOMEN'S SECURITY OF TENURE



The WLC was admitted as *amicus curiae* in the *Levenstein/Frankel* matter before the South Gauteng High Court in 2017. We argued that Section 18 of the Criminal Procedure Act was unconstitutional in its bar on the prosecution of all sexual offences, other than rape, after 20 years. The WLC argued that no sexual offence, whether common law or statutory law, should prescribe, irrespective of whether the violence took place when the victim was an adult or child. The court found in favour of the WLC's arguments and ruled that no sexual offences should prescribe, thus providing the opportunity for survivors of all forms of sexual violence to have their cases prosecuted many years after the event. A number of submissions made specifically by WLC were taken into consideration and accepted by the court, and were reflected in both the judgment and the order made.

2017
ADVANCING THE RIGHTS OF SEXUAL VIOLENCE VICTIMS



VIOLENCE AGAINST WOMEN

2016/2017 HIGHLIGHTS

PROGRAMME BACKGROUND

Violence against women in South Africa continues with impunity. To date, the response from Government to sexual and domestic violence has been reactive, despite their constitutional responsibility to ensure that all South Africans live free from violence.

The most recent crime statistics (2016/17) show that 49 660 sexual offences were reported during that period. Bearing in mind significant under-reporting and the gendered nature of these crimes, it is clear to the WLC that violence against women occurs at epidemic levels. This must be addressed.



OUR WORK ON VIOLENCE AGAINST WOMEN HAS FOUR CORE OBJECTIVES, WHICH ARE:

1. To ensure that there is a legislative framework to address violence against women that is compliant with international and constitutional obligations.
2. To ensure that the state has implementation plans in place to action legal frameworks and policies.
3. To hold the state and private entities accountable for the implementation of laws and policies, and for the development of due diligence standards relating to violence against women.
4. To engage with strategic partners to promote and create awareness of women's right to make autonomous decisions in the context of violence.



Levenstein and 7 Others v Frankel

Criminal prescription refers to the limitation of right of the state to institute a prosecution after a specified period of time. It is regulated by Section 18 of the Criminal Procedure Act. Prescription aims to take into account both the harm caused to the victim of the crime and the possible prejudice suffered by an accused as a result of a delay in prosecution. Most crimes prescribe after 20 years, including all sexual offences (other than rape which does not prescribe).

To advance the rights of survivors of sexual violence to report their crimes, the WLC was admitted as *amicus curiae* in 2017 in the *Levenstein and 7 Others v Frankel and 2 Others* Gauteng High Court matter.

The applicants challenged the absolute bar imposed by Section 18 of the Criminal Procedure Act (CPA) on the prosecution of sexual offences committed against them more than 20 years ago. They sought an order declaring Section 18 of the CPA inconsistent with the Constitution. The WLC supported this application, but went further to argue that no sexual offence should ever prescribe, irrespective of whether the offence took place when the victim was an adult or child.

The court found in favour of the applicants and the WLC, thus providing the opportunity for survivors of all types of sexual abuse to report their crimes many years after the event. A number of submissions made specifically by WLC were taken into consideration and accepted by the court, and were reflected in both the judgment and order made. The matter has been referred to the Constitutional Court for confirmation where the WLC will appear as a respondent.

Social Justice Coalition and Another v The Minister of Police and Others

In 2016, to advance the rights of women enshrined in the South African Constitution, the WLC was admitted as *amicus curiae* in the *Social Justice Coalition and Another v The Minister of Police and Others* in the Western Cape Equality Court (High Court). The case deals with the methodology that the police use to allocate their resources, which results in discrimination on the grounds of race and poverty. Those living in informal settlements and townships are more at risk of violent crimes yet receive fewer resources in terms of policing. The WLC has specifically highlighted the impact that poor resource allocation and training has on policing violence against women, arguing discrimination on the grounds of gender. The case is being heard at the end of November 2017.

Advocacy and research

In both 2016 and 2017, the focus of advocacy and WLC submissions related to Sexual Offences Courts (SOCs). This included legislative amendments to provisions in the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SORMA). The Judicial Matters Amendment Bill 14 of 2016 sought to undermine the impact of SOCs with these proposed amendments. In Parliament the Portfolio Committee on Justice and Correctional Services accepted submissions by the WLC and Rape Crisis, which argued for provisions to ensure that SOCs have exclusive sexual offences court rolls. Further submissions were made on the Draft Regulations governing the norms and standards for SOCs on behalf of the Shukumisa Campaign.

The WLC and the Gender Health and Justice Research Unit at the University of Cape Town finalised a two year research project: *A Systematic Content Analysis of South African Sexual Offences Judgments: 2008-2015*, with a specific focus on the implementation of minimum sentencing in sexual offences matters by the courts. The final report, findings and recommendations will be released in the new year.

The work of the Violence Against Women Programme in the future

Our new strategic direction takes a feminist approach to litigation and advocacy on violence against women, with a focus on the state's impunity in committing violence and its failure to prevent violence. Our litigation will extend to holding private entities responsible for the protection of the constitutional rights of women to be free from all forms of violence.

While the women's movement in South Africa has been very successful since 1994 in influencing and shaping legislation, as well as governmental policies and action plans on violence against women, the main obstacle to safety for women is the implementation of these laws and policies. We have a number of cases we are preparing to litigate which will continue to pressurise and hold the state and private entities accountable to provide an accessible justice system which takes account of, and supports the particular needs of, women impacted by violence.

WOMEN'S RIGHTS TO HOUSING, LAND, AND PROPERTY IN RELATIONSHIPS



PROGRAMME BACKGROUND

South Africa's legal framework aims to promote women's rights to equality and dignity and to provide legal protection for women in formal partnerships (marriages, civil unions, and customary marriages). South Africa also provides constitutional protection for diverse forms of relationships.

