

WOMEN'S LEGAL CENTRE  
ANNUAL REPORT  
2018/19



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## ABOUT THE WOMEN'S LEGAL CENTRE

The Women's Legal Centre is an African feminist legal centre that advances women's rights and equality through strategic litigation, advocacy, and partnerships. We aim to defend and protect the rights of vulnerable and marginalised women, in particular black women, and to promote their access to justice and equitable resources. We seek to advance women's freedom from violence, improve substantive equality, and advocate for agency in all aspects of their lives - at home, at work, in the community, and in society at large.

### OUR CORE OBJECTIVES

- ▶ Develop law, policy, and feminist jurisprudence based on an intersectional approach with substantive equality as its foundation.
- ▶ Drive a feminist agenda which acknowledges the impact that discrimination has on women within their differences in class, race, ethnicity, sexual orientation, gender identity, and disability.
- ▶ Empower women across sectors to demand access to their rights.
- ▶ Establish and develop a cadre of black feminist lawyers within the legal profession.



## OUR PROGRAMMES

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

### ▶ VULNERABLE WORKERS:

Despite South Africa's rights-based labour legislation, women continue to face barriers with regards 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 but not limited to: farm workers, domestic workers, migrant workers, and sex workers.

### ▶ RELATIONSHIP RIGHTS:

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, as well as once a relationship may end.

### ▶ SEXUAL AND REPRODUCTIVE HEALTH RIGHTS:

Accessing health care can be a complex and confusing task for women which impacts on women's ability to make informed and autonomous decisions about their health care. There are also very few accountability mechanisms within the state health care system. 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.

### ▶ VIOLENCE AGAINST WOMEN:

In South Africa, women face grave violations of their rights to safety and dignity, which impacts negatively on women and society at large. We attend to cases that combats the infringement of these rights, and improves the access of women and (girl) children to state protection from violence, particularly sexual and domestic violence.

### ▶ LAND AND TENURE RIGHTS:

Women, in most cases, are not given legal ownership to land, housing, and property, and also encounter issues in attempting to obtain legal ownership with regards to land and tenure. We attend to cases that extend tenure and ownership of land to women in their own right, and prevent loss of tenure on the dissolution of relationships (such as divorce or separation).

## OUR APPROACH



### ▶ AFRICAN FEMINIST APPROACH:

The legal system is patriarchal in both structure and implementation, and what may look gender neutral on paper often results in failed substantive equality which disproportionately affects women. The law does not take gender imbalances of power into account. Women face unique challenges in accessing the law and by implication, justice is often unattainable. In adopting an African feminist approach, we recognise these imbalances and how they make women vulnerable in the broader legal system. Our approach is to dismantle patriarchal structures, laws, jurisprudence, and attitudes which manifest in these power imbalances. We aim to empower women to determine their own place in society. We are unapologetic in our approach, which is biased to exclusively support women and putting them at the forefront of our work.



### ▶ INTERSECTIONAL:

Intersectionality is a sociological theory describing multiple threats of discrimination occurring when an individual's identities overlap with a number of minority classes — such as race, gender, religion, age, ethnicity, health, and other characteristics (Care, 2017). We recognise that women are not a homogenous group, and that we are individuals who all experience discrimination in different ways based on our identities and experiences. Existing legal and policy mechanisms are often stacked against people with a multiple minority identity. We have therefore adopted an intersectional approach to all our work, including litigation.



### ▶ HUMAN RIGHTS AND THE RIGHTS-BASED APPROACH:

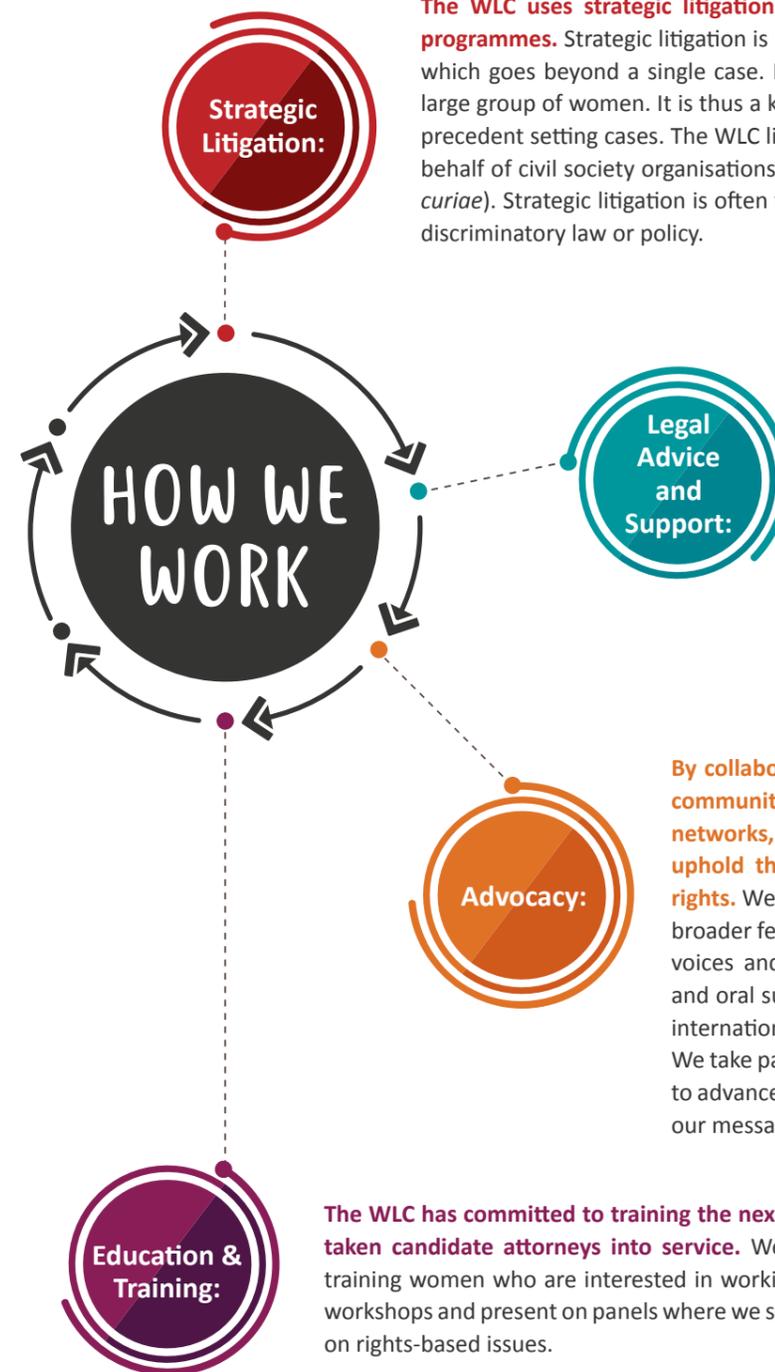
Universal principles of human rights are the broad foundation from which we seek to realise women's rights to equality. The South African Bill of Rights in the Constitution is a comprehensive and progressive set of rights afforded to its citizens. The rights-based approach aims to ensure that women are afforded their rights in their lived realities, starting from the point of being entitled to these rights. We thus aim to achieve substantive equality which builds on formal equality.



### ▶ EMPOWERMENT:

Through investment in women, we work collaboratively with partners in order to create and expand spaces for women to exercise their agency and vindicate their rights. Our approach is to empower women who seek our help by giving them the tools and knowledge to make their own choices in addressing their problems. From basic consultations through to strategic litigation, it is important to always give the women that we represent their own agency and voice. We thus aim to empower and amplify women's voices.

## OUR METHODS: HOW DO WE WORK?



**The WLC uses strategic litigation as a method to advance women's rights in our five programmes.** Strategic litigation is litigation with a broader purpose of advancing an agenda which goes beyond a single case. It is targeted at creating broader systemic changes for a large group of women. It is thus a key strategy to developing feminist jurisprudence through precedent setting cases. The WLC litigates in its own name, in the public interest (such as on behalf of civil society organisations), 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 law or policy.

**The WLC assist women who would not ordinarily have access to legal services.** We have a regular and free service where women can come into our offices or call us to receive free legal advice. We also coordinate two free legal advice clinics in Khayelitsha and at the Cape Town Magistrates' Court. If we are unable to assist women, we refer them to the relevant government department, NGO, law centre or court. Through direct legal services, we are able to identify gaps in laws, systemic failures and challenges with implementation which informs our strategic litigation.

**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.** We provide support to women's rights organisations and the broader feminist movement with the aim of strengthening women's voices and advancing women's rights. Our work includes written and oral submissions to the South African parliament, regional and international human rights treaty bodies, and other relevant bodies. We take part in a variety of conferences, workshops, and discussions to advance our work. Lastly, we carry out media advocacy, spreading our message through social and mainstream media.

**The WLC has committed to training the next generation of black women lawyers and has therefore taken candidate attorneys into service.** We also take on interns in the spirit of empowering and training women who are interested in working in the feminist legal space. Furthermore, we conduct workshops and present on panels where we speak on the work being done at WLC, and educate women on rights-based issues.

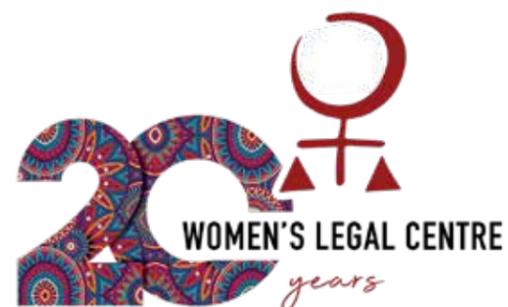
# IT'S BEEN 20 YEARS!

Shortly after the ending of apartheid in 1994, at a time when the Interim Constitution of South Africa was being negotiated, a group of women came together through the South African Legal Working Group with the purpose of “providing South African women with the means to claim and assert their fundamental rights through the legal process.”<sup>1</sup> It was out of this idea that the Women’s Legal Centre was established, and after 5 years of funding proposals and persistence, the Centre was established in 1999. Roughly six months later, the Cape of Good Hope Law Society accredited the Women’s Legal Centre to litigate formally.

In 1999, at a time when the democratic transition from apartheid was relatively new, and transformation was high on the agenda, the founders of the WLC had a vision of a legal centre which would use constitutional litigation, legislative monitoring, and policy advocacy to advance gender equality and the rights of women.<sup>2</sup> 20 years since the Centre’s establishment there is still a great need for transformation in terms of women’s rights, and the vision and objectives of the Centre still remain highly relevant today in our current social and political context.

Over the last 20 years, the Women’s Legal Centre has achieved the above vision in many positive ways. The Women’s Legal Centre remains the only legal centre in South Africa which conducts strategic litigation informed by feminist principles, and provides advice and legal representation specifically for women. We have evolved to position ourselves as an unapologetically feminist and African law centre. Following a review of the centre’s strategic direction in 2017, our core focus is strategic litigation that changes and impacts the law in favour of advancing women’s rights. We are thus pioneers in the field of African feminist litigation.

Over the last 2 decades, we have worked on important precedent-setting cases to improve the lives of women, their access to justice and their quality of life. In celebration of this, we look back on the milestones of the last 20 years with a special 20th anniversary publication and celebratory events during women’s month. We have chosen to celebrate through the theme “Activism in Feminist Lawyering”. There is an unfounded belief by some that law and activism are mutually exclusive, and that lawyers cannot be activists. Much of our work has, however, been infused with, and accompanied by, activism. In reality, when conducting work in the public interest sector, the two are not always, nor should they be, mutually exclusive. Much of the work that lawyers in the public interest sector do is a form of activism in itself, in the spirit of the advancement of social justice through the law. We believe that our work is an example of how feminists are always activists. We seek to explore and answer the questions: “What is activism”?, “What does activism in feminist lawyering look like”?, “What has it looked like for the past 20 years at the Women’s Legal Centre”?, as we celebrate being feminists, lawyers, and activists at the same time.



<sup>1</sup> *Advancing Women’s Rights*, Christina Murray and Michelle O’ Sullivan

<sup>2</sup> *Ibid.*

## LETTER FROM THE CHAIRPERSON

Despite the extraordinary constitutional and rights-based developments in our country, 25 years into our democracy, South Africa still has a long way to go in challenging inequalities and achieving substantive justice for women. The failure of both the state and private institutions to fully realise the rights of women necessitates the continued and vital work of the Women's Legal Centre. The WLC remains the oldest and only African feminist organisation in the public interest legal sector which focusses exclusively on the rights of women. This year marks a remarkable milestone for the WLC as we celebrate 20 years since our inception in 1999. As we look forward to the next twenty years, I have no doubt that the WLC will continue to ensure that women achieve the equality that is enshrined in our Constitution.

The effects of structural patriarchy are far reaching and require a particular strategic approach to challenge and dismantle. Women are often disregarded by a legal system which is designed by and for men; a system which does not adequately protect them and their specific needs. Women who are marginalised and vulnerable are left with little support from this legal system. The disproportionate burden placed on women in different legal contexts manifests in cases of sexual harassment, Muslim personal law, violence against women, the denial of sex workers' rights, sexual and reproductive health and rights, and access to land and housing.

The public interest sector is not immune to the power dynamics which have given rise to cases of sexual harassment and other issues of abuse of women. WLC remains committed to the transformation of the sector, and will continue to confront the patriarchal systems which give rise to the silencing and undermining of women.

In the broader context we have all been witness to state capture, which has been uncovered in the last few years. The impact thereof has had a profound effect on state

accountability and good governance. Women continue to be disproportionately affected, as government impunity results in additional barriers for women to access their basic constitutional human rights. Our aim as the WLC is to expose the impunity, challenge the effects thereof, and hold the state accountable for its actions which deeply affect the most vulnerable.

Legislation and policy remain open to constitutional challenge. While laws assume equality, closer scrutiny reveals that so called gender neutral laws can still negatively affect the rights of women when implemented. In addition to this, basic implementation of provisions of legislation and policy continue to deprive women of the most basic services and protections. Although the absence of resources is often claimed by the state as the cause of compromised implementation, we believe that the fundamental aspects of implementation of rights protection can still be achieved with the use of limited resources. Simple access to services is still denied to women, especially those who are poor and working class. This is why the work of the WLC remains relevant.

Internationally, we have seen a pushback against women's health and reproductive rights with United States policy of Protecting Life in Global Health Assistance (the Global Gag Rule) which requires NGO's receiving US government funding to clarify that they do not engage in the promotion or provision of abortion services. The WLC's strategy is to raise awareness and train service providers on the Rule as well as continuing to strengthen ties between NGO's both internationally, regionally and nationally to challenge the effects of the Rule. We will also continue to hold the state accountable to ensure proper implementation of the Choice on Termination of Pregnancy Act.