However, at present there is a vacuum in terms of the protection of women in unregistered religious marriages, and in domestic partnerships. In many instances, this legal vacuum negatively affects women's constitutional rights to equality and dignity. As a result they struggle to access equal resources during, or at the dissolution of, marriages / partnerships (whether by death or divorce).

It bears mention that presently in South Africa there is no legislation that regulates the recognition of Muslim marriages. Neither is there a legislative regulatory framework that advances and protects women's right to property during and after the dissolution of Muslim marriage. Moreover, there is also no framework to advance and protect Muslim women's right to inheritance upon the death of their husbands.

Our programme on women's rights to housing, land and property in relationships focuses on the advancement and recognition of women's independent rights in, and on the dissolution of, a relationship, so as to ensure fair and equitable access to resources and rights within the relationship.

OUR WORK ON RELATIONSHIP RIGHTS HAS FIVE CORE OBJECTIVES, WHICH ARE:

1. To ensure the legal recognition of all relationships, irrespective of religion, custom, or sexual orientation.
2. To challenge discriminatory practices and laws that impact on women's access to resources in a relationship.
3. To ensure the equal application of law and legal obligations arising out of relationships, and to ensure that these are enforced, promoted, and protected in an equitable and fair manner.
4. To engage with national, regional, and international structures to promote the interests of women's rights in a relationship, and to ensure compliance with human rights standards.
5. To collaborate and partner with strategic and relevant organisations to promote women's rights and interests in relationships.



Ramuhovhi v President of South Africa and Others

Section 7 (1) of the Recognition of Customary Marriages Act (Act 120 of 1998) (RCMA) states that the proprietary consequences of customary marriages entered into before the commencement of the Act (November 2000) continue to be governed by customary law. The effect of this is that women married under customary law might not access the same right to equal ownership of their property and belongings that were accrued during the marriage. They are excluded from the protection of the RCMA, which amounts to discrimination.

The WLC was admitted as *amicus curiae* in this matter, which dealt with the constitutionality of section 7(1) of the RCMA. This section of the Act regulates the proprietary consequences of polygamous marriages entered into before the commencement of the RCMA, on 15 November 2000.

The RCMA recognises marriages concluded in terms of custom, and also seeks to provide protection in the form of regulating the proprietary consequences of marriages concluded in this way.

Our contribution assisted the court in deciding that Section 7(1) of the RCMA discriminates against women in polygamous marriages. The court agreed that women in polygamous marriages who entered into those marriages prior to the commencement of the Act cannot be disregarded. To exclude them from protection would result in discrimination against these women.

This confirmation hearing by the Constitutional Court took place in 2017. We are awaiting the Constitutional Court judgment.

Women's Legal Centre v The President and Others (T Faro v M Bingham and Others)

The *WLC v The President* matter follows ten years of litigation and advocacy by the WLC to ensure that women married in terms of the Muslim faith have their rights recognised and protected. It is important to note that this case is not about infringing on the right to practice one's faith, but ensuring that the government meets its Constitutional obligation to protect women.

The matter has significant implications for the thousands of Muslim women who are married in terms of their faith, but whose marriages are not legally recognised because they have not been registered under one of the three South African marriages laws. The result is that their rights to housing, land, and property accrued during the course of their marriages are often denied to them.

The matter is a consolidation of three cases being heard by the court. This includes *Faro* as well as *Esau*, which deal with various rights that women should be entitled to when married, namely the right to inherit as a spouse in *Faro* and the right to a portion of pension benefits in *Esau*. In *Faro* we represent the applicant, Ms. T Faro, and in *Esau* we are *amicus curiae*.

The hearing in this matter commenced in the last week of August 2017, and concluded in the first week of September. The applicants' cases were concluded in all three matters and the matter postponed to 11 December 2017 for the remainder of the *amici* and the Respondents to present their arguments.

Moosa NO and Others v Harnaker and Others

This matter dealt with section 2C(1) of the Wills Act, which does not recognise the rights of spouses in polygynous marriages to inherit. The case was heard on 14 August 2017, in the Western Cape High Court, and the WLC was *amicus curiae*.

The WLC argued that the women affected by the non-recognition of Muslim marriages are especially vulnerable and marginalised compared those married civilly or according to customary law. This is because they have to rely on religious leaders to adjudicate on their marital issues, and the decisions that are made are usually in favour of men. In the absence of protection of rights to property, this class of affected women suffers hardship in a multiplicity of ways. The WLC highlighted South Africa's Constitutional, regional, and international obligations to protect vulnerable and marginalised women within marriage.

The High Court found that the Wills Act is unconstitutional in so far as it does not recognise spouses in polygynous marriages. Having found that section 2C(1) of the Wills Act was invalid the court, as an effective remedy, read-in the following words at the end of section 2C(1) :

“For purposes of this sub-section, a ‘surviving spouse’ includes every husband and wife of a *de facto* monogamous and polygynous Muslim marriage solemnised under the religion of Islam.”

The High Court's ruling represents a progressive victory for women in polygynous Muslim marriages, particularly for their rights to ownership of matrimonial property. Although the piecemeal litigation approach is neither ideal nor sustainable, it is currently the only form of recourse for Muslim women.

The case has been referred to the Constitutional Court for confirmation. The WLC will apply to be admitted as *amicus curiae* and will again advance arguments in support of the rights of Muslim women to be recognised.

Advocacy and research

In addition to our legal work around relationship rights, in 2016 the WLC also made submissions to the South African Law Reform Commission (SALRC) on the practice of *ukuthwala*. However, there was no progress on this issue from the state during 2017.

At the 2017 Public Interest Law Gathering (PILG) the WLC facilitated a panel discussion exploring women's rights in cohabitation relationships, ensuring that advocacy efforts in this area remain at the forefront of discussions within legal circles.

The work of the Women's Rights to Housing, Land, and Property in Relationships programme in the future

Building on our work thus far, the Women's Rights to Housing, Land, and Property in Relationships programme will continue to pursue the advancement of women's rights within partnerships and relationships with a specific focus on extending protection to women in cohabitation relationships who currently enjoy no protection when the relationship is dissolved. We will also be focusing on customary marriages and the impact that non-registration of marriage has on women's rights to housing, land, and property. This form of inequality impacts directly on the lives of so many of the women that seek our legal assistance.

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS



2016/2017 HIGHLIGHTS

PROGRAMME BACKGROUND

Although the right to health care is amongst the fundamental human rights protected in the Constitution, many women continue to struggle to access this right, and specifically their right to make decisions regarding their sexual and reproductive health. In South Africa, women are more likely to rely on the state health care system to access services. Within this context, stigma and discrimination in health care settings continue to disrupt women's ability to access health care, in particular reproductive and maternal health care.

As it stands now there are few accountability mechanisms within the state health care system, and accessing health care can be a complex and confusing task. This impacts on women's ability to make informed and autonomous decisions about their health care. Key concerns include HIV/AIDS, limited access to termination of pregnancy services, illegal terminations of pregnancy, forced sterilisation, and maternal mortality.

OUR WORK ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS (SRHR) HAS FOUR CORE OBJECTIVES. THESE ARE:

1. To ensure women have access to information and services to make informed decisions in relation to their sexual and reproductive health and rights.
2. To hold the state and private entities accountable for the implementation of sexual and reproductive health rights.
3. To challenge all discriminatory laws, policies, and practices, which interfere with women's rights to autonomous decision-making around issues of sexuality and reproduction.
4. To engage with strategic partners to promote and create awareness of women's right to make autonomous decisions in relation to SRHR.



The Sterilisation Act of 1998 is clear in stating that when a woman undergoes a sterilisation procedure, her informed consent must be obtained. It also stipulates how the consent must be obtained, and that the patient must be provided with an explanation that the procedure is permanent and she will not be able to bear children in the future. Physicians performing forced sterilisations are not only violating internationally recognised human rights, but also their duties as medical professionals.

Forced sterilisation

Our cases form part of a broader public interest strategy, which highlights the systemic challenges in the health care system in respect of forced sterilisation.

The WLC has two on-going damages cases in KwaZulu-Natal in the Durban High Court. The issue, in cases such as these, is whether the correct legal process for obtaining free and informed consent for a surgical procedure was obtained. In particular, this impacts on women who are HIV positive, who are more likely to face stigma and discrimination.

CGE complaint

Following, Her Rights Initiative's (HRI) research into the prevalence of coercive sterilisations in state hospitals in three South African provinces, the WLC prepared a complaint on behalf of HRI, the International Community of Women Living with HIV Southern Africa (ICWSA), and 48 victims, which was lodged with the Commission for Gender Equality (CGE). We are still awaiting the report from the CGE.

The Implementation of the Choice of Termination of Pregnancy Act

The WLC is representing a woman who was unable to obtain a termination of pregnancy in her second trimester. She had approached a number of designated public health facilities in order to obtain access to the procedure without success.

This matter directly relates to the failure in our health care system in respect of the provision of termination of pregnancy services to women on a daily basis. Where access is denied and frustrated, desperate women are left with little to no option but to approach unlawful and unregistered termination facilities. They bear the brunt of double prejudice and stigma as they are at risk of being criminally charged; bear the stigma of having had a termination of pregnancy; and are at the very real risk of losing their own lives.

We will be working closely with existing sexual health and reproductive rights networks and organisations to identify a broader legal advocacy strategy around cases that originate from unlawful termination of pregnancy and concealment of birth.

Advocacy and research

Our Sexual and Reproductive Health and Rights programme has done significant advocacy work in the promotion of women's health rights over the past two years. Our increased engagement with stakeholders and members of the Sexual Reproductive Justice Coalition has shown the need to deal with SRHR related matters

In 2016 we provided an opinion on the PEPFAR pledge and its constitutionality to the Asijiki Coalition. Advocating for decriminalisation is an expression of an opinion, which organisations are entitled to express, and members of society are entitled to hear. It is our opinion that the anti-prostitution pledge violates the right to freedom of expression as well as the right to health care services.

In October 2017 we held a consultative workshop in partnership with Amnesty International Southern Africa on the barriers to termination of pregnancy in South Africa.

A key area of focus during 2017 has been to provide support to advocacy organisations in respect of legal arguments and strategies. We collaborated with civil society and advocacy organisations to challenge a Private Members' Bill introduced into Parliament by the African Christian Democratic Party, which seeks to negatively impact on access to termination of pregnancy services for women. In addition, we formed part of the Legal and Human Rights Sector representatives of the South African National AIDS Council (SANAC), relating to the National Strategic Plan 2017 – 2022.

The work of the Sexual and Reproductive Health and Rights programme in the future

Our goal is the realisation of SRHR that enables women's rights to access health services in a manner that is non-coercive, and free from violence and all forms of discrimination. We will continue to pursue cases that advance these rights. We will focus on the development of regulations on termination of pregnancy, the elimination of coerced and forced sterilisation, and improved access to safe contraception. In addition, we will ensure that the rights of sex workers to access sexual and reproductive health services are promoted.

THE RIGHT TO WORK, AND TO JUST AND FAVOURABLE CONDITIONS OF WORK



PROGRAMME BACKGROUND

Despite South Africa's rights-based labour legislation, women continue to face barriers to accessing employment, and to securing decent working conditions.

Our goal in this programme is the recognition and protection of the labour rights of vulnerable and marginalised women workers, in particular the rights of farm workers, domestic workers, and sex workers.

Our sex work project remains a critical service to a portion of society that is extremely ostracised. A legal framework that criminalises sex work greatly increases the vulnerability of sex workers to violence and reduces the likelihood that violence will be reported. Very few perpetrators are ever brought to justice. Even under the current imperfect law where sex work is criminalised, there is a stark contradiction between the actions of the police and due process set out by the law, which police are mandated to follow.