The promotion of ethical leadership is important to the WLC in ensuring that women's rights in all contexts are sufficiently

upheld. Ethical leadership at WLC is central to our organisational culture. Following a strategic and operational review of the organisation in 2016, our director Seehaam Samaai has steered the WLC towards establishing the organisation as the leader in feminist litigation. Our commitment to feminist litigation is driven by the women we consult through our Legal Advice Unit. We seek to place the voice of women centrally in all our cases, using a feminist lens to interpret and analyse law and the implementation thereof. We are also dedicated to training a generation of Black female attorneys by creating a unique and essential space for women within the legal sector. We view this opportunity as one of our core responsibilities.

The WLC has continued to extend itself in the international arena, sharing our important insights on feminist litigation globally. Under Seehaam's able leadership, as well as her outstanding team, I am confident that the WLC will remain relevant, respected, and continue to grow.

I am thankful for the wonderful team I have the honour of serving with on the Board of Trustees. Each one of them have contributed to advancing women's rights and have brought valuable knowledge, skills and insight to the table. I thank them for their contributions, time and integrity with which they work in line with the spirit of the WLC. As all things change over time, Nasreen Rajab-Budlender stepped down as Chairperson, and I have taken over from her. She has left a valuable legacy as Chairperson, and continues to serve on the Board. The Board said goodbye to Michelle Huber and Basetsana Molebatsi. These women have been invaluable assets to the Board of Trustees, and I thank them for their insight and dedication in serving on the Board. I look forward to the year ahead with the current team, and potential new Board appointments.

**NOZIZWE VUNDLA**  
Chairperson



# LETTER FROM THE DIRECTOR

This edition of the Women's Legal Centre's annual report is particularly special to me. It marks 20 years since the establishment of the Centre, and a time for us to pause and reflect on the impact that the Centre has had. As our reflection page has highlighted, despite being 25 years into our democracy, much work remains to be done in advancing women's rights in South Africa. Impunity, sexual harassment, violence, and discrimination continue to plague and oppress women. The Centre remains the only of its kind in the country, and the need for a feminist legal centre pushing for transformation of women's rights remains as relevant now, as it did 20 years ago.

The oppressive nature of a patriarchal system maintains women's vulnerability in their workplaces, homes, communities and relationships. In the last two years, this was brought to the fore not only in society more broadly, but closer to home as well, in the public interest legal sector specifically. The sector and space of "social justice" proved that it was not immune to the effects of patriarchy, as it was, and is, faced with numerous sexual harassment scandals and incidents of workplace bullying perpetrated by senior male figures.

Within the legal profession as a whole, it has been reported that more than 43% of women have experienced sexual harassment, and 73% experienced bullying.<sup>1</sup> These manifestations and prevalence of gender inequality within the profession, indicate a dire need to transform a profession that never envisaged the presence of women in it, let alone the protection of them by it.

The Centre is committed to an agenda that seeks to erase oppressive structures, attitudes, and actions in the legal profession and beyond that seek to undermine the dignity of women; through feminist litigation, and as feminist litigators. A big focus of our work has thus been addressing sexual harassment which women experience in the workplace. We represented and assisted some of these victims, and have become a leading and trusted voice for women on what they should do when experiencing sexual harassment, what a sexual harassment policy should look like, and what leads to sexual harassment in the first place. For us, this is a prime example of why it is so important to take a feminist approach to laws and policies not only at the macro governmental level, but at the micro and private level as well. In addressing sexual harassment, our approach has been simple: the victim must be held at the centre of the process undertaken by the organisation.

Through our work over the last twenty years, one theme has remained constant. That being that there is a great divide and gap between formal and substantive equality. While our Bill of Rights and our laws are progressive, its implementation is flawed as we find gaps arising through the challenges of women's lived realities which is not taken into account through the law.

In South Africa, we find that poor black women bear the heaviest burdens of our patriarchal society. The socio-economic impact of poor governance, a flawed legal system, and corruption, is that women are trapped in generational poverty. The failure of the legal system to protect women has perpetuated cycles of discrimination over the years, maintaining patterns of poverty created by apartheid. The work of the Centre is paradoxically kept alive through the needs of vulnerable and marginalised women.

Cognisant of the various socio-legal constraints within which we work, the Centre continues to focus on its five intersectional programme areas when deciding upon litigation and other legal interventions.

In terms of our Sexual and Reproductive Health and Rights programme, we find that women still face a number of challenges when it comes to having bodily autonomy and agency. Over the past year, the programme has focused its efforts on the proper implementation of the Choice on Termination of Pregnancy Act in South Africa within the broader global trend towards the conservative elimination of women's rights to sexual and reproductive health. We note with distress that the Act's poor implementation is a symbol of the relegation of women's sexual and reproductive health and rights. In the international arena, we have also begun work on the pushback and mitigation of the Global Gag rule implemented by Trump. This essentially bars NGO's around the world who support or provide abortion services, from receiving US AID funding.

In terms of our Relationship Rights program, we continue to be a reference point for issues surrounding the recognition of marriages and relationships regardless of religion, custom or sexual orientation. The programme has been dominated by the seminal Muslim Marriages case which sought to recognise Muslim marriages in South African law. In 2018 the Western Cape High Court held, in this long-standing matter, that Muslim marriages ought to be recognised and ordered Parliament to do so within two years. However, the struggle is not over. In the interim, many women are still left vulnerable. Thus, we are focusing our efforts on the upcoming appeal at the Supreme Court of Appeal - where, if we are not successful, will eventually result in a victory at the Constitutional Court.

In terms of Women's Rights to Land and Housing programme, linked to relationship rights, the past year has seen an emphasis on ensuring that laws and practices do not discriminate against women's access to land and tenure security. We litigated to secure tenure on farms for the women spouses of farmworkers of particular farms where previously their tenure was dependant on their husband's employment. Our work on behalf of two clients in the Cape Town Community Housing (CTCHC) matter involved us taking a deeper look at the cancellation of instalment

sale agreements which impacts women's rights to housing, particularly when the law does not consider relevant factors before rendering the purchaser homeless. This also led us to intervene as an *amicus curiae* in the Constitutional Court case *Amaidien*, and highlight these particular issues.

From the city to the oppressive plaasland of Stellenbosch, we took on the Claassen matter to defend the tenure rights of a farm worker who was born, lived and worked on the same farm without interruption or protest. This matter highlighted the challenges of proximity and spatial apartheid in terms of accessing work.

In our vulnerable workers program, in addition to the work done surrounding sexual harassment, we continue to advocate fiercely for the decriminalisation of sex work, and for sex workers to be afforded their due rights. We have begun extending our focus of the sex worker scoping project beyond the Western Cape, and doing advocacy work in conjunction with a number of other organisations. This program also intersects with our land programme in protecting the rights of farmworkers.

Lastly, violence against women remains a critical issue in our country. While we have countless cases of domestic violence and abuse, we also find that there are major issues with our policing system in terms of protecting women who experience violence. There are further issues with the legal process in terms of accessing justice for victims of violence, from reporting through to reaching the courts. With matters such as the dismissal of Manana, the unlawful extension of diplomatic immunity to Grace Mugabe, and the eradication of the 20-year prescriptive bar against prosecution of sexual offences other than rape, as raised in *Levenstein*, the programme is unrelenting in its pursuit to ensure state accountability. In the years to come, we will continue to strive towards the achievement of a state that can be held accountable for its failure to provide women with sufficient relief through the criminal justice system.

All of these cases only make the need for focused feminist litigation clearer. While we have come a long way, we have a long way to go. Following on our theory of change in 2017, which was to take a broader focus on strategic litigation which impacts the law in favour of advancing women's rights, we have strongly developed a focused direction on, and a voice for, African feminist litigation. With the African feminist approach to litigation, we address the discriminatory gaps and issues in substantive equality which arise as a result of these discriminations. We take cognisance of a women's contextual circumstances, and recognise women as individuals with their own rights and freedoms, and we attempt to assert this through our work.

Beyond our borders, we are more aware of the Centre's position within the national, regional as well as international arena to effect change, as well as to work in collaboration with partners. We have extended our voice to spaces such as UN Women, have hosted Directors of legal centres from around Africa and the world, as well as parliamentary members from Germany and beyond. This, for us, is an indication of the recognition of the importance of feminist litigation worldwide.

This report highlights the important work we have done over the last two years. It highlights the inherent gaps in our legal system, laws and policies in terms of protecting women. It highlights why feminist litigation is so important in our current context, and why it remains an important tool (one of many) in advocating for substantive equality for all women, and for placing the lived realities of women before the courts.

Through new and existing cases, the Centre will challenge and overturn established discriminatory principles, laws, policies and practices which place women in vulnerability; and keep private and public institutions accountable for discrimination against women. We remain unapologetic in our feminist stance to litigation and the law, and will continue to push the feminist litigation agenda in the years to come.

**SEEHAAM SAMAAI**  
Director

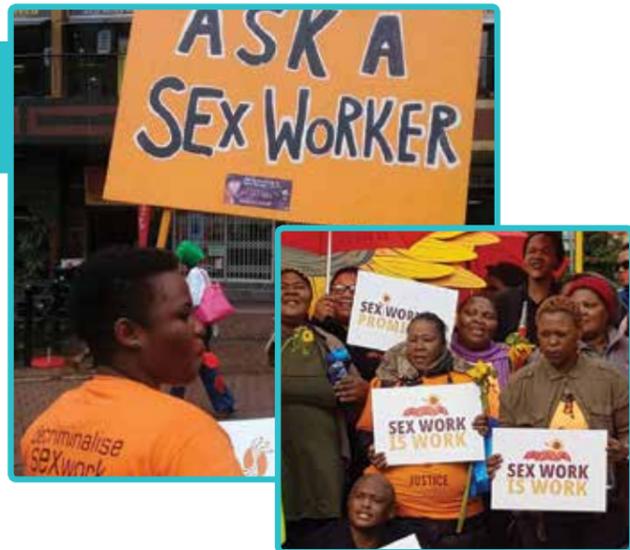


<sup>1</sup> *Business Insider, 2019: Lawyers-and-advocates-are-being-bullied-and-sexually-harassed-in-South-Africa-2019-5*

# HIGHLIGHTS OVER THE PAST 5 YEARS

## PREVENTING THE UNLAWFUL ARREST AND WRONGFUL DETENTION OF SEX WORKERS (2015)

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.



## PROMOTING WOMEN'S SECURITY OF TENURE (2016)

In the case *Klaase and Another v van der Merwe NO and Others*, the WLC represented Women on Farms Project as amicus curiae. The application challenged the Extension of Security of Tenure Act which excluded the spouses of occupiers from deriving their rights of occupation from the main occupant (the employee). The Constitutional Court held that the second applicant's (Mrs Klaase) occupation of the premises "under her husband" subordinated her rights to those of Mr Klaase (the first applicant), and that describing her occupation in those terms demeaned her rights to equality and human dignity. WLC made submissions on the disproportionate impact of this Act on women. The case recognised the rights of female farm workers to occupy land in their own name.



## ADVANCING THE RIGHTS OF SEXUAL VIOLENCE VICTIMS (2016 - 2017)

In June 2018 the Constitutional Court, in *Levenstein/Frankel*, confirmed the order handed down in 2017 by the South Gauteng High Court which declared section 18 of the Criminal Procedure Act 51 of 1977 unconstitutional. WLC was the fourth respondent in the matter. The case concerned the constitutionality of section 18 of the Criminal Procedure Act which prohibited the prosecution of sexual offences, other than rape or compelled rape, after a period of twenty years from the time when the offence was committed. The WLC argued that no sexual offence, whether common law or statutory law, should prescribe, irrespective of whether the sexual violence took place when the victim was an adult or child. WLC adduced expert evidence illustrating the reasons for delayed disclosure of sexual offences by adult victims; the Court welcomed these submissions as contributing to the jurisprudence of the Court. The WLC's evidence in respect of the impact of sexual offences on adult survivors placed the personal, structural and social disincentives for reporting, as well as the psychological and physical reasons for delayed disclosure, before the court.



## OBLIGATING THE STATE TO RECOGNISE MUSLIM MARRIAGES (2018)

WLC has been litigating to protect the rights of Muslim women in terms of their marriages for more than a decade. After lengthy delays, 2018 saw a great advancement in our Muslim Marriages case. In *WLC v The President and Others*, which was heard in the Western Cape High Court in 2018, the judgment handed down obligated the state to enact legislation which would legally recognise Muslim Marriages within two years. Even though the struggle is not fully over, it was a great long-term win in the lengthy legal battle to recognise Muslim Marriages.



## PROTECTING VICTIMS OF SEXUAL HARASSMENT IN THE WORKPLACE (2018 - 2019)

From late 2018 through to 2019, WLC became a leading voice and point of support for victims of sexual harassment in the workplace following our representation of the nineteen victims of sexual harassment and bullying at Equal Education. In 2019, we have been approached by a number of other victims of sexual harassment in the workplace including Professor Kil in relation to incidents with Boycott Divestment and Sanctions (BDS) South Africa. We have, upon request, hosted a number of workshops and training for women in the workplace in terms of knowing their rights around sexual harassment. We continue to push for a victim-centred approach to be taken in the development and implementation of laws and policies in sexual harassment.



# VULNERABLE WORKERS

# HIGHLIGHTS OF 2018/2019:

## PROGRAMME BACKGROUND

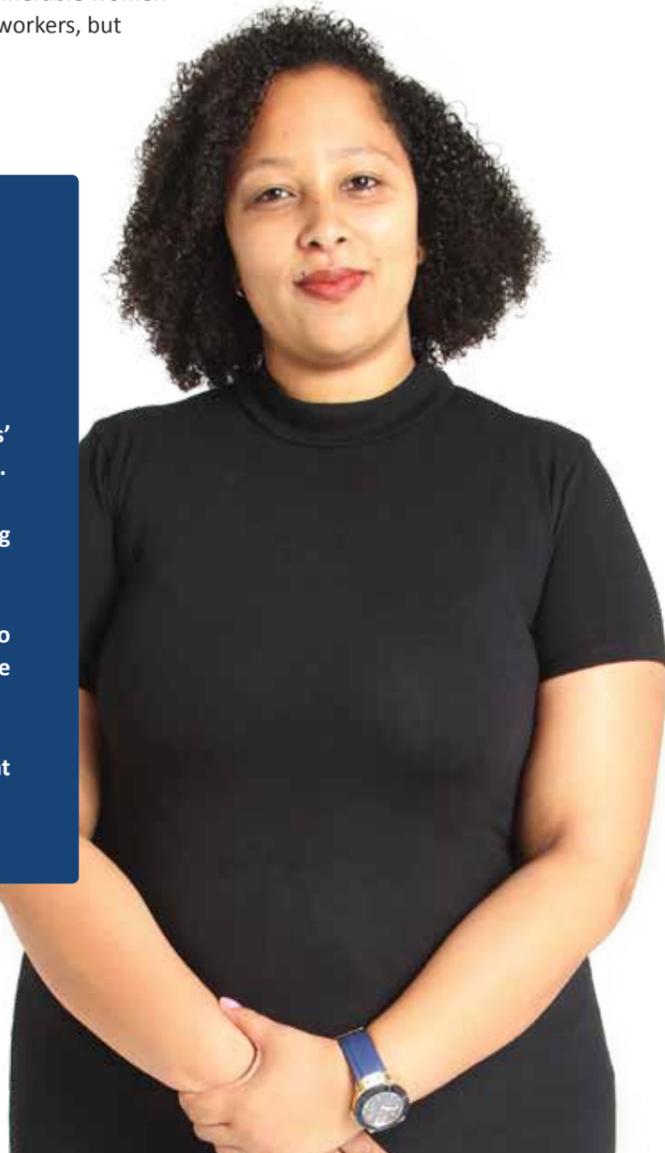
Our goal in this programme is the recognition and protection of the labour rights of vulnerable and marginalised women workers, in particular the rights of farm workers, domestic workers, migrant workers and sex workers. Despite South Africa’s rights-based labour legislation, women continue to face barriers to accessing employment, and to securing decent working conditions.