During 2016 we represented 84 clients who were charged in terms of Municipal By-Laws or in terms of the Sexual Offences Act. In all cases, we assisted with the required paperwork and made oral representations in court to ensure that the charges against the sex workers were withdrawn.

In 2017, the long awaited South African Law Reform Commission Report on Adult Prostitution was released with devastating findings and conservative moralistic recommendations. The report evaluated the four major models of legislation around sex work, and found in favour of the continued criminalisation of sex work in South Africa. Although we are disappointed with this finding, it has only renewed our commitment to promoting the rights of vulnerable workers and continuing to push for the decriminalisation of sex work in the future. As a member of the Asijiki Coalition (made up of 47 organisations), the WLC is engaging with the Minister of Justice, and has sought clarity on the status of the report, its findings, and what the Minister's intended plans are on addressing sex work.

Advocacy and research

Sex work

In 2016 the WLC released a report on police abuse of sex workers. The report re-enforced our belief that we must continue to offer our services to sex workers in a more strategic manner. The report draws on reported cases from sex workers who approached the WLC between 2011 and 2015 for information, guidance, and legal assistance to access their rights. The report analyses these cases and highlights the gap between the human rights enshrined in the Constitution and the treatment of sex workers by state service providers, including the police and health care workers.

Currently we provide free legal advice specifically to sex workers in Cape Town and Johannesburg through our paralegal programme, and also host legal clinics at accessible locations for sex workers to empower sex workers to advocate for their rights. We have also provided a 24-hour legal helpline that is operated by community-based paralegals. In 2016, we assisted 840 sex workers via the 24-hour helpline. In Cape Town most calls are referrals from the Sex Workers Education and Advocacy Taskforce (SWEAT) national helpline service. In Johannesburg, clients are referred to us through our weekly outreach programme on the streets of Johannesburg and at indoor brothels where sex workers work.

During 2016 and 2017 we made submissions and engaged with Members of Parliament, the Multi Party Women's Caucus, the CGE, as well as the Department of Justice on the issue of sex work.

Maternity benefits

In terms of promoting women's rights to favourable conditions of work, we made submissions to the SALRC in September 2017 on their new project which addresses the maternity benefits for self-employed women. Our focus is on women in the informal sector of the economy and on advocating for recognition of women's unpaid care work, its impact on women's ability to work, and their rights to maternity benefits.

The Right to Work, and to Just and Favourable Conditions of Work programme in the future

Going forward, we will emphasise that the right to work includes just and favourable conditions of work. We are addressing the working conditions of women in often unrecognised, unpaid and undervalued professions. Our advocacy is based on the principles of equal pay for work of equal value and the recognition of women's unpaid care work, as highlighting these discriminatory practices will go a long way to shifting the discourse, and legislative and policy development in respect of women in the workplace.



OUR WORK IN WOMEN'S RIGHT TO WORK HAS FOUR CORE OBJECTIVES, NAMELY:

1. The development of the law to ensure that vulnerable workers' human rights are recognised, protected, promoted, and fulfilled.
2. Holding the state and private bodies accountable for violating vulnerable workers' human rights.
3. Engaging with national, regional, and international structures to promote the interest of vulnerable groups and to ensure compliance with human rights standards.
4. Collaborating and partnering with strategic and relevant organisations to promote the interests of vulnerable groups.



LAND AND TENURE RIGHTS

PROGRAMME BACKGROUND

In January 2017 the World Economic Forum reported that women own less than 20 percent of the world's land. This situation is mirrored in South Africa where land policies remain unchanged since apartheid and do not take women into account. In 2017 women continue to face challenges to accessing their rights to land, including the specific challenges of restitution, eviction, security of tenure, and a lack of access to resources and subsidies.

Although urban development has increased, and areas are no longer legally racially segregated, urban property is often unaffordable for women. In rural areas, traditional authorities are likely to be male and councils are male-dominated, negatively affecting women's ability to access land. Where industrial development is taking place there is scant regard for the environmental health rights of those who live in the area, with the result that women are significantly affected, or bear the burden of caring for ill partners and children who have been harmed by this development.

Within this context the WLC works to prevent loss of tenure on the dissolution of partnerships, especially relationships not recognised by the state. We focus our efforts on ensuring that women have a safe place to live and seek to develop the duty of the state to provide emergency housing for victims of domestic violence.

OUR WORK ON LAND AND TENURE RIGHTS HAS FOUR CORE OBJECTIVES, NAMELY

1. To ensure that laws and practices do not discriminate against women's access to land and tenure security.
2. To challenge apartheid land patterns and dispossession that impact on women's rights to land and tenure security.
3. To shape the agenda of national, regional, and international structures to promote the interest of women's rights to land and tenure security, and to ensure compliance with human rights standards.
4. To collaborate and partner with strategic and relevant organisations to promote the interests of women's rights to land and tenure security.



2016/2017 HIGHLIGHTS



Klaase and Klaase v Johannes van der Merwe & Others (Constitutional Court Judgment handed down on 14 July 2016)

In 2016 this important judgment was handed down by the Constitutional Court that addressed discrimination against women with regards to property and/or security of tenure rights. The WLC represented the Women on Farms Project (WFP) to challenge the Extension of Security of Tenure Act, which excluded spouses of occupiers deriving their rights from the main occupant (employee). In this particular case, a woman was due to be evicted from her home because her husband had been dismissed from his employment on the farm where they lived. As a result of his dismissal, the entire family was to be evicted. Mr Klaase had lived on the farm since 1972 and was dismissed in 2010. He lived on the farm with his wife, their three children, and three grandchildren.