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.

This programme thus aims to advance, protect and promote the rights of vulnerable women workers who face unfair barriers in their work, not only with regards to sex workers, but women in all areas of work.

**OUR WORK ON VULNERABLE WORKERS HAS FOUR CORE OBJECTIVES, WHICH ARE:**

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.



Vulnerable Workers Program – Attorney Chrissy Blouws

### *Sexual Harassment in the Social Justice Sector – Equal Education case:*

The WLC represented 19 complainants in a sexual harassment enquiry convened by Equal Education (EE). The enquiry was not conducted in terms of any existing legislative framework as the individual accused of the sexual harassment was no longer employed at EE; as a result, no legal disciplinary steps could be taken against him.

The enquiry process allowed for WLC to further its objective of ensuring that vulnerable workers’ human rights are recognised, protected, promoted and fulfilled. At the outset we advised that the manner in which the enquiry had been conducted was not victim centred, and was overly focused on the vindication of the perpetrator. We believe that the arguments made in our submissions led to the Panel being unable to reach a unanimous decision. One of the panellists distanced herself from the processes adopted by the remaining panel members, citing that the process was not victim friendly and it did not lend itself to addressing the systemic discrimination present within the organisation. The two remaining panellists produced their own report in which they exonerated the alleged perpetrator. They did not take the evidence of the 19 complainants into account as they, the complainants, would not submit themselves to a trial process of cross examination. WLC was always of the opinion that the proceedings could only be an investigation; no legal finding could be made against the alleged perpetrator as he had resigned from Equal Education. To participate in a trial-like process, the complainants would have needlessly submitted themselves to gruelling cross examination and secondary victimisation.

The second report compiled by the third panellist recognised the experiences of the 19 complainants and made recommendations to ensure that a culture and environment exists that encourages a safe and conducive working environment, free of violence. WLC holds instructions to ensure that these recommendations are implemented.

The enquiry enabled us as WLC to highlight the deeply rooted prejudice that women face in the workplace and how black women in particular are disadvantaged in cases of sexual harassment. The matter also highlighted the vulnerability of young women in the social justice sector to patriarchal values and practices. There is a definite need for organisations such as WLC to continue our work towards transformation of the social justice sector.

### *Legal advice on sexual harassment:*

Throughout the period of review, WLC was inundated with requests for legal advice and support from women employed in the public sector experiencing or having had experienced sexual harassment. Women working in especially male-dominated sectors such as Correctional Services, Metro Police Units and SAPS are at particular risk of sexual harassment and victimisation. Although we could not legally represent all the women who requested assistance, we were able to provide strategic advice and input and referrals for them to continue with their matters.

### *Worker Safety on Trains:*

As part of Unite Behind’s Safety on Trains campaign, the WLC has provided key strategic legal support from the perspective of women workers who use the trains daily to commute to and from their places of work. This was done through interviewing women who have established the need for the Passenger Rail Agency of South Africa (PRASA) to develop a policy on safety and security of women when making use of the rail service. This matter will be taken up through litigation under the Violence Against Women focus area, but because of our intersectional approach, it will impact on women’s right to work.

### *Advocacy and research:*

#### *Sexual harassment: Submission on sexual harassment policies to the LPC Code of Conduct*

Over the past year, both in South Africa and abroad, sexual harassment in the work place has been identified as rampant and pervasive, requiring a well-considered, directed response.

The Legal Practice Act 28 of 2014 recently drafted a Code of Conduct for all legal practitioners, candidate legal practitioners and juristic entities. The LPC invited submissions for input on the first draft. The WLC found that the first draft did not include any content on sexual harassment. The WLC thus made submissions which recommended that the LPC address sexual harassment in its Code of Conduct. We are happy to report that this submission was accepted, and the Code of Conduct now addresses both “harassment” and “sexual harassment”.

It is crucial that disciplinary procedures for dealing with gender misconduct and sexual harassment have to differ from those used in general misconduct matters. What is more crucial is that there must be procedures that protect the complainant,

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deal with confidentiality, and promote a more inquisitorial approach. Section 95 (1)(G) provides that the Council may make rules on these procedures to be followed by disciplinary bodies that deal with complaints. It will thus be critical that rules setting out special procedures for sexual harassment matters are included following the passing of the Code of Conduct.

### **Sexual Harassment Regional Working Group Committee**

The WLC has joined the Sexual Harassment Working Group Committee which seeks to create a regional model law on sexual harassment in Africa. The Working Group Committee will coordinate a regional conference to take place in Africa early 2020.

The overall objectives of the group and regional conference is to:

- ▶ address and understand the socio-cultural contexts of gender inequalities and sexual harassment in the workplace
- ▶ understand and address the legal context of discrimination and equality and its status under various regional and national laws
- ▶ look at best practice in respect of national approaches to promoting gender equality.

The legal objectives are to understand the concept of sexual harassment and its practices in the workplace, to analyse current sexual harassment legislative and policy frameworks, and discuss the international context of sexual harassment laws in respect of international and regional mechanisms.

Additional outputs include the publication of journal articles pertaining to sexual harassment laws, a formation of an international network of experts who monitor, periodically, the progress of sexual harassment laws in Africa, and to form a legal aid clinic to provide legal advice on victims/survivors of sexual harassment.

### **Sex work advocacy and Research:**

#### **Sex Worker Rights and Decriminalisation:**

We have continued our efforts in promoting a firm response in favour of decriminalisation of sex work. Our efforts in this regard were promoted through the UN Committee on Economic, Social and Cultural Rights where we encouraged the Committee to ask the South African when they would decriminalise sex work and recognise sex workers' rights to

work and choose a profession. This has become one of the key recommendations from the Committee which we will continue to follow up on.

#### **Sex Worker Scoping Project:**

We have commenced an advocacy project on sex work in the form of a scoping exercise. The approach seeks to realise and highlight the voice and struggles of sex workers through conducting surveys with sex workers, using questionnaires on health, discrimination and safety while they work. The exercise seeks to steer away from academic research in favour of highlighting the daily and lived reality of sex workers who face discrimination and grave human rights violations due to the criminalisation of their work.

Through this scoping exercise, we hope to pick on trends of violence and abuse from certain state officials in specific geographical areas, as well as pick up on national trends as experienced by sex workers around the country. The exercise takes place in two ways - by having specific sex worker focus groups where everything is discussed and completed in a group, or where there is a consultant on the project who goes directly to sex workers and speaks to them at their place of work. This approach is dependent on the sex workers availability and preference.

A second objective of the project is to establish sex work circles of empowerment and participation. These will be workshop styled events which aim to inform sex workers about their basic human rights regardless of their profession, and hopes to enable active citizenship and participation by sex workers as a movement which supports the decriminalisation of sex work.

A last objective is to obtain substantive evidence and statistics on violations perpetrated against sex workers and their inability to report such incidents because of the criminalisation of their profession. This evidence could be used in various ways such as reports, educational publications, advocacy and future litigation against laws which criminalise sex work.

#### **Submissions on amendments to The Compensation for Occupational Injuries and Diseases Act (COIDA), No 130 of 1993, to the Department of Labour:**

The Department of Labour opened submissions for amendments to The Compensation for Occupational Injuries and Diseases Act, No 130 of 1993 late last year. WLC made submissions to the Department of Labour in December 2018

motivating for and supporting the inclusion of COIDA protections to domestic workers who work in private homes. The COIDA was enacted in 1993 to provide for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment but specifically excluded amongst others, domestic workers who worked in private homes for private employees. The COIDA Amendment Act now specifically seeks to extend occupational protection to those domestic workers who were previously excluded. Our submissions sought to highlight the regional and international obligations that South Africa has in relation to women and work. We outlined the vulnerability of domestic workers who work in private homes and sought clarity on the prospective nature of the amendment and motivated for claims to apply retrospectively, in particular, so that there is recourse to individuals or family members of individuals who were injured but unable to claim because of the exclusion. We believed that the exclusion was specifically discriminatory in its nature and had an adverse effect on women of colour who live in poverty and come from disadvantaged backgrounds as these are the women who mostly conduct domestic work, especially in private homes.

#### **Looking forward:**

The influence of patriarchy on the workplace continues to be the biggest challenge to women's ability to access employment and to work in spaces that are safe and just. The past year has highlighted women's vulnerability in their workplaces in relation to violence and discrimination. We will continue to provide support to women and to advocate for their rights both domestically, as well as regionally and internationally, in relation to violence and discrimination, as well as other challenges.



# RELATIONSHIPS RIGHTS PROGRAMME

# HIGHLIGHTS OF 2018/2019:

## 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). Like most of the world, people living in South Africa have changed how they express their romantic interests and how they forge relationships. Constitutional protection for diverse forms of relationships, such as domestic partnerships, is thus critical.

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 legal or policy 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.

Relationship Rights – Attorney Charlene May

#### Litigation:

#### *Women’s Legal Centre v The President and Others (T Faro v M Bingham and Others)*

In December 2014, the WLC launched an application in the Western Cape High Court in the public interest seeking relief aimed at providing women in Muslim marriages, and the children born of such marriages, with legal protections, primarily upon the dissolution of such marriages. In August 2018 (during women’s month), a full bench of the Western Cape High Court handed down a judgment whereby they found in favour of WLC and the women that we represent.

They found that the President and Cabinet had failed in their obligation to introduce legislation that would recognise marriages performed in terms of the Islamic faith. The Court further ordered that the State draft and introduce legislation in relation to this, and that they should do so within 2 years of the order having been made. Interim relief, however, was only granted if the State failed to enact the legislation within the stipulated 2 years. This means that the women would still be left vulnerable and legally unprotected during this period.

In October 2018, the State parties (the President and the Minister of Justice) brought an application for leave to appeal to the Supreme Court of Appeal and therefore this matter unfortunately remains unresolved. The WLC has brought an application to cross appeal in respect of the interim relief in that we believe that women should not have to wait another 2 years for the State to fail protecting women in order to have their rights recognised and realised. In May 2019, the WLC was granted leave to cross appeal and the case will now proceed to the Supreme Court of Appeal.

In our last annual report, we detailed the Ramuhovhi and Moosa matters. Both cases were heard by the Constitutional Court and successful judgments have been issued with regards to recognition of women’s rights in customary and religious polygamous marriages. These cases set precedents. WLC has shown that through presenting cases as *amicus curiae* through a feminist lens, we can advance women’s rights.

#### Advocacy and Research:

#### *1. Submissions to the Portfolio Committee on Home Affairs addressing discrimination in the Civil Unions Act:*

Parliament was called upon to address the discrimination present in the Civil Unions Act. This was through the introduction of a private members Bill to repeal section 6 of the Civil Unions Act, which allowed for Home Affairs officials to decline to marry same sex couples.

In October 2018, the WLC made submissions to the Portfolio Committee illustrating the discrimination and its direct impact on lesbian women. The Bill was successfully adopted, and marriage officers employed as such no longer have the right to discriminate against same sex couples by refusing to marry them.

#### *2. Review of South Africa’s implementation of the International Covenant on Economic, Social and Cultural rights:*

A highlight of our advocacy work was the participation in a coalition of civil society organisations participating in the review of South Africa’s implementation of the International Covenant on Economic, Social and Cultural rights. In October 2018, the Committee on ESCR took our issue of non-recognition of Muslim marriages in South Africa so seriously that they questioned the State representative as to when legislation would be forthcoming in compliance with the Western Cape High Court order. Through our participation in international forums we have shown that UN mechanisms can successfully be used to hold government to account.

#### Looking Forward:

We have dedicated time to exploring litigation options on the issue of women in cohabitating relationships. This work is critically important given that so many women are unable to negotiate and secure their rights to land, housing and property where they are living in domestic partnerships. In the coming months we look forward to engage in litigation on this issue, which will compel the state to introduce legislation regulating domestic partnerships.

We will also be engaging with law reform processes around the recognition of religious marriages as part of the state’s broader marital law reform. Our litigation to ensure legal recognition of Muslim marriages will also continue in the coming year.

## SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

## HIGHLIGHTS OF 2018/2019:

### PROGRAMME BACKGROUND

Although the right to health care is amongst the fundamental human rights enshrined in the Constitution, many women struggle to access this right, and, more 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 reproductive health care, and maternal health care.

As it stands now, there are few accountability mechanisms within the state health care system. Accessing health care can be a complex and confusing task for many women. This impacts on women's ability to make informed and autonomous decisions about their health care. Key concerns include limited access to termination of pregnancy services, illegal terminations of pregnancy, forced sterilisation, maternal mortality, the prevalence of obstetric violence in state clinics and hospitals, and the global push back against women's sexual and reproductive health and rights through the implementation of the Global Gag Rule. This program thus aims to promote the rights of women to make informed autonomous decisions about their sexual and reproductive health, as well hold the state and other parties accountable for the proper implementation of these rights.

#### **Litigation:**

***Voice of the Unborn Baby NPC & another v Minister of Home Affairs and another (WLC and Cause for Justice intervening as amici curiae).***

The applicants in the matter have approached the North Gauteng High Court seeking to declare that expecting parents who have experienced pregnancy loss have the right to bury the foetal remains irrespective of the gestational age of the foetus. It is common practice that where a woman has miscarried (and the pregnancy loss occurs before 26 weeks of gestation) she will not receive the remains for burial; however, where a stillbirth has occurred (pregnancy loss on or after 26 weeks of gestation) one has the right to bury the remains of the foetus. The applicants therefore seek to extend the right to bury to instances of miscarriage. They also seek to extend it to instances of induced pregnancy loss also known as abortions.