The Land Claims Court had confirmed the eviction. The WLC represented Women on Farms as *amicus curiae*. The Constitutional Court found that an eviction on the basis of the conduct of a spouse was not acceptable, and that Mrs Klaase should have been joined in the proceedings in her own right as an occupier. The Constitutional Court held that the suggestion that Mrs Klaase's occupation of the house was "under her husband" subordinated her rights to those of Mr. Klaase. Furthermore, the court found that it demeaned Mrs. Klaase's rights to equality and human dignity to describe her occupation of the land in those terms.

As a result of this judgment female farm workers are able to occupy land in their own name and not only in the name of their husbands. This will affect the lives of many women on farms around the country.

Advocacy and research

Over 2016 and 2017 submissions were drafted to Parliament on the Traditional Courts Bill as it impacts disproportionately on the proprietary and tenure security interests of women living in rural areas. The WLC have been invited to make further submissions to Parliament, and we are waiting for the date of this engagement to be announced.

We held workshops with Women on Farms following the *Klaase* judgment in 2016. We also conducted training workshops in the Northern and Western Cape on land issues. During 2017 we produced a booklet on Women Farmworkers' Rights to Access Socio-Economic Rights.

The work of the Land and Tenure Rights programme in the future

The right to land, housing, and property remains elusive for many women. Our goal is to ensure that women have an independent right to access land, housing, and property in a just and equitable manner. Land and housing rights remain key socio-economic rights that impact directly on women's financial opportunities, food security, poverty, and family life.

LEGAL SUPPORT HELP DESK

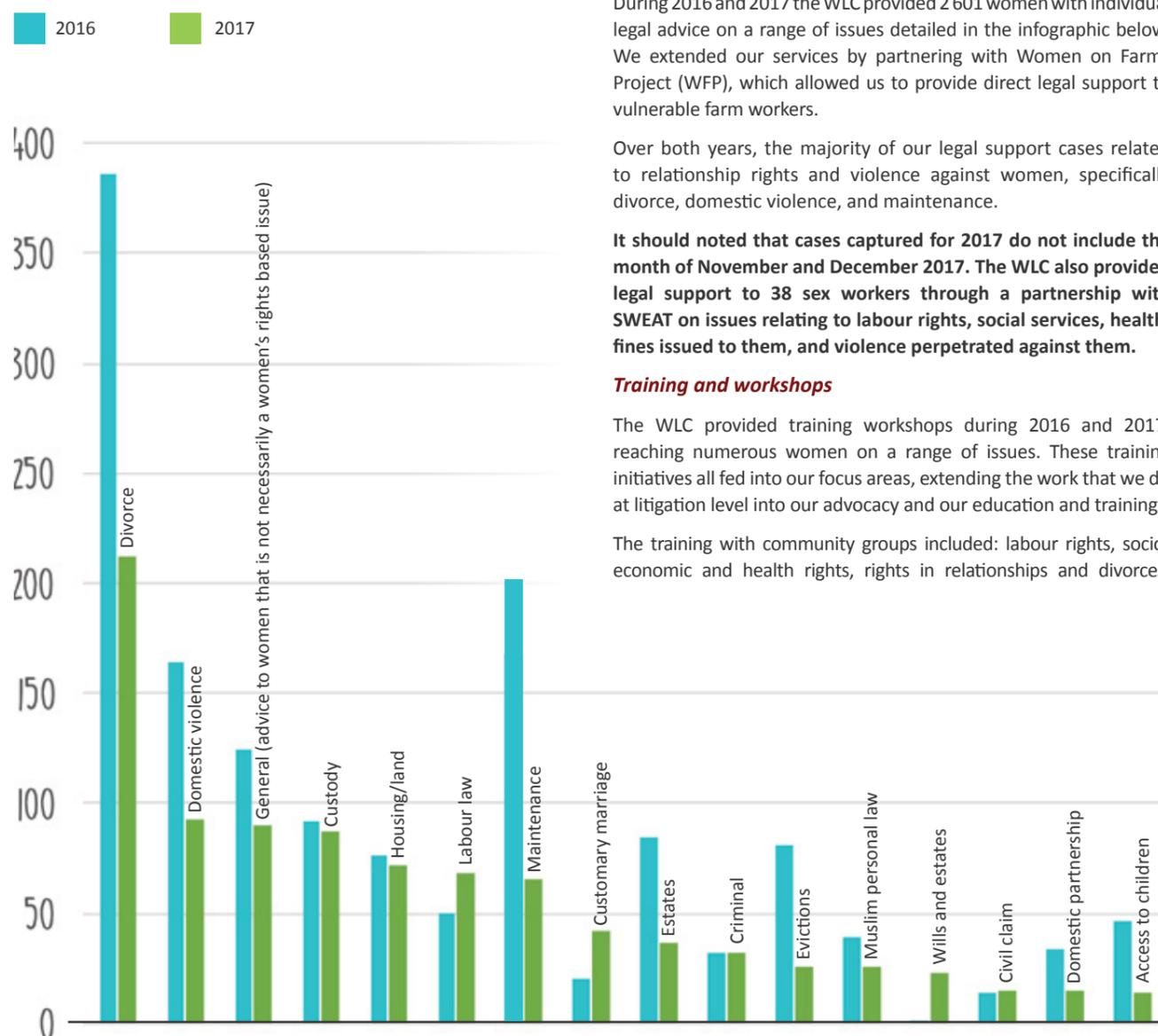
PROGRAMME BACKGROUND

During 2016 and 2017 our legal support help desk programme allowed us to provide direct legal support to women in the Western Cape and Gauteng. The primary purpose of the legal support help desk is:

- To inform litigation and advocacy strategies.
- To identify systemic issues that impede women's access to justice.
- To provide a channel for women in relation to challenges they face in the system.

We offer free legal advice at our offices in Cape Town and Johannesburg during office hours via face-to-face consultations, telephone, social media, and email. Additionally, we assist twice a week at the Cape Town Family Court, and weekly in Khayelitsha at the Rape Crisis Cape Town Office. From time to time we also provide general legal advice through training and public education sessions.