The WLC and Legal Resources Centre have intervened as amici curiae to place argument before the court that seeks to protect the right to a safe and legal abortion in South Africa. The relief sought by the applicants, if extended to the context of abortion services, would most likely serve as a barrier of access to safe and legal abortions for women. This is based on the current implementation of The Choice on Termination of Pregnancy Act in South Africa in which women still experience refusal of services, where less than 7% of the country's medical facilities provide abortion services, and the service is still stigmatised. The WLC and LRC have requested that, if granted, the relief does not apply to abortion services so as to protect a woman's freedom to choose and to safeguard her limited access to safe and legal abortions in terms of the Choice on Termination of Pregnancy Act.

#### **Advocacy and Research**

***Joint submission to the Portfolio Committee on Justice and Correctional Services on the State Liability Amendment Bill.***

On 31 October 2018, the WLC presented a joint submission to the Portfolio Committee on Justice and Correctional Services on the State Liability Amendment Bill. The submission focused on informing the Committee that the proposed Bill disproportionately affected poor, disadvantaged women in South Africa, and should not be adopted in its current formulation.

The Bill was introduced to amend the manner in which claims for medical negligence could be made; it limited the way in which orders could be made by a court and the implementation of said orders. Women can suffer medical negligence during the child birth experience. With the quality of healthcare services still divided along racial, poverty, socio-economic, and gendered lines, poor black women continue to experience the worst medical services in South Africa. Indigent women continue to be worse off in their ability to access quality healthcare services. Our joint submission, drafted and presented with the LRC, argued that the Bill's focus on the fiscal element of medical negligence claims brought against the State failed to address the root causes of these claims. To amend the legislation in line with the proposed amendment, would not offer a long term, sustainable solution to the root causes of the medical negligence.

Our submission also highlighted that the amendment offended against the doctrine of separation of powers by limiting the types of orders a court may make; it excluded payments for future medical expenses, which may be required in certain instances where continued medical care is required; it limited

the state facilities at which women could receive care, which often meant they would have to return to the same hospital at which they experienced the medical negligence; and it would severely limit indigent women's access to justice as payments over a certain amount would have to be made monthly, making these cases less attractive to private attorneys who would normally take on these matters. The Bill also limited the state's liability where services are sought at private facilities.

Thus, in its current form, we believe that the Bill will not withstand a constitutional challenge should it be passed.

***Technical Committee Meeting: National Adolescent Sexual and Reproductive Health and Rights Framework Strategy***

From 18-20 April 2018 WLC attended the Fourth Technical Committee Meeting for the National Adolescent Sexual and Reproductive Health and Rights Framework Strategy in Pretoria. A key outcome of the Technical Committee is to bring stakeholders together from government, civil society, development agencies, and academia and research institutions to discuss the initiatives underway in terms of five key priority areas. The three-day meeting included the sharing of progress on the five key priority areas by the lead government departments, the sharing of information on new policy initiatives as well as presentations by civil society organisations.

#### **Looking Forward:**

Going forward, the SRHR programme will focus its efforts on ensuring more broadly that women experience safe access to medical services that respects their dignity and freedom to make informed decisions regarding their sexual and reproductive health. In doing so, the Centre will continue to support women and the work of others in ensuring that a woman's right to access safe and legal abortions in South Africa is protected. This work will focus on identifying service providers women can approach who provide access to abortion services. We will continue to place pressure on the state to ensure that existing medical facilities are adequately resourced to provide unhindered access to this right.

The work of the Centre will also focus on ensuring that this right of access to safe and legal abortions in South Africa is not further hindered by international policy and global strategies such as the "Global Gag Rule" to undermine and erode a woman's right to freely, without violence and stigma, decide if, when, and how she will have children.

### 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.



SRHR –  
Attorney Nasreen Solomons

# VIOLENCE AGAINST WOMEN

# HIGHLIGHTS OF 2018/2019:

## PROGRAMME BACKGROUND

Violence against women in South Africa continues with impunity. The response from government to sexual and domestic violence has been largely reactive despite their constitutional responsibility to ensure that all South Africans live free from violence. The most recent crime statistics (2017/18) show that 50 108 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 program aims to address violence using the legal tools available to constitutionally challenge existing legal frameworks as well as lack of implementation.



### 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 rights to make autonomous decisions in the context of violence.

Violence Against Women - Advocate Bronwyn Pithey

### *Levenstein and Others v Estate of the Late Sidney Lewis Frankel and Others (Case CCT: 170/17)*

The Constitutional Court judgment confirmed the court order handed down in June 2017 by Hartford, AJ sitting in the High Court of South Africa, Gauteng Local Division, Johannesburg. This case concerned the constitutionality of section 18 of the Criminal Procedure Act 51 of 1977, which prohibited the prosecution of sexual offences, other than rape or compelled rape, after a period of twenty years from the time when the offence was committed. The High Court declared this section of the Act to be constitutionally invalid. WLC was an amicus curiae in the High Court matter and was cited as the Fourth Respondent in the Constitutional Court case.

With the consent of the Constitutional Court, WLC adduced additional evidence illustrating the reasons for delayed disclosure of sexual offences by victims, irrespective of whether they are children or adults. The Court acknowledged that it had no evidence before it on the effects of trauma and the reasons for delayed reporting by adults and welcomed WLC's submissions. The WLC's evidence in respect of the impact of sexual offences on adult survivors placed the 'personal, structural and social disincentives for reporting, as well as the psychological and physical reasons for delayed disclosure' before the court. The Court recognised that its finding on the nature and extent of rape trauma syndrome would be a welcomed addition to its Court's jurisprudence since its judgment in the Bothma case. Based on the evidence presented by WLC, the Court held that it was necessary to have information on the prevalence of sexual offences against women in South Africa and the percentage of female survivors of sexual offences who elect not to formally report the offences to the South African Police Service (SAPS) and why they do not do so. WLC's evidence illustrated 'the systemic failures that enable violence and exploitation of them [women and children] to occur'.

WLC supported the applicants in demonstrating to the Court that section 18's differentiation between rape and compelled rape on the one hand, and other sexual offences on the other, was irrational. The Court recognised WLC's argument that the primary rationale for the differentiation of sexual offences in section 18 was the idea that certain sexual offences are more serious and therefore more traumatic than others. This notion, the Court accepted, based on the WLC's submissions, was based on 'outdated, patriarchal ideas about the moral gravity and harmfulness of different sexual offences'. The WLC pointed

to three grounds on which to find the distinction between rape and compelled rape and other sexual offences in section 18 to be irrational. These were: that the distinction was based on the fallacy that certain sexual offences (penetrative offences) are more serious than others (non-penetrative offences); that the distinction between sexual offences is artificial, and that their consequences being substantially the same; and that the distinction failed to acknowledge that 'survivors of all sexual offences are faced with similar personal, social and structural disincentives to reporting'.

The Court found that the prescriptive periods in section 18, as they applied to sexual offences other than rape and compelled rape, to be irrational. The Court held that the section 'fails to serve to protect and advance the interests of survivors of sexual assault' and 'works against their interests instead of promoting them'.

The Court ordered that the declaration of the constitutional invalidity of section 18 made by the South Gauteng High Court be confirmed. The order was suspended for 24 months in order to allow Parliament to enact remedial legislation. During the period of suspension, section 18(f) is to be read as though it contains the words "and all other sexual offences whether in terms of common law or statute" after the words "the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively".

### *Democratic Alliance and the Minister of International Relations and Cooperation & 3 Others (58755/17) (Women's Legal Centre intervening as amicus curiae) North Gauteng High Court*

In 2017 Mrs Grace Mugabe, the wife of the then President of Zimbabwe Mr Robert Mugabe, allegedly physically assaulted Ms Gabriella Engels, a South African citizen, while on a visit to South Africa. Before the criminal investigation was completed, Mrs Mugabe left South Africa. Subsequent to her leaving the country, the Minister of International Relations and Cooperation, recognised Mrs Mugabe's immunity from prosecution. The immunity was based on two grounds; firstly, that Mrs Mugabe is the spouse of Mr Mugabe and therefore enjoyed spousal and derivative immunity recognised in terms of international law; and secondly, the Minister contended that it was in the interests of South Africa that immunity was granted in terms of Section 7(2) of the Diplomatic Immunities and Privileges Act 37 of 2001.

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The applicant approached the North Gauteng High Court for an order declaring the decision to recognise the immunities and privileges of Mrs Mugabe by the Minister as inconsistent with the Constitution and therefore invalid.

The Women's Legal Centre was admitted as an amicus curiae in the matter and made submissions specifically in relation to violence against women and the state's constitutional obligations in terms of section 12 of the Constitution, specifically section 12(1)(c) that everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources, and the relevance thereof to the question of diplomatic immunity. WLC highlighted and challenged the impunity on the part of government when acting in relation to violence against women, and argued that a finding that the Minister acted unconstitutionally and irrationally in recognising the immunity of Dr Grace Mugabe would hold the government accountable in placing the rights of women to be free from violence above those interests of a citizen of another country. A finding of this nature would send a clear message that government cannot act with impunity and must act within the set parameters of international and constitutional obligations to effectively address violence against women. WLC argued that the state was further acting with impunity by virtue of its failure to address the positive obligations on the government to prevent further violence by Mrs Mugabe and its failure to impose any conditions should Mrs Mugabe return to South Africa, notwithstanding her criminal and unlawful actions. WLC contended that the conduct of the state led to distrust of the role of the law to obtain justice and as a tool for social change, and that the state had failed in its constitutional, legislative, relevant regional and international legal obligations.

In its judgement, the court reflected on the arguments put forward by the amici, recognising the need for their participation in protecting the interests of women to be free from violence. The court also recognised that because the Minister had opposed the matter, the amici had an obligation to enter the litigation to highlight the constitutional rights affecting women and protecting them from violence. Based on the value added to the matter by the amici, the court ordered costs against the Minister in favour of the amici. The costs order in favour of amici is unusual and is an affirmation of the importance of the role of amici in matters of this nature.

### ***Social Justice Coalition & Others v The Minister of Police & Others EC 3/2016 (W) (Women's Legal Centre intervening as amicus curiae) in The Equality Court (Western Cape Division, Cape Town)***

The Applicants in this matter sought an order from the Equality Court to review and remedy the system Theoretical Human Resource Requirement (THRR) and Resource Allocation Guide (RAG) used by the South African Police Services to determine the allocation of police human resources. The basis of the application was that the effect of the current system is both irrational and discriminatory against black and poor people based on race and poverty. The Women's Legal Centre was admitted as amicus curiae, arguing that the current system being used by SAPS to allocate human and other resources to the Khayelitsha community also resulted in discrimination on the basis of gender in that the resources allocated to policing violence against women and children were inadequate and inefficient. WLC submitted that the declaratory orders sought by the applicants should include the preparation of a plan which addresses the lack of resources to police violence against women and children.

WLC argued that the Equality Court would not be able to consider this matter comprehensively if it were not placed in a position to deal with the situation of a major segment of the population who bear the brunt on a constant basis of the ravages of crime. WLC further argued that the system used to allocate resources influenced the functioning of and allocation of resources specifically to the specialised SAPS Family Violence, Child Abuse and Sexual Offences Unit (FCS) which is responsible for policing violence against women and children.

WLC addressed the following: the investigation of violence against women as a constitutional obligation; international law obligations; domestic legislation; the South African policy framework to address crime; testing the efficacy of the resource allocation system; the discernible gendered impact of inadequate resource allocation resulting in inefficient policing; the Report of the Special Rapporteur on Violence Against Women; and the Promotion of Equality and Prevention of Discrimination Act 41 of 2000. WLC submitted that the re-evaluation of the resource allocation process would have to include the development of a resource allocation system that actively addresses violent and sexual offences. The revised allocation system will have a profound impact on policing of violence against women and children.

The court found in favour of the applicants finding that the allocation of police resources unfairly discriminates against

black and poor people on the basis of race and poverty, and that the system used by SAPS to determine the allocation of resources unfairly discriminates against black and poor people on the basis of race and poverty. The court ordered that a date for a hearing on remedy would be determined. The court acknowledged the meaningful contributions by WLC towards the resolution of the issues before it.

### ***Sexual Offences Courts Draft Regulations***

In 2017 the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 was amended by the Judicial Matters Amendment Act 8 of 2017 which made provision for the establishment of sexual offences courts (SOC's) to deal exclusively with sexual offences. The initial Act establishing SOC's was passed in 2013 and has been amended several times and has never been put into operation by proclamation by the President. The delays have in part been due to the drafting and finalising of the Regulations to the Act.

WLC has been extensively involved in the development of the Regulations together with the Department of Justice and Constitutional Development and other civil society institutions. The draft Regulations currently include WLC submissions and contributions made during engagements with the Department of Justice. It is hoped that that they will be finalised shortly to enable the Act to come into operation and to formally regulate the roll out of sexual offences courts. Currently the roll out is only determined and regulated by government policy. It is essential that legislation is put in place to ensure that SOC's provide exclusive court rolls to guarantee that victims of sexual violence receive priority and specialised victim-centred services.

### ***Prescription***

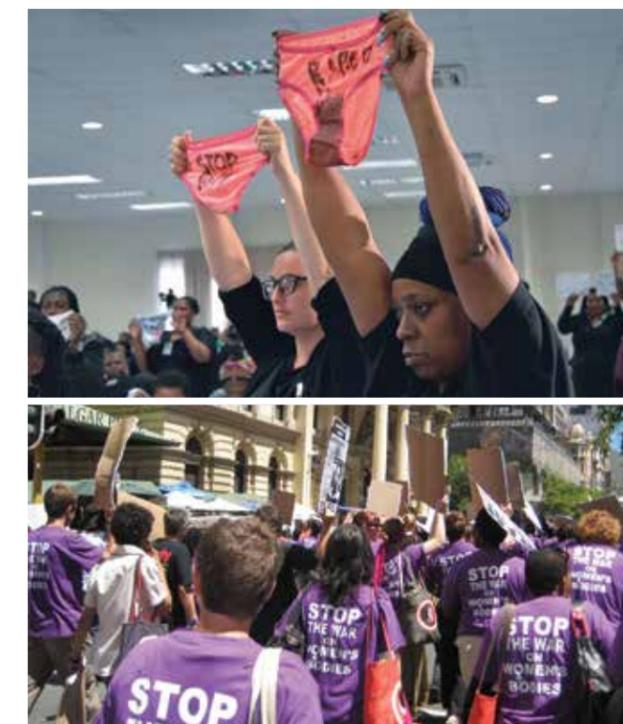
Following litigation in the South Gauteng High Court and the Constitutional Court in the Levenstein matter, the Department of Justice and Constitutional Development published a Bill amending section 18 of the of the Criminal Procedure Act 1997 for comment.

Levenstein challenged the constitutional validity of section 18 of the Criminal Procedure Act 1977 to the extent that it barred, in all circumstances, the right to institute a prosecution for all sexual offences, other than those listed in sections 18(f), (h) and (i) after the lapse of a period of 20 years from the time when the offence was committed (see above for discussion of the Levenstein matter).

WLC made submissions on the Bill which highlighted concerns that the proposed amendment continues to limit the offences

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which are not subject to the bar to prosecution after a period of 20 years. WLC submits that the current Bill is not in line with the Constitutional Court judgement and will not pass constitutional muster if passed.



### ***Looking Forward:***

The programme will continue its focus on holding the state accountable to its commitments in both legislation and policy to address the high levels of violence against women in South Africa. While legislation exists to address both sexual and domestic violence, WLC has identified gaps in these Acts and the implementation thereof, which will be constitutionally challenged this year. The lack of safety and availability of public transport has a disproportionate effect on women who are vulnerable to crimes committed against them while making use of public transport. . The lack of specific plans to address safety for women in our public transport system remains an area for challenge against the state which has a constitutional obligation to do so. WLC will take up this challenge on behalf of women who use public transport. Broadly, the programme will focus on issues that manifest in the state operating with impunity. We will continue with our provision of direct advisory services to women, our advocacy, and community engagements to further understand the challenges in relation to violence faced by women in their daily lives.

**PROGRAMME BACKGROUND**

Women in South Africa use land, occupy land, and own land, within different contexts and experience varying levels of discrimination. 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 women’s access to land remains peripheral at best even though the state has enacted a number of key strategic laws and policies to provide for equal treatment of women. 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. Despite the fact that 52% of the population is made up of women and that women are responsible for 68% of agricultural output, they have not benefitted in any substantive way to access and ownership of the very land they work.<sup>1</sup>

Access to land and housing in urban centres have increasingly become problematic. In cities such as Cape Town apartheid spatial planning and development and exclusionary property markets continue to block women from enjoying access to housing which is near their places of employment. Increasingly, poor and women headed households are facing evictions and are being displaced to the Cape Flats.

In rural areas, traditional authorities are likely to be male and councils are male-dominated and patriarchal, 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 these developments.

Housing and tenure security intersect with violence against women as well as issues of custom in both law and practice. One therefore cannot have a conversation about a woman’s rights to and access to land in isolation from where she is positioned within her home, community and society as a whole. Legislation, policy, and the presence of customs and cultures which are steeped in patriarchy has supported women’s ongoing discrimination in respect of land access and ownership.

**OUR WORK ON LAND AND TENURE RIGHTS HAS FIVE CORE OBJECTIVES, WHICH ARE:**

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.
5. Seek to develop the duty of the state to provide emergency housing for victims of domestic violence.



Land and Housing Attorney – Seehaam Samaai

***Amardien and 12 Others v Registrar of Deeds and 4 Others (Case CCT 212/17)***

The WLC intervened as an amicus curiae in this Constitutional Court case involving the Cape Town Community Housing Company (‘CTCHC’). The 12 Applicants, of which eight are women, were all beneficiaries and purchasers of homes under a state-subsidised housing project administered via the CTCHC, which was set up to provide access to housing to disadvantaged persons in South Africa, and to give effect to the right to housing in South Africa. The Applicants thus applied, qualified for, and received housing in terms of the scheme established by CTCHC, and for which it was a requirement that they pay a certain instalment amount each month.

Unfortunately, due to deficiencies with the homes they occupied, and other financial constraints, they lagged behind with the instalments to the CTCHC. Instead of entering into a process of meaningful engagement that would recognise and accommodate the vulnerable positions of the Applicants, CTCHC opted to cancel the instalment sale agreements, failed to disclose to the Applicants the amounts owing in terms of the instalment sale agreements, and sell the Applicants’ homes to the S&N Trust. Additionally, CTCHC chose not to have the homes remain within its social housing scheme. The purported cancellation and failure to provide an amount in the notices issued to the Applicants of their outstanding debts became the subject matter of the application to the Western Cape High Court, and ultimately the Constitutional Court.

The outcome of the initial application at the High Court was a negative one, which found no fault with the deficient notices issued by CTCHC, the cancellation of the agreements, or the immediate sale of the homes to the Trust. Even more, the High Court found that each Applicant, who had struggled to maintain their respective payments, were responsible for paying their share of the costs of the application. The appeal of the High Court judgment was brought by the Legal Resources Centre (‘LRC’), which first launched the initial challenge in the High Court in 2016.

<sup>1</sup> Statistics South Africa Report 2011

Aware of the highly technical approach adopted in the judgment of the High Court (per Judge Binns-Ward), and consequently its prejudicial consequences for families and particularly women in need of social housing, the WLC entered the matter as amicus curiae in the Constitutional Court. We argued that the best interpretive approach for the Court to take in these proceedings was a gendered and feminist one. In South Africa, and in the application itself, the face of beneficiaries of social housing is a predominantly female one. Our arguments aimed to assist the Court in adopting an interpretive approach that would be mindful of the role of social housing in South Africa, in light of the right to housing in section 26 of the Constitution, and that often it is women and women-headed households who benefit from social housing at reduced rates and are impacted by decisions made in terms thereof. We believed it was necessary to place before the Court an interpretation that would best protect the rights of women who access social housing, especially where they do not qualify for private financing or free social housing schemes.

The decision sets aside and replaced the order of the High Court which upheld the cancellation of instalment sale agreements between CTCHC and the Applicants, and the sale of their homes. Had the matter not come before the Constitutional Court, the High Court decision would have opened the Applicants, along with their families, up to eviction and the loss of their homes.

***Legal Representation to Women Farmworkers***

Women on farms situated in both rural as well as urban centres struggle with food security as well as tenure security, and often find themselves bonded to paternalistic policies which bind their tenure rights to that of the head of their households (“men”). Our Courts have stepped in to provide some redress to women in respect of tenure security in their own right, but the Courts are far removed from women’s lived realities. Rural women’s tenure security requires that they have practical and legal capacity to protect their interest in the land they occupy and work. While there are legislative provisions to guard against unlawful evictions in the form of the Extension of Security of Tenure Act in respect of farmland, these statutes have assisted in facilitating evictions lawfully rather than stopping or protection women’s tenure security.

## HIGHLIGHTS OF 2018/2019:

In the recent Claassen Family matter we have seen how a family who have been living on a farm for over 50 years was facing eviction after the 80-year old father died. His wife and 81-year old grandmother was served with a 12 months' notice to vacate along with her granddaughter and great grandchild. Our client Mrs. Claassen died shortly after receiving the notice. Her granddaughter and greatgrandchild who were born on the farm was served with notices to vacate as they were deemed unlawful occupiers within the weeks following her death. The eviction proceedings were withdrawn after WLC became involved and confirmed that our clients were occupiers under ESTA, and that the house which they occupied was eligible for protection under the Heritage Resources Act. Sadly, the Stellenbosch Municipality and Heritage Western Cape agreed to the demolition of the farmworker houses situated on the farm without any consultation with the occupiers or assessing their rights. The women have once again been served with eviction notices which WLC will be defending. The property has 3 more families (all headed by women) who are also facing eviction.

### Advocacy:

#### Submissions by the Women's Legal Centre to the Joint Constitutional Review Committee on the Review on Section 25 of the Constitution

The National Assembly and the National Provincial Council of Provinces issued a mandate for The Joint Committee to review section 25 of the Constitution, also known as the property clause, and called for public comment on amending section 25 to allow the State to expropriate land without compensation. The Women's Legal Centre submitted comments to the Constitutional Review Committee to address the discrimination currently experienced by women within the framework of the property clause. Our submissions contained some of the following arguments:

Currently, the State is not doing its constitutional duty to implement land reform as provided for in terms of section 25, and with even less regard to groups of poor, indigent women who continue to experience marginalisation in their rights to property. We therefore conclude that section 25 does not require amendment, but rather proper implementation.

Section 25 sets out a clear process of determining and recognising rights in property, and acknowledges the State's obligation to address past discriminations through the process of land reform, which includes expropriation. In terms of section 25, the process of expropriation requires that compensation must be "just and equitable". However, land reform processes undertaken in terms of enacted legislation, and under the section 25 framework, focus on land transactions based on the willing-buyer-willing-seller principle, and the sale of land at market price as the center of the redistribution agenda. The State has ignored its positive duty to achieve land reform, which includes the use of expropriation, and redressing the discriminatory practices of land acquisition during apartheid.

Our submission therefore was that section 25 requires that the State implement land reform, and implement expropriation as a mechanism thereof. Women on farms struggle with food and tenure security, and the paternalistic policies that bind their tenure rights to the heads of households, i.e. men. Similarly, women in urban environments are equally vulnerable to evictions and increasing property prices. Thus, practical and inclusive considerations of the rights of women must inform legislative and policy development in order to effectively and holistically address the intersecting manners in which women engage with, and use land.

Women require access to land, housing, and property that may fall outside of commercial or market-based farming activities, and these conditions should be reflected and implemented in the State's processes of expropriation.

The following were suggestions based on the Centre's engagement with women on the issue of land, housing, and property:

- A clear housing rights framework for women living on farms that have their tenure security dependent either on their own ability to provide labour or as a beneficiary to the "head of a household";
- A process of transfer of ownership in respect of property that is occupied often by generations within a family of farm workers;

## LAND AND TENURE RIGHTS

- A clear social labour policy that includes access to social services and health care for women working and living on farms in rural and peri-urban areas;
- A policy shift which focuses on violence experienced by women living in rural areas and farms who do not have health care and psycho-social support, and the adoption of reporting systems, possible resettlement and emergency housing provision;
- A review of The Extension of Security Tenure Act in order to provide real protection to women and elderly women in particular, who bear the brunt of evictions on farms without any means to acquire any other form of accommodation once eviction has been ordered;
- Policy shifts that emphasise adequate compensation, access to land for sustenance farming purposes and accommodation which over the long term is secure;
- Policy that prioritises the transfer and registration of land ownership in respect of those land claims not yet finalised, in respect of those who have been engaged in rent to buy lease agreements with local governments over generations, as many of the women who own these properties face eviction;
- The transfer and registration of property into the names of people who entered into rent to buy agreements with local government where they have been paying; and
- Social housing inclusion in private developments so that private development businesses can play their relevant role in promoting the human rights of vulnerable persons such as women.

For women to enjoy and benefit from formal equality to land already granted in section 25, the State must implement the Constitution's principles to give full effect to rights enjoyment with regards to land and property.



At the Constitutional Court for the Amardien Case

### Looking forward:

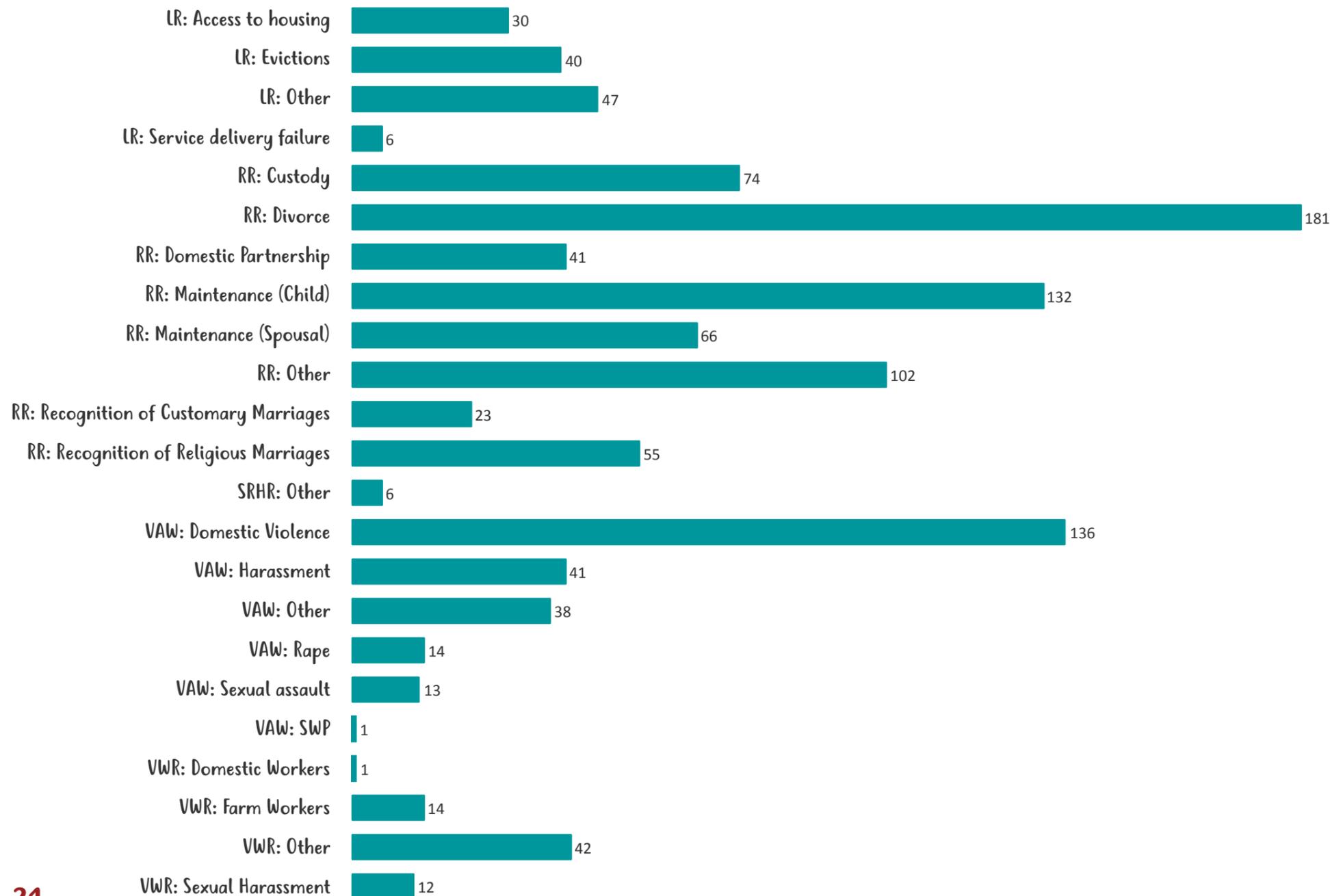
The right to land, housing, and property remains elusive for many women. Our goal is to ensure that women have an independent right to access land, housing, and property in a just and equitable manner – both on farms, in rural areas, and urban areas. Land and housing rights remain key socio-economic rights that impact directly on women's financial opportunities, food security, poverty, and family life. Through strategic litigation WLC aims to ensure that the law is more sensitive to women's lived experiences and the impact of laws and policies on women relating to tenure arrangements, evictions, discriminatory land practices and unlawful land dispossessions. The programme will continue its work in improving women's social and economic status by empowering women most in need, so that they may alter the existing patriarchal institutional arrangements related to their tenure security and access to land within their homes, community, and society. Through our legal advocacy, the programme will continue to challenge existing legal assumptions, which disadvantages and discriminates against women in accessing land.