NATURE OF QUERIES



Legal advice

During 2016 and 2017 the WLC provided 2 601 women with individual legal advice on a range of issues detailed in the infographic below. We extended our services by partnering with Women on Farms Project (WFP), which allowed us to provide direct legal support to vulnerable farm workers.

Over both years, the majority of our legal support cases related to relationship rights and violence against women, specifically divorce, domestic violence, and maintenance.

It should be noted that cases captured for 2017 do not include the month of November and December 2017. The WLC also provided legal support to 38 sex workers through a partnership with SWEAT on issues relating to labour rights, social services, health, fines issued to them, and violence perpetrated against them.

Training and workshops

The WLC provided training workshops during 2016 and 2017, reaching numerous women on a range of issues. These training initiatives all fed into our focus areas, extending the work that we do at litigation level into our advocacy and our education and training.

The training with community groups included: labour rights, socio-economic and health rights, rights in relationships and divorces,

TOTAL QUERIES in 2016 there were 1552 BY OCTOBER 2017 THERE WERE 1049

violence against women, reproductive health rights, domestic violence and protection orders, legislation, gender transformation in the legal profession, the recognition of Muslim marriages, family law, and protection from harassment.

The WLC also participated in a training of Judicial Officers on Minimum Sentencing in 2017.

Public Interest Law Gathering (PILG)

PILG, established in 2011, is an annual event that brings together public interest legal practitioners and organisations, law students, paralegals, social movement leaders, and legal academics with the aim of serving as a focal point for professionals in the field to share and develop knowledge. The WLC joined the Steering Committee of PILG in 2017.

Focusing on public interest litigation, the gathering is a collaborative knowledge-sharing exercise, as well as an opportunity to promote networking in the public interest community. The WLC hosted and coordinated five panels, with the aim of highlighting critical issues facing women in South Africa. Panels deliberated on the following topics:

- Police accountability regarding the policing of violence against women;

- Domestic Partnerships: Striving towards the recognition of *de facto* co-habiting relationships;
- Bodily Autonomy, Sex Work, and the SALRC: The continued violation of sex worker rights in South Africa;
- Gender Transformation in the Public Interest Legal Sector; and
- The implications of the community service provision of the Legal Practice Act 28 of 2014.

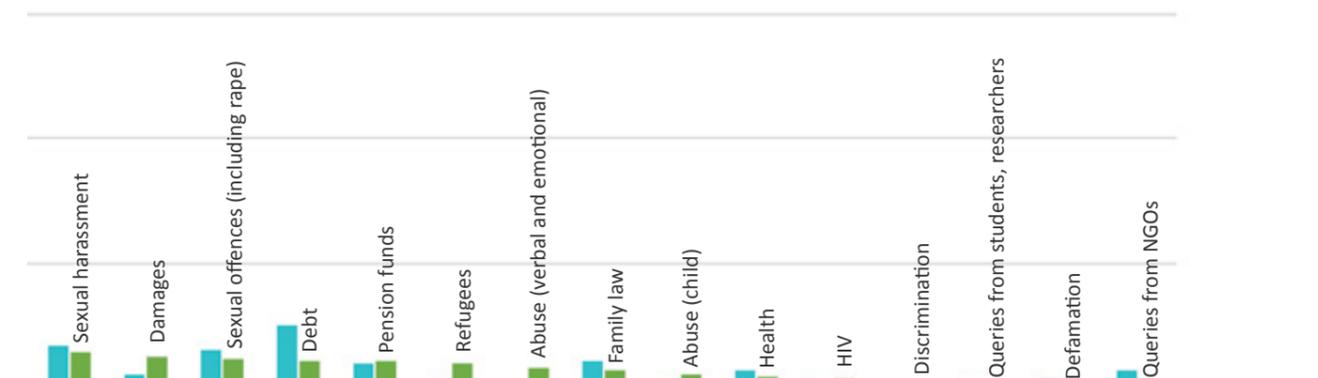
Media

The WLC participated in creative activities around women's rights including the 'We Cannot Be Silent' Exhibition in September 2017, and the Artscape Women's Month Programme, in partnership with SAFFI.

The work of the Legal Support Help Desk in the future

Going forward, the WLC is refocusing its legal services programme to impact at a systemic level. We will be moving towards channeling our efforts, focussing on the identification of issues that require legal intervention.

There is a high demand by women for access to the courts and legal representation, and the WLC will manage these demands by developing practice guidelines for client selection and for referrals to other partners and role players who can provide legal support outside of the WLC's focus areas.





COMMUNICATIONS AND MEDIA

OUR WORK IN 2016 / 2017

In 2016, we underwent a review of our digital platforms and realised that this is a critical area in which people engage with us. As a result, over the past 18 months, the WLC has concentrated on re-establishing and bolstering our digital presence. We have developed a comprehensive communications strategy and plan, upgraded our website, and implemented a monthly electronic newsletter.

Between 2016 and 2017 we reached thousands of people through our social media channels. We are active on Facebook, Twitter, and LinkedIn. At the end of 2016 we had just under 3 000 followers on Facebook, and by the end of October 2017 we had over 10 000 followers. We have also grown our Twitter following to 4 493, and we have 76 followers on LinkedIn.

All WLC social media platforms are reaching the right target audience, with our major engagements taking place with women aged between 20 and 45 years of age. On Facebook 85% of our followers are women.