# LEGAL ADVICE UNIT

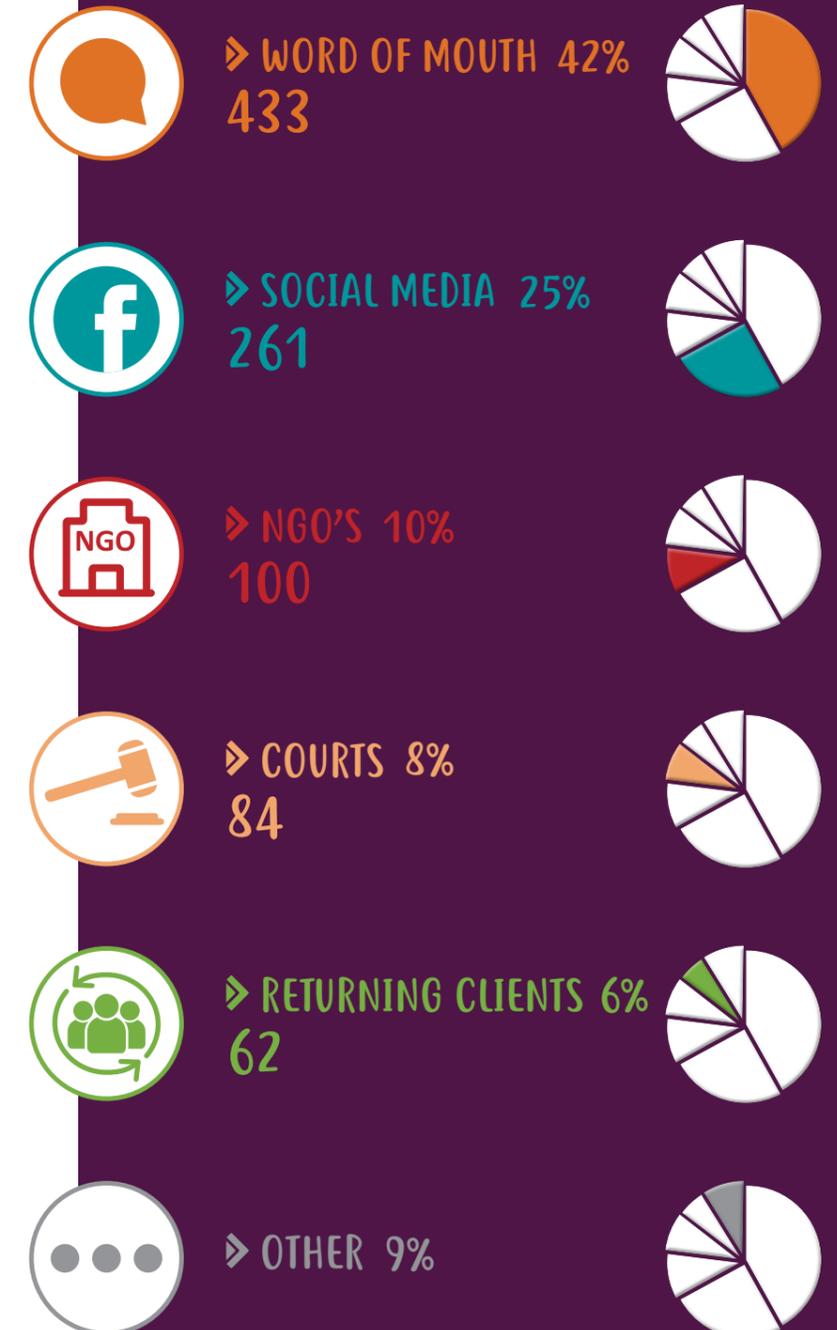
The Legal Advice Unit at the WLC plays a very important role in our work. We provide free legal advice to women in need. Consultations are available to women on a regular basis during the week by our legal advisors. Through the legal advice unit we identify cases to strategically litigate which set precedents and have a broader impact for a number of women. The legal advice unit therefore allows us to identify trends which informs the development of our strategic litigation.

Our legal advisors are trained to provide a broad spectrum of legal advice. They also work together with the attorneys to provide the best advice available. If we are unable to directly assist or represent women, we refer them to other specialised legal centres who are able to take their matters further. Direct services to women, enable us to understand issues that affect women from all socio-economic backgrounds regarding the law, and the administrative and procedural implementation thereof. It is through our consultations that we pick up on recurring themes which inform the cases we take on, and also give us an idea of what the most pressing issues are which women are facing.

## NATURE OF QUERIES IN 2018



## IN 2018 CONSULTS WERE REFERRED THROUGH:



## COMMUNICATIONS AND MEDIA

There is little doubt that media plays a crucial role in advancing our work in taking the African feminist litigation agenda forward. In the increasingly digital world we are living in, learning, sharing and, communicating is increasingly happening online. The media has become a pivotal tool in spreading awareness, educating women about their rights, and advocating for change. In a world where women's voices are often silenced, negative and patriarchal narratives about women experiencing injustices are often pushed forward and defined by those other than the women who themselves have experienced those injustices. The media is thus a tool to challenge and keep patriarchal norms and notions in check due to the influential power media holds. Our aim with media is to push a feminist narrative which empowers women, breaks down archaic patriarchal norms, allows women to have their own voices, for us to share their voices, and to push narratives which are empowering. We remain a first point of call for many on issues of women's rights.

In 2016, the WLC carried out a review of our digital platforms and realised that it is a critical area in which people engage with us. Following the review, we revived our digital platforms by increasing our online presence, formulating a comprehensive communications strategy and action plan, upgrading our website, and implementing an electronic newsletter.

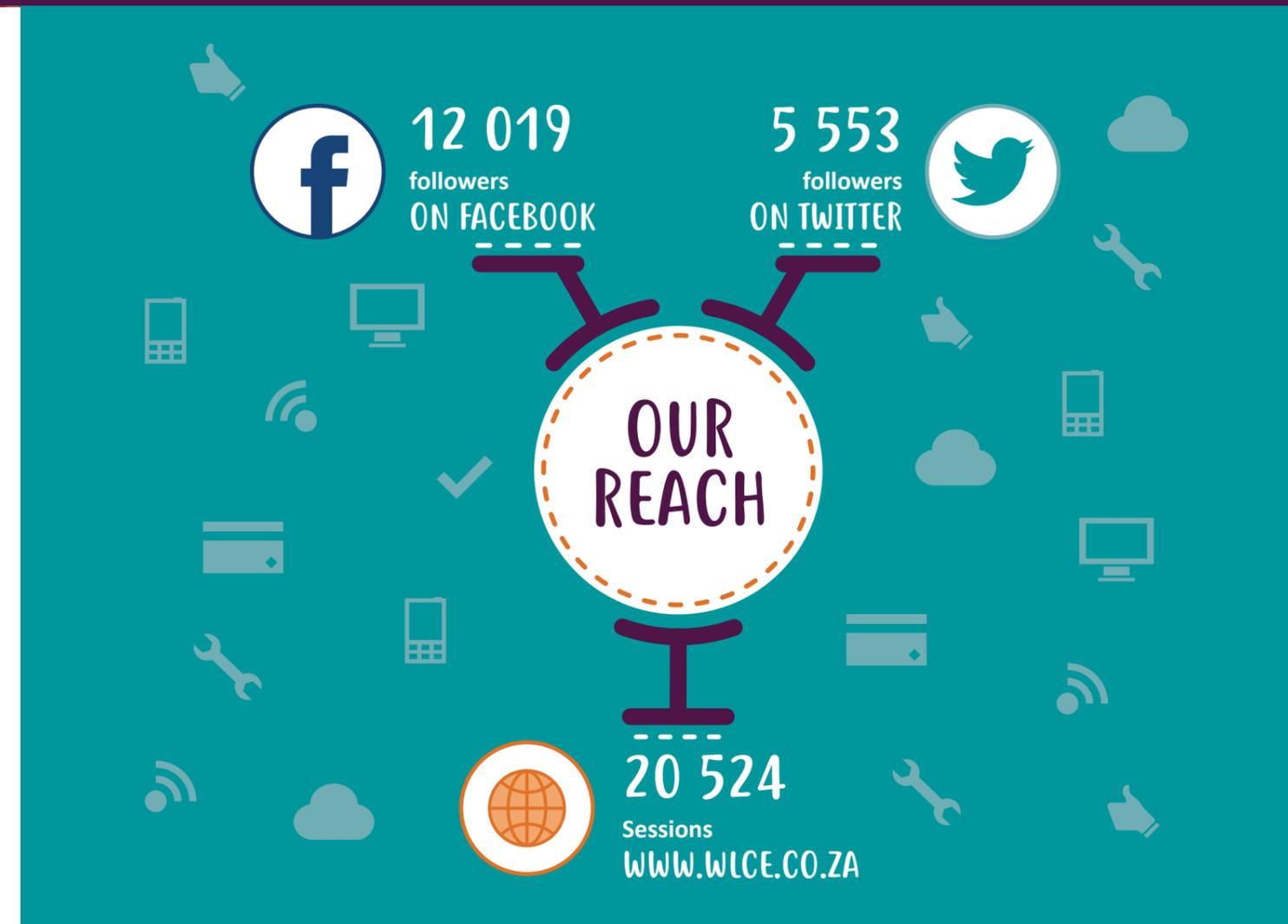
The revival of our communications is evident through the increase in followings on our digital platforms. At the end of 2017, our followers on Facebook had gone up to 10 000, while our Twitter following sat at 4 493. In 2019, we have kept this momentum going. Our Facebook following currently sits at just over 12 000, while our Twitter following sits at over 5 500.

As a result of the increase in our online presence, more women have approached us for assistance having been informed of our services through social media. In 2018, 25% of women we saw had been directed to consults or heard of the Women's Legal Centre through social media. This was an indication of the importance of social media to the work of the WLC.

In 2019, we appointed a Media and Communications consultant who now handles the management of our social media, general media and communication queries, website maintenance, and branding for the Women's Legal Centre. We have published a number of opinion pieces in different online and print news platforms, covering sexual harassment, sex work, unpaid care work, and more. We have done a number of radio and TV interviews on issues centred around our programs. We aim to remain a strong and defining voice for women's rights in the public arena.



## DIGITAL PLATFORMS



### SOME REVIEWS FROM THE FACEBOOK PAGE:

*"I will always be grateful for your assistance and guidance to the WEP - Widows Empowerment Program. Your legal guidance to these vulnerable ladies during our workshops have added more value to their knowledge empowerment. Thank you."*

*"Dedicated staff working tirelessly to assist women in realising the protection of the law for the vulnerable."*

*"The Women's Legal Centre is one of the few, that offer expertise, legal activism to women who are often with no support at all. They do their work in a way that balances women's agency, dignity & contribute to development of our jurisprudence."*

*"The women's legal centre is the bastion of women's rights litigation and advocacy. Well done. Aluta continua."*

# EDUCATION AND TRAINING HIGHLIGHTS OVER THE LAST TWO YEARS:

Our workshops and training play an important part of the work done at the Women’s Legal Centre. The aim of our rights-based workshops and training is to give women information that empowers them in terms of understanding their rights and legal processes, among other things. In the spirit of active citizenship, we aim to give women the opportunity to strengthen and use their own voices, as opposed to being the voice for them. Another aim of our workshops and training is to improve women’s access to justice by educating them about the relevant legal avenues to follow when their rights are infringed on, as many vulnerable groups of women that we work with don’t have access to rights-based education and training. It is not always easy for women to access legal services and by doing such training, women are better able to practise their own agency and use their voices when their rights are infringed upon. The workshops also allow us to shape and change important narratives when it comes to issues of women’s rights. One such broader narrative is that of improving and promoting government/state accountability by allowing more women to hold the state personally accountable.

## TRAINING PARTNERSHIP WITH SCALIBRINI – MIGRANTS, REFUGEES AND ASYLUM SEEKERS.

As part of our Vulnerable Workers & Violence Against Women empowerment programs, the WLC entered into a training programme partnership with the Scalabrini Centre, an NGO dedicated to the integration of migrants, refugees and, South Africans into local society. Workshops were conducted every 6 months on specifically identified legal topics which impacts on refugees, asylum seekers and, migrant women. This is an oft forgotten group of vulnerable women in society and the training aimed to empower them with regards to the legal challenges they face. As identified by the women, many legal issues arise around family law and thus we centred the workshops around these issues.

The Women’s Legal Centre conducted the workshops at the Scalabrini Centre in Cape Town. Some examples of the topics of discussion were evictions, domestic violence/obtaining a protection order, and divorce/the process of applying for a maintenance order for you and/or your minor child. In total, approximately 30 women attended the workshops and a number of women sought private consultations with our legal advisors after the presentations were complete.



Scalibrini workshop



Feminist Collective retreat



Eskom presentation on sexual harassment in the workplace

## SEXUAL HARASSMENT IN THE WORKPLACE

2018 saw an eruption of women speaking out about sexual harassment in the public interest sector. As a result of the WLC representing women in sexual harassment cases such as that of Equal Education, the WLC was approached by many organisations for advice on setting up or amending their policies dealing with sexual harassment, and advice on how women could empower themselves in the workplace. We used these opportunities to begin changing the narrative around sexual harassment to one where women are given a voice, breaking down discriminatory stereotypes and ideas surrounding sexual harassment and understanding it in relation to gender and power dynamics. We also used these spaces to promote a victim-centred approach to dealing with sexual harassment in the workplace, which is an approach that protects the victim throughout the process of reporting to investigation, to the disciplinary hearing and its outcome.

WLC Director Seehaam Samaai presented a speech at the National Association of Democratic Lawyers (NADEL) National Young Lawyers Summit on the topic of Sexual Harassment in the Legal Profession, giving insight into both structural and practical dynamics present within the legal sector.

In terms of practical training, the WLC did a formal presentation with Eskom on “Workplace Sexual Harassment” as part of the Eskom Women Advancement Programme. WLC was able to provide some insight into what the law says in relation to sexual harassment in the workplace, and to provide some examples of cases that WLC has dealt with in relation to the issue.

We did a workshop with the Social Justice Coalition for their women staff on how the laws related to sexual harassment can be used practically, and how they as employees are protected by the law. We did a similar talk and presentation with Sisters in Film and Television (SWIFT) on sexual harassment in the film industry and the remedies available to people who experience sexual harassment.

At a time where sexual harassment victims are beginning to speak out more often about the prevalence of this injustice, these were important spaces for us to change and define the narrative around sexual harassment, which we will continue to do in future.

### *The Feminist Collective*

The WLC in partnership with Action Aid and Foundation for Human Rights supported an engagement with 60 women who self-identified as feminists from different organisations in civil society. The women gathered in Johannesburg in their individual and organisational capacities, to strategise around solutions to creating safe NGO spaces that are free from sexual harassment. This intervention was done, whilst fully recognising NGO spaces as operating within an inherently sexist and patriarchal system and society with unequal power dynamics. In the NGO environment, these power dynamics are mostly evidenced across the axis of resources, race, gender, and sexual orientation and gender identity.