10 147
followers
ON FACEBOOK



4 493
followers
ON TWITTER



76
followers
ON LINKEDIN

9 131
Sessions
WWW.WLCE.CO.ZA



DIGITAL PLATFORMS

THE TEAM

DIRECTORS

Seehaam Samaai

Director
(Started in June 2016)

Hoodah Abrahams-Fayker

Attorney and Acting director from March 2015 – June 2016
(Left the WLC in May 2017)

CURRENT LEGAL STAFF

Bronwyn Pithey

Advocate (Violence Against Women)
(Started September 2016)

Charlene May

Attorney (Relationship Rights and Vulnerable Workers)
(Started September 2017)

Natalie Buthelezi

Attorney (Jhb Sexual and Reproductive Health and Rights)
(Started October 2017)

Harsha Gihwala

Candidate Attorney
(Started May 2017)

Busiwe Nkoloza

Paralegal
(Started in 2015)

Teboho Mashota

Paralegal
(Started in 2014)

Veronica Ringane

Paralegal
(Started in 2014)

Sheila Matroos

Paralegal/Legal Advisor
(Started January 2016)

CURRENT SUPPORT STAFF

Aretha Louw

Litigation Secretary
(Started in 2008)

Sakeena Corner

Litigation Secretary
(Started May 2016)

Nwabisa Ntshibelo

Receptionist
(Started in 2008)

Ruth Davis

Office Administrator
(Started November 2016)

Estelle Malgas

Office Assistant
(Started in 2008)

Annette Brooks

Bookkeeper
(Started July 2017)

Pabalelo Ledwaba

Office Assistant (Jhb)
(Started April 2016)





TRUSTEES

Nasreen Rajab-Budlender

Chairperson
(Since 2016)

Basetsana Teboho Molebatsi

Former Chairperson
(Resigned as chairperson 2016, presently a trustee)

Shereen Mills

(Resigned as trustee 2016)

**Nicole Fritz
Penny Parenzee
Kholeka Zama
Michelle Huber
Nozizwe Vundla**

FUNDERS

Ford Foundation
Heinrich Böll Stiftung
Open Society Foundation
Sigrid Rausing Trust
Wallace Foundation
First for Women Foundation
Anglo American Chairman's Fund
Raith Foundation
Legal Aid South Africa

2017 DONORS

The Pension Lawyers Association
The Cape Town Candidate Attorneys Association





WOMEN'S LEGAL CENTRE TRUST
ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2016
(Registration Number IT 3486/98)

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December, 2016

Index	Pages
Statement of Trustees' Responsibility and Approval	1
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Trustees' Report	4
Statement of financial position	5
Income Statement	6
Statement of Cash Flows	7
Notes to the Annual Financial Statements	8-10
The following supplementary information do not form part of the financial statements and is unaudited:	
Annexure 1 - Analysis of Funds by Funder	11

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December 2016

General Information

Country of registration and domicile	South Africa
Registered Office	7th Floor Constitution House 124 Adderly Street Cape Town 8 001
Postal address	PO Box 5356 Cape Town 8000
Bankers	Standard Bank
Auditors	Solace and Associates Incorporated
Trust registration number	IT 3486/98
NPO registration number	032-685NPO
PBO and Section 18A	930 007 242

Statement of Trustees' Responsibility and Approval

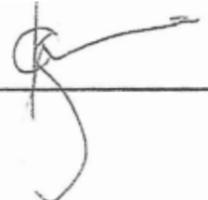
The trustees are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The auditors are responsible for the fair presentation of the financial statements.

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.

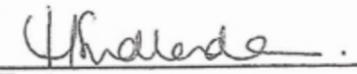
The financial statements have been prepared on the going concern basis, since the trustees have reason to believe that the Trust has adequate resources in place to continue in operation for the foreseeable future.

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

 Trustee



 Trustee



9 June 2017

9 June 2017



Solace & Associates Incorporated
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

Report on the Audit of the Financial Statements

Opinion

We have audited the annual financial statements of Women's Legal Centre Trust, which comprise the statement of financial position as at 31 December 2016, and the statement of comprehensive income for the year then ended, and a summary of significant accounting policies and other explanatory notes, and the trustees' report, as set out on pages 4 to 10.

In our opinion, the financial statements present fairly, in all material respects, the financial position of Womens Legal Centre Trust as at 31 December 2016, in accordance with International Financial Reporting Standards, the requirements of the Trust Deed of the trust.

Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the company in accordance with the Independent Regulatory Board for Auditors Code of Professional Conduct for Registered Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa. We have fulfilled our other ethical responsibilities in accordance with the IRBA Code and in accordance with other ethical requirements applicable to performing audits in South Africa. The IRBA Code is consistent with the International Ethics Standards Board for Accountants Code of Ethics for Professional Accountants (Parts A and B). We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Trustees' Responsibility for the Financial Statements

The trustees are responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards, the requirements of the Trust Deed of the trust. For such internal control as the trustees determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the trustees are responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

Auditors' Responsibility

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

REPORT OF THE INDEPENDENT AUDITORS

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 company's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the directors' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the company to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Solace and Associates Inc. CA (SA)
PER: G Cronje
Registered Auditor

Cape Town
Date: 31 July 2017

Women's Legal Centre Trust
(Registration Number IT 3486/98)
Annual Financial Statements for the year ended 31 December 2016

Trustees' Report

The Trustees have pleasure in submitting the annual financial statements of the Trust for the year ended 31 December 2016.