As part of the Feminist Collective, we saw a discussion around sexual harassment that is prevalent in these spaces as a way to reflect on the status of women within the NGO sector. It brought together feminist thinkers across the sector to develop a clear practical strategy and plan for addressing discrimination and sexual harassment in the NGO sector. This was also a way to collectively conceptualise what a feminist response to sexual harassment would look like. It recognised the need to create victim-centred processes which seek to address sexual harassment and accountability for perpetrators and organisations, including donor organisations.

# EDUCATION AND TRAINING HIGHLIGHTS OVER THE LAST TWO YEARS:

## VIOLENCE AGAINST WOMEN

### *Domestic Violence Community Workshops:*

Domestic Violence is and has been a core area of our work since the beginning of the Centre. In the last two years we found that more youth were interested in knowing their rights around domestic violence, as we were approached by two youth groups to do community based domestic violence workshops.

The first was held in August 2018 with the South African Academy for Young Leaders Youth in Salt River, where our legal advisors presented on how to deal with domestic violence from drug users. The second was with the Youth Empowerment Action group in Groendal, Franschhoek, as part of the 16 Days of Activism in November. In both workshops, we extended the conversation to include not only domestic violence, but bullying and harassment in school as well. The workshops were well received by both groups.

Another vulnerable group of women that we focused on is women living with mental health challenges who are victims of domestic violence. These women deal with multiple layered issues as their mental health can be negatively affected by domestic violence. We conducted three workshops with patients at Stikland Hospital Clinical Psychology Unit, which covered aspects such as how to obtain protection orders when experiencing domestic violence, and the steps to follow in getting there. By educating this group of women about their rights and processes to follow when experiencing domestic violence, we can help to minimise the re-occurrence of domestic violence.



FAMSA women's day event



## RELATIONSHIP RIGHTS

### *Family and Marriage Society of South Africa (FAMSA) Women's Day Event:*

FAMSA invited the WLC to speak at an event in Khayelitsha on Women's Day. Our legal advisors spoke to women about their rights in a relationships and marriages - the women were especially interested in their rights when getting a divorce and how to protect themselves, their rights in terms of maintenance of their children, and domestic violence. These women do not have easy access to this type of information in a manner and language that they understand and can use practically, and thus found the workshop very informative.

## VULNERABLE WORKERS

### *Free State Women's Rights Workshop for Sex Workers:*

On 7 March 2018, WLC hosted a workshop in the Free State for sex workers. The topics covered during the workshop were put forward by the sex workers themselves as issues that they wished to discuss. The topics included client abuse and decriminalisation; police harassment; rape and police reporting; safety of sex workers and the need to collectively organise; drug use and its implications on sex workers; domestic violence and how to break the violence chain in their homes; and how to apply for a protection order.

In addition, a demonstration was given on how to use female condoms as a means of protection and ensuring that this key population group in respect of HIV/AIDS is equipped to work in safety.

We welcomed the opportunity to engage with sex workers during a month that celebrates both International Women's Day (8 March) as well as International Sex Workers' Rights Day (3 March).



Sex Workers Workshop



FAMSA women's day event

# CONFERENCES, FESTIVALS AND GATHERINGS

## HUMAN RIGHTS FESTIVAL: 23 - 25 MARCH 2018

From 23-25 March 2018, WLC participated in the first Human Rights Festival at Constitutional Hill, which is the home of the Constitutional Court of South Africa. The Festival has become an annual event organised to commemorate Human Rights Day. WLC, along with other civil society organisations, were there to discuss and celebrate social justice and human rights, and upholding the principles of the Constitution. WLC had a table where people could come and speak to us about our work and engage on issues of women's rights.

## ABORTION AND REPRODUCTIVE JUSTICE: THE UNFINISHED REVOLUTION III IN GRAHAMSTOWN (INTERNATIONAL ABORTION CONFERENCE) 8-12 JULY 2018, GRAHAMSTOWN

The International Abortion Conference was attended by 285 delegates from 26 countries around the world. It builds on the two previous conferences that were held in Canada in August 2014 and in Northern Ireland in July 2016. Important discussions and engagement on issues of abortion and women's rights took place. The themes of the conference included health systems, histories of abortion and abortion politics; eEducation, interventions and treatment; social contexts and communications; activism and advocacy, and more. WLC Director Seehaam Samaai participated in sat on the panel "Demystifying Abortion as A Way to Realise Women's Rights", focusing on, amongst other things, the right to freedom of choice for women in relation to abortions.

## #TOTALSHUTDOWN: INTERSECTIONAL WOMEN'S MARCH AGAINST GBV AND NATIONAL SUMMIT AGAINST GENDER-BASED VIOLENCE AND FEMICIDE: NOVEMBER 2018

The #TotalShutdown movement is a movement of women from all sectors of society, but especially from community level, who joined together with the aim of shutting down the country on 1 August (Women's Month) with co-ordinated marches, pickets and work stay-aways. The shutdown was in protest against the ongoing scourge of violence against women and the lack of response from the State in relation thereto. The Women's Legal Centre supported this movement by mobilising women and participating in the march to parliament in Cape Town. The movement had a list of demands for government which included a demand for action by government to enable the implementation of a national response to gender based violence. One of the demands was for a summit on gender-based violence to take place.

As a result, on the 1st and 2nd of November 2018, South Africa held a Presidential Summit Against Gender-Based Violence and Femicide. The Summit was attended by survivors of GBV, government, and civil society representatives including the WLC. Survivors of GBV had an opportunity to present their stories to the President. 24 demands were presented to the President. One of the demands was that an Interim GBV and Femicide Steering Committee be established to take forward the resolutions arising from the Summit. WLC has remained a part of this process, with our director Seehaam Samaai attending consultative workshops with the IGBV Steering Committee in 2019.

## PUBLIC INTEREST LAW GATHERING (PILG)

PILG is an annual event which 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 gathering is a collaborative knowledge-sharing exercise, as well as an opportunity to promote networking in the public interest community.

WLC was a part of organising PILG in 2018. We also participated in 4 formal sessions at the gathering. The first was "Demystifying abortion – Reclaiming women's rights to their bodies". This panel was on information about abortion that is not widely shared with women in South Africa, as well as the gaps in public knowledge about abortion which hinder women's ability to exercise their bodily autonomy and self-determination underpinned by the Choice on Termination of Pregnancy Act. WLC argued that the implementation of safe and legal abortions is simple and possible.

The second was "The State v Her: The use of women's bodies as a sacrifice", a panel aimed at finding solutions to protecting the rights of women, specifically in relation to the criminal justice system. It focused on litigation and advocacy strategies which the sector could adopt.

The third was a workshop titled "Witnessing legacies: Feminism, sexism and public interest lawyering". The Women's Legal Centre and the Women and Democracy Initiative (Dullah Omar Institute) hosted a feminist conversation with various women from the public interest legal sector. The purpose of the WLC/ WDI workshop was to create a feminist conversation among public interest lawyers and social justice sector colleagues, on the intersections of power, racism, patriarchy, sexism and sexual violence that manifests in the sector. The purpose of the conversation was to increase reflections broadly on what the issues are, to consider what's needed in the sector to shift negative power dynamics, and to generate ideas for support to women seeking to disrupt the status quo.

The fourth was a panel on "Accessing sexual reproductive rights in South Africa", where issues with the effective implementation of sexual and reproductive health rights in South Africa were discussed. It was facilitated by WLC attorney Nasreen Solomons.

It is important to remain involved in initiatives such as PILG to expose the work being done in the sector, network with others in civil society, and find ways to collaborate in working towards broader objectives.



Total Shutdown March

## INTERNATIONAL ADVOCACY HIGHLIGHTS

### ***The Women's Legal Centre Attends the 63rd Annual Commission on the Status of Women (CSW) in New York:***

CSW is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women at the United Nations.

During the Commission's annual two-week session, representatives of UN Member States, civil society organisations and UN entities gather at UN headquarters in New York to discuss progress and gaps in the implementation of global and local policies on gender equality, as well as emerging issues that affect gender equality and the empowerment of women. Member States also agree on further actions to accelerate progress.

The theme for this year was "Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls". This speaks to the work that the Women's Legal Centre has been involved in. The session provided an opportunity to make visible the work that we have been doing nationally, and to hold our government accountable.

WLC Director Seehaam Samaai and Attorney Charlene May, who are proudly representing WLC at CSW, hosted a side event at the CSW NGO Forum, which takes place in parallel to the formal CSW sessions. The side event was titled: Social Protection: Recognition, Reduction, and Redistribution of Unpaid Care Work. They were further engaged in many other fruitful discussions, including with South Africa's very own Phumzile Mlambo Ngcuka who serves as Executive Director of UN Women.



## INTERNATIONAL VISITORS

### **VISIT FROM LEGAL AND HUMAN RIGHTS CENTRE, TANZANIA:**

On 13 March 2018 we were visited by two delegates from the Legal and Human Rights Centre (LHRC) based in Tanzania. The LHRC does important work in terms of protecting vulnerable people's human rights in Tanzania. Ms Mauya and Ms Sillayo visited WLC for the purpose of learning more about our organisation and the ways in which we run a successful non-profit legal centre, with the hopes of exchanging information for the betterment of our organisations. It is important for WLC to build and strengthen relationships and voices of women on the continent.

### **VISIT FROM DELEGATES FROM THE USA EMBASSY:**

On 14 March 2018 we were visited by two delegates from the USA Embassy, situated in Pretoria. The Embassy's Deputy Political Chief visited WLC in order to hear more about the Centre and the work that we do to further women's rights in South Africa.

### **VISIT FROM EASTERN WASHINGTON UNIVERSITY:**

On 26 March 2018, twenty students from Eastern Washington University, who were in Cape Town for a 10-day intensive programme focused on Sociology and comparative Criminal Justice, visited WLC. The students were able to hear a bit about the cases that WLC is currently litigating, and planning to litigate. We were also able to discuss some of the similarities and differences in issues being faced by South African women and women in the US context.

### **VISIT FROM THE DIRECTOR OF LAWYERS FOR JUSTICE IN LIBYA:**

We hosted an afternoon talk with Ms Saudi (the Director of Lawyers for Justice in Libya) and were able to shed light on some of the challenges that human rights lawyers and activists in Libya face, particularly in their fight for equality for women, children and migrants/refugees. Ms Saudi emphasised the need for a Pan-African collaboration between different organisations. The talk highlighted the need for women to work collectively to find solutions and be included in discussions on peacekeeping and security in conflict situations.

## COALITIONS AND PARTNERSHIPS



The WLC established Asijiki along with SWEAT, Sisonke and Sonke Gender Justice because of the important work being done regarding the decriminalisation of sex work. Asijiki's main objective is to work together with other organisations, with the aim of obtaining law reform for the full decriminalisation of sex work in South Africa through advocacy and litigation.

Asijiki Coalition for the Decriminalisation of Sex Work ("Asijiki") is a group of sex workers, activists, advocates and human rights defenders who advocate for law reform for the decriminalisation of sex work in South Africa. Becoming a supporter is open to organisations and individuals and targeted at members of civil society from all sectors including gender, women's rights, human rights, legal and public health. – Asijiki, 2019



The WLC's work on Violence Against Women and the decriminalisation of sex work aligns with the objectives of Shukumisa, in working against sexual violence in society.

Shukumisa is a coalition of over 60 organisations across South Africa working against sexual violence. It is made up of NGOs, community-based organisations, research institutions and legal services. All its members work with adults, children, people with disabilities, sex workers and the lesbian, gay, bisexual, and transgender and intersex community and other key populations. The mission of Shukumisa is to ensure that South Africa takes the problem of sexual violence seriously, as evidenced by well crafted, well implemented legislation derived from broad-based public participation processes. – Shukumisa, 2019



The SRJC is a coalition of organisations and individuals who use advocacy, research, service delivery, education, policy analysis and activism to advance gender, sexual and reproductive justice, health, rights and care. The WLC's work on of sexual and reproductive health rights thus ties directly into the objectives of the SRJC.

The vision of the SRJC is "a future of sexual and reproductive justice informed by an intersectional perspective in which all people, irrespective of class, race, gender, sexual orientation, gender expression, disability, age, religion or any other factor can enjoy their sexuality, make reproductive decisions and access high quality services in ways that enhance their dignity, bodily integrity and well-being." – SRJC, 2019

## INTERNSHIPS PROGRAMME

As part of the Women's Legal Centre's goal to empower women, the centre offers an internship programme. Interns are given valuable opportunities to partake in workshops, conduct research, draft legal documents and attend court. Interns are also an important part of the work we do, as they contribute to assisting with research, cases, advocacy and media, which enhances our work.

*These are the list of interns which were with us in 2018/19.*

### INTERNS 2018/2019

- ▶ Hannah Odeyemi (2019)
- ▶ Saamiya Alli (2019)
- ▶ Gail Adams (2019)
- ▶ Ruby Peacock (2019)
- ▶ Nikita Damons (2018)
- ▶ Emily Gammon (2018)
- ▶ Karabo Mafologela (2018)
- ▶ Salomé Ochmanek (2018)
- ▶ Marianne Holbrooik (2018)
- ▶ Zukiswa Qwabe (2018)
- ▶ Lauren Joseph (2018)
- ▶ Divashnee Naidoo (2018)
- ▶ Carolin Fretschner (2018)
- ▶ Takiyah Johnson (2018)
- ▶ Swathi Ramprasad (2018)
- ▶ Anna Chulack (2018)
- ▶ Jessica Wakelam (2018)
- ▶ Camilla Genovese (2018)
- ▶ Jesslin Wooliver (2018)



# THE TEAM

## DIRECTORS

**Seehaam Samaai**  
Director (Started in June 2016)

## CURRENT LEGAL STAFF

**Bronwyn Pithey**  
Advocate (Violence Against Women)  
(Started September 2016)

**Charlene May**  
Attorney (Relationship Rights and Vulnerable Workers)  
(Started September 2017)

**Nasreen Solomons**  
Attorney (Sexual and Reproductive Health Rights)  
(Started January 2019)

**Chriscy Blouws**  
Attorney  
(Started September 2018)

**Harsha Gihwala**  
Candidate Attorney  
(Started May 2017)

**Busiwe Nkoloza**  
Paralegal  
(Started in 2015)

**Sheila Matroos**  
Paralegal  
(Started January 2016)

## CURRENT SUPPORT STAFF

**Aretha Louw**  
Litigation Secretary  
(Started in 2008)

**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)

## CONSULTANTS

**Aisha Hamdulay**  
Media and Communications Consultant  
Started March 2019

**Rivimbo**  
Sex work consultant





## BOARD

Nozizwe Vundla (Chairperson 2019+)

Nasreen Rajab-Budlender (Chairperson 2016 -2018)