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 (Nee Makhalemele) (Chairperson)
- S. Mills (Resigned 11 June 2016)
- M. Crystal
- N. Rajab
- P. Parenzee
- N. Fritz
- C. Zama
- N. Vundla (Appointed: 28 October 2016)

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, 2016

Statement of Financial Position

	NOTES	2016 R	2015 R
ASSETS			
Current assets		6 524 123	12 382 618
Deposits		150 821	123 990
Trade and other receivables		156 268	32 311
SARS - VAT receivable		83 649	77 375
Cash and cash equivalents	2	6 133 385	12 148 943
Total assets		6 524 123	12 382 618
CAPITAL AND LIABILITIES			
Capital and reserves		6 251 229	8 281 203
Initial donation		100	100
Retained funding	3	6 251 129	8 281 103
Current liabilities		272 895	4 101 414
Trade and other payables		94 465	212 981
SARS - VAT provision		36 072	22 023
Litigation Fund - Trust Account		468	1 842
ISLA funds	4	-	3 741 573
Leave provision		141 889	122 996
Total capital and liabilities		6 524 123	12 382 618

Income Statement

	NOTES	2016 R	2015 R
INCOME		6 945 864	10 220 861
Donations and grants	5	5 910 927	9 468 048
Cost recoveries		532 308	119 411
Fees received		8 186	13 045
Fiscal sponsorship fees		0	187 001
Interest received		493 309	422 608
Other income		1 135	10 748
EXPENDITURE		8 975 839	8 065 869
Employment costs	6	5 216 405	4 468 769
Operational costs	7	2 099 124	1 928 985
Litigation costs		740 484	945 676
Information costs		289 307	283 374
Legal advice, advocacy and training costs		630 519	439 065
NET (DEFICIT) / SURPLUS		(2 029 975)	2 154 991
OPENING RETAINED FUNDING		8 281 103	6 126 112
CLOSING RETAINED FUNDING		6 251 129	8 281 103

Statement of Cash Flows

Figures in Rand	Note(s)	2016	2015
Cash flows from operating activities			
Cash used in operation	8	(2 734 189)	1 766 999
Interest income		493 309	422 608
Net cash from operating activities		(2 240 880)	2 189 607
Cash flows from investing activities			
Net movement in loans receivable		(6 274)	26 045
Net movement in investments		(26 831)	(41 084)
Net cash from investing activities		(33 105)	(15 039)
Cash flows from financing activities			
Net movement in fiscal sponsorship		(3 741 573)	1 361 598
Net cash from financing activities		(3 741 573)	1 361 598
Net cash movement for the year		(6 015 558)	3 536 166
Cash and cash equivalents at the beginning of the year		12 148 943	8 612 777
Total cash and cash equivalents at end of the year		6 133 385	12 148 943

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.

	2016 R	2015 R
2. CASH AND CASH EQUIVALENTS		
Current accounts	209 195	16 749
Trust bank account	969	2 342
Investment accounts - on call deposits	5 920 197	12 125 284
Petty cash	3 024	4 568
	<u>6 133 385</u>	<u>12 148 943</u>
3. RETAINED FUNDING ANALYSED BY FUNDER		
Anglo American Chairmans Fund	125 000	190 000
Foundation for Human Rights	128 248	
Ford Foundation		38 995
Open Society Foundation (SA)	(641 855)	450 239
Open Society Institute	-	926 508
Sigrid Rausing Trust	1 049 892	1 344 356
General Funds	5 589 843	5 331 005
	<u>6 251 128</u>	<u>8 281 103</u>

The investment accounts include unquoted gilts in the ABIL Income portfolio with a book value of R170,018 and a market value of R170,018. The curator is currently in the process an exchange offer switching investor claims in the old bank to the new restructured one with a 100% anticipated recovery rate.

Notes to the Financial Statements (Continued..)

	2016 R	2015 R
4. ISLA Funds		
Grants received		3 452 742
Interest received	58 368	36 450
Less:	3 799 941	2 127 594
Fiscal sponsorship fees		187 001
Salaries and recruitment costs		732 403
Office operating costs	632	458 085
Establishment costs		76 049
Transfers to ISLA NPC	3 799 309	
Programme costs		674 056
Funds carried forward from prior year	3 741 573	2 379 975
Funds held by Women's Legal Centre on behalf of ISLA	<u>0</u>	<u>3 741 573</u>

The Trust accepted funds and provided fiscal sponsorship towards the establishment of the Initiative Strategic Litigation Africa (ISLA) project, prior to its incorporation as separate legal entity in 2015.

5. GRANTS AND DONATIONS

First for Women Foundation	300 000	300 000
Ford Foundation	1 413 953	1 621 606
Foundation for Human Rights	242 200	-
Sex Workers Education & Advocacy Task Force /Hands off	123 440	-
Henrich Bohl Stichtung	300 048	362 946
Open Society Foundation(SA) 03521	1 500 000	-
Open Society Foundation(SA) 03384 repayment	(27 564)	1 602 389
Open Society Institute	-	3 196 177
Other donations	50 275	2 180
Sigrid Rausing Trust	1 235 535	1 580 730
Wallace Foundation	773 040	802 020
	<u>5 910 927</u>	<u>9 468 048</u>

6. EMPLOYMENT COSTS

Salaries and benefits	5 061 304	4 357 930
Supervision and recruitment	155 101	110 839
	<u>5 216 405</u>	<u>4 468 769</u>

7. OPERATIONAL COSTS

Office running costs	1 241 246	1 297 787
Accounting fees	402 629	378 231
Audit fees	43 500	42 583
Bank charges	37 092	39 983
Penalties and interest	20 745	6 729
Consulting fees	55 104	12 496
Governance costs	215 591	82 136
New items purchased	43 629	47 995
Other support costs	39 587	21 045
	<u>2 099 124</u>	<u>1 928 985</u>

Notes to the Financial Statements (Continued..)

8. Cash used in operations

(Deficit)/Surplus for the year	(2 029 974)	2 154 991
Adjustments for		
Interest received	(493 309)	(422 608)
Other non-cash items	32 941	(36 564)
Changes in working capital:		
Trade and other receivables	(123 958)	57 011
Trade and other payables	(119 890)	14 168
	<u>(2 734 189)</u>	<u>1 766 999</u>

9. 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.

10. COMPARATIVE FIGURES

The comparative figures have been reclassified where considered appropriate.

THANK YOU

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Womens Legal Centre
Bank: **Standard Bank**
Account number: **07 043 6703**
Branch code: **020909**
Swift Code: **SBZA ZAJJ**
Branch: **Thibault Square**

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