Kholeka Zama

Nicole Fritz

Penny Parenzee

## FUNDERS AND DONORS

Ford Foundation

Heinrich Böll Stiftung

Open Society Foundation

Wallace Foundation

Raith Foundation

Legal Aid South Africa

Foundation for Human Rights

Comic Relief

Sigrid Rausing Trust

## DONATIONS | PROCEEDS | SPONSORSHIPS

Beating Heart

The Cape Town Candidate Attorney's Association

Nasty Women Talk Back Publication – proceeds donated

Juta

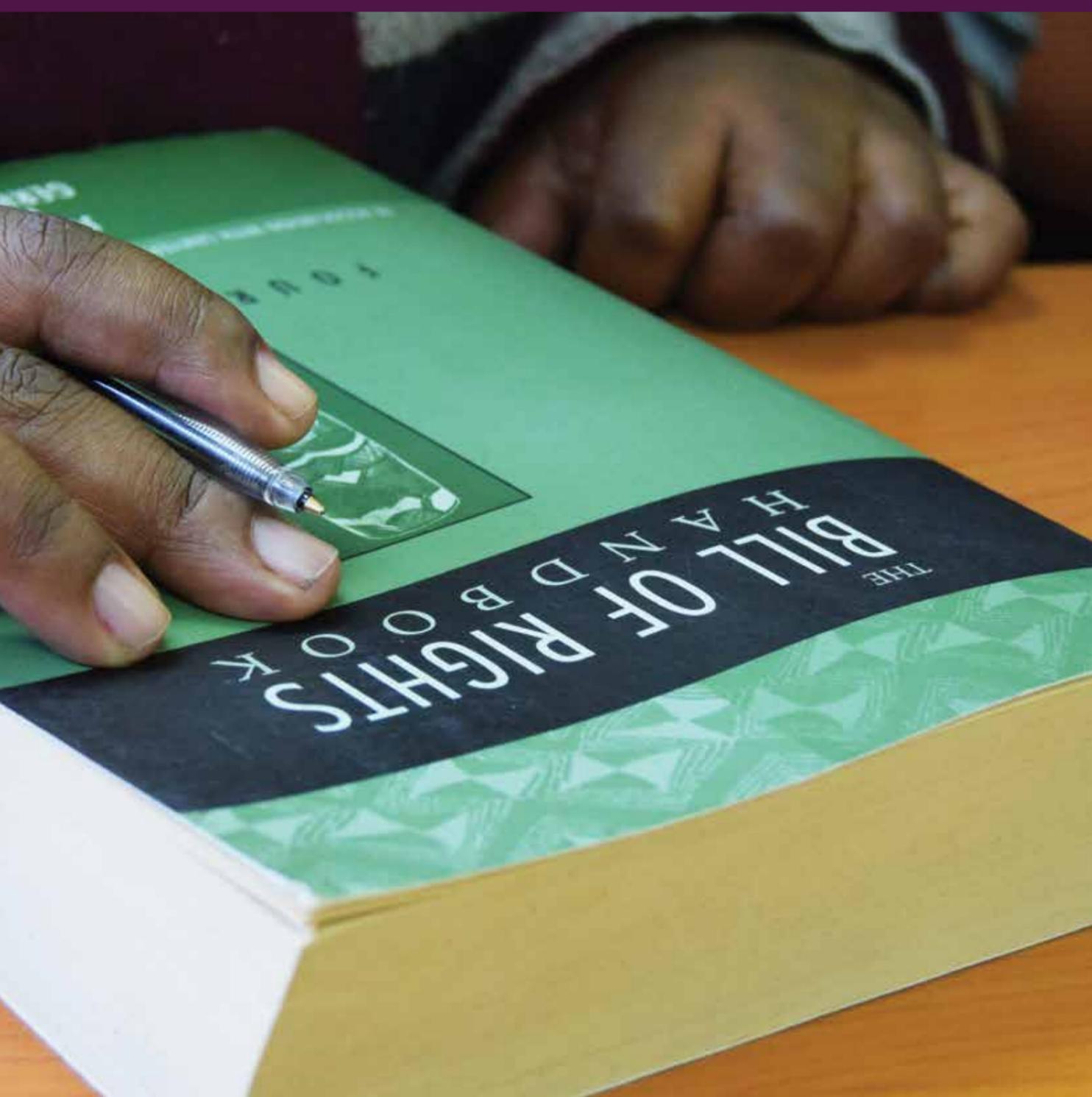
Nashua CT

The Pension Lawyers Association

Back – a – Buddy campaign

Other individual donations

*The WLC extends a thank you to all individual and group donors for the last one and a half years. Your contributions have made our work possible.*



**ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2018**  
Registration Number: IT 3486/98)

Women's Legal Centre Trust  
(Registration Number IT 3486/98)  
Annual Financial Statements for the year ended 31 December, 2018  
Index

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Statement of Trustees' Responsibility and Approval	1
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Trustees' Report	4
Statement of Financial Position	5
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Statement Cash Flow	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 1 - Analysis of Funds by Funder	10
<b>General Information</b>	
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 Incorporated
Trust registration number	IT 3486/98
NPO registration number	032-685NPO
PBO and Section 18A	930 007 242

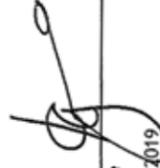
Statement of Trustees' Responsibility and Approval

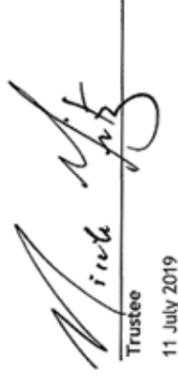
The trustees are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The trustees are responsible for the fair presentation of the financial statements.

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 4-9 were approved by the trustees and are signed on their behalf by:

  
\_\_\_\_\_  
Trustee  
11 July 2019

  
\_\_\_\_\_  
Trustee  
11 July 2019

**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 2018, 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 9.

In our opinion, the financial statements have been prepared, in all material respects, in accordance with the basis of accounting described in note 1 of the financial statements for the year ended 31 December 2018 and in the manner required by the Trust Deed.

**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 the basis of accounting described in note 1 and the manner required by 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 trustees 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:  
July 2019

**Women's Legal Centre Trust  
(Registration Number IT 3486/98)  
Annual Financial Statements for the year ended 31 December 2018**

**Trustees' Report**

The trustees have pleasure in submitting the annual financial statements of the Trust for the year ended 31 December 2018.

**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)- (Resigned 13 December 2017)
- M. Crystal
- N. Rajab-Budlender (Chairperson)
- P. Parenzee
- N. Fritz
- C. Zama
- N. Vundla

**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 2018

Statement of Financial Position

ASSETS	NOTES	2018 R	2017 R
Current assets			6 968 931
Deposits		7 179 624	172 704
Trade and other receivables		158 585	16 416
SARS - VAT receivable		627	120 421
Cash and cash equivalents	2	73 190	6 659 390
		6 947 222	
<b>Total assets</b>		<b>7 179 624</b>	<b>6 968 931</b>
<b>FUNDS AND LIABILITIES</b>			
Funds and reserves		6 765 505	6 227 847
Initial donation		100	100
Retained funding	3	6 765 405	6 227 747
Current liabilities		414 119	741 084
Trade and other payables		81 225	568 788
Litigation Fund - Trust Account		-	1 066
Leave provision		332 894	171 230
<b>Total funds and liabilities</b>		<b>7 179 624</b>	<b>6 968 931</b>

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Women's Legal Centre Trust  
(Registration Number IT 3486/98)  
Annual Financial Statements for the year ended 31 December 2018

Income Statement

	NOTES	2018 R	2017 R
<b>INCOME</b>		<b>8 415 817</b>	<b>9 288 707</b>
Grants and donations		8 002 980	8 748 567
Cost recoveries	5	-	39 471
Interest received		333 088	452 079
Other income		79 749	48 590
<b>EXPENDITURE</b>		<b>7 878 159</b>	<b>9 312 089</b>
Employment costs	6	4 831 189	4 920 837
Operational costs	7	1 701 720	1 879 722
Litigation costs		528 155	1 272 626
Information costs		342 703	722 190
Legal advice, advocacy and training costs		474 392	516 714
<b>NET SURPLUS / (DEFICIT)</b>		<b>537 658</b>	<b>(23 382)</b>
<b>OPENING RETAINED FUNDING</b>		<b>6 227 747</b>	<b>6 251 129</b>
<b>CLOSING RETAINED FUNDING</b>		<b>6 765 405</b>	<b>6 227 747</b>

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Women's Legal Centre Trust  
(Registration Number IT 3486/98)  
Annual Financial Statements for the year ended 31 December 2018

Statement of Cash Flows

	NOTES	2018 R	2017 R
<b>Cash flows from operating activities</b>			
Cash generated by / (used in) operations	8	(59 375)	95 809
Interest income		333 088	452 079
Net cash from operating activities		273 713	547 888
<b>Cash flows from investing activities</b>			
Net movement in deposits		14 119	(21 883)
		14 119	(21 883)
<b>Net cash movement for the year</b>		<b>287 832</b>	<b>526 005</b>
Cash and cash equivalents at the beginning of the year		6 659 390	6 133 385
<b>Total cash and cash equivalents at end of the year</b>		<b>6 947 222</b>	<b>6 659 390</b>

Women's Legal Centre Trust  
Annual Financial Statements for the year ended 31 December 2018  
(Registration Number IT 3486/98)  
Women's Legal Centre Trust

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 the 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.

2. CASH AND CASH EQUIVALENTS

	2018 R	2017 R
Current accounts	2 316 976	2 048 262
Trust bank account	-	1 567
Investment accounts - on call deposits	4 629 192	4 608 433
Petty cash	1 054	1 128
	<b>6 947 222</b>	<b>6 659 390</b>

3. RETAINED FUNDING ANALYSED BY FUNDER

	2018 R	2017 R
Foundation for Human Rights	-	(275 000)
Ford Foundation	(25 256)	-
Open Society Foundation (SA)	1 290 977	893 558
Sigrd Rausing Trust	-	1 233 039
Legal Aid Society	(11 996)	(262 109)
Wallace Foundation	485 001	(81 250)
RAITH Foundation	560 076	500 307
Comic Relief	(40 509)	-
General Funds	4 507 111	4 219 202
	<b>6 765 405</b>	<b>6 227 747</b>

Women's Legal Centre Trust  
(Registration Number IT 3486/98)  
Annual Financial Statements for the year ended 31 December 2018

Notes to the Financial Statements (Continued..)

	2018 R	2017 R
<b>5. GRANTS AND DONATIONS</b>		
Ford Foundation	1 236 435	1 351 501
Foundation for Human Rights	286 000	-
Henrich Bohl Stiftung	320 363	206 248
Open Society Foundation(SA) 03610	-	2 681 000
Open Society Foundation(SA) 03521	-	1 800 000
Open Society Foundation(SA) 03703	1 000 000	-
Open Society Foundation(SA) 03704	1 080 000	-
Open Society Foundation(SA) 03746	170 500	-
Sigrid Rausing Trust	-	1 479 648
Wallace Foundation	1 934 344	-
RAITH Foundation	1 089 000	950 000
Pension Lawyers Association	-	200 000
Comic Relief	205 035	-
Legal Aid	624 551	-
Other donations	56 752	80 170
	<u>8 002 980</u>	<u>8 748 567</u>
<b>6. EMPLOYMENT COSTS</b>		
Salaries and benefits	4 816 830	4 906 052
Supervision and recruitment	14 359	14 784
	<u>4 831 189</u>	<u>4 920 836</u>
<b>7. OPERATIONAL COSTS</b>		
Office running costs	1 304 891	1 175 244
Accounting fees	176 221	293 548
Audit fees	50 800	45 250
Bank charges	30 411	36 120
Penalties and interest	5	-
Consulting fees	14 800	35 242
Governance costs	73 149	189 914
New items purchased	39 213	53 767
Other support costs	12 230	50 637
	<u>1 701 720</u>	<u>1 879 722</u>
<b>8. CASH USED IN OPERATIONS</b>		
Surplus / (Deficit) for the year	537 658	(23 382)
<b>Adjustments for</b>		
Interest received	(333 088)	(452 079)
Other non-cash items	161 664	(6 731)
<b>Changes in working capital:</b>		
Trade and other receivables	63 020	103 081
Trade and other payables	(488 629)	474 920
	<u>(59 375)</u>	<u>95 809</u>
<b>9. TAXATION</b>		

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

10. COMPARATIVE FIGURES

The comparative figures have been reclassified where considered appropriate.

WOMEN'S LEGAL CENTRE TRUST  
ANNEXURE 1: ANALYSIS OF FUNDS BY FUNDER  
31 DECEMBER 2018

	Income	Donations and grants	Interest received	Other income	EXPENDITURE	Employment costs	Operational costs	Legislative costs	Information costs	Legal advice, advocacy & training	NET SURPLUS / (DEFICIT)	OPENING RETAINED FUNDING	CLOSING RETAINED FUNDING
INCOME	8 415 818	11 000	-	-	-	-	-	-	-	-	-	-	-
Donations and grants	8 002 980	11 000	-	-	-	-	-	-	-	-	-	-	-
Interest received	333 088	-	-	-	-	-	-	-	-	-	-	-	-
Other income	79 749	-	-	-	-	-	-	-	-	-	-	-	-
EXPENDITURE	7 878 161	11 000	-	-	-	-	-	-	-	-	-	-	-
Employment costs	4 831 189	11 000	-	-	-	-	-	-	-	-	-	-	-
Operational costs	1 701 720	-	-	-	-	-	-	-	-	-	-	-	-
Legislative costs	503 558	-	-	-	-	-	-	-	-	-	-	-	-
Information costs	342 703	-	-	-	-	-	-	-	-	-	-	-	-
Legal advice, advocacy & training	474 385	-	-	-	-	-	-	-	-	-	-	-	-
NET SURPLUS / (DEFICIT)	537 658	-	-	-	-	-	-	-	-	-	-	-	-
OPENING RETAINED FUNDING	8 227 747	-	-	-	-	-	-	-	-	-	-	-	-
CLOSING RETAINED FUNDING	8 765 405	-	-	-	-	-	-	-	-	-	-	-	-

The supplementary information presented does not form part of the financial statements and is unaudited.

# THANK YOU

## EDITORIAL BOARD

Aisha Hamdulay  
Bronwyn Pithey  
Charlene May

## CONTENT CONTRIBUTORS

Harsha Gihwala  
Aisha Hamdulay  
Chriscy Blouws  
Charlene May  
Bronwyn Pithey  
Nasreen Solomons  
Seehaam Samaai

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RM Photography and Video  
Rebecca Hearfield and Hetty Zantman  
Aisha Hamdulay

## DESIGN AND LAYOUT

Andrea Hoffman at [Evolve Unlimited \(Pty\) Ltd](#)

## PRINTING

[Print Hut](#)



## DONATE TO THE WOMEN'S LEGAL CENTRE



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

## CONTACT US

### OUR OFFICES

**Cape Town**, 7th Floor, Constitution House,  
124 Adderley Street (Cnr of Church St.)  
**021 424 5660**



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