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# Events and work with SMMEs

By Swazi Malinga

ProBono.Org generally provides legal assistance on corporate governance to young aspiring entrepreneurs, business start-ups and SMMEs by referring their requests for assistance to law firms who have volunteered their services on a pro bono basis. We assist clients with an annual turnover of less than R1million.

Because many of these business owners lack the basic knowledge of what the law requires of them when operating their businesses, we tend to spend a lot of time explaining and providing a crash course in commercial law.

In response to this we hosted an SMME seminar on 7 September at Constitution Hill together with Stevens Attorneys, which addressed The Companies Act, Insolvency Law and Commercial Contracts. The 56 participants ranged from owners of start-ups, established entities and spaza shops.

Since 2015 ProBono.Org has run an SMME help desk called YAKHA ISIZWE, based in Soweto, which is a collaboration with Fasken Attorneys and the University of Johannesburg

Centre for Entrepreneurship. The objective of this help desk is to provide the services of attorneys to a wide range of businesses, including spaza and tuckshop owners, business women, hawkers, bed and breakfast establishments and hair and beauty salons. The attorneys assist with drawing up service level agreements, lease and finance agreements, as well as advising on appropriate forms of entities to register and providing education and training on commercial law.

To create more awareness about the help desk we hosted an Entrepreneurship Fair on 27 September 2018 together with Fasken and the University of Johannesburg. A young female entrepreneur who owns an online

pre-owned clothing business was the guest speaker. A panel consisting of a labour attorney from Fasken, the SA Revenue Service, E-Squared and the CIPC provided information and advice to the participants.

Our goal for 2019 is to have a weekly clinic for SMMEs that will operate at our head office. ●



# Impact Africa 18 Summit

By Molebogeng Manyako, Johannesburg intern

Further focus on SMMEs and advancing young entrepreneurs saw ProBono.Org and the British Council collaborate on a session presented by ProBono.Org and Bowmans at the Impact Africa Summit from 20 to 22 June. The purpose of the event was to accelerate innovative solutions to Africa's most pressing challenges by inspiring, supporting and connecting leading social entrepreneurs and key ecosystem players across countries, organisations and sectors such as policy, social investment, business and education.

The first day dealt with leadership for change addressed by the likes of Pat Pillai and Jay Naidoo, to mention a few. The second day was about building a strong ecosystem and the third day addressed collaboration, which does not necessarily involve having money. One's hands, mind and time can all be used to collaborate.

The Impact Africa summit has shown that we all have a role to play in shaping our societies to be more conducive for the holistic development of women. Last but not least, who can forget Sylvia Banda, a Zambian entrepreneur and a great storyteller. She said that "I didn't need to tell anyone about my first business. I just fried the food and filled the room with a nice aroma. People came to my door asking if I've started a restaurant".●



## Public Interest Law Gathering (PILG) 4-5 Sept 2018

By Tshenolo Masha

**At this year's event, convened by the Legal Resources Centre (LRC) ProBono.Org organised a plenary session on Transformation, both in the public interest law sector and the profession as a whole.**

The panellists were Lisa Chamberlain (CALS), advocate Amelia Rawhani (Johannesburg Bar), Silomo Khumalo (Black Workers Forum), Mari van Wyk (Lexis Nexis) and Khululilwe Ntombi Bhengu (former ProBono.Org intern currently serving articles at SERI). The panel was facilitated by Tshenolo Masha of ProBono.Org.

The objectives of the session were to look back on what has been achieved and some of the challenges within the public interest law sector and also to get an understanding of how the question

of transformation is addressed by the legal profession as a whole.

The panellists covered aspects such as:

- How transformation affects the sustainability and funding of organisations
- A demographic overview of the profession in terms of race and gender (outlined in the Lexis Nexis 2016 survey)
- How the lack of real transformation hinders young black female lawyers.

The session made it clear that a huge amount of work needs to be done to gain real transformation. We will be engaging young professionals to plan how active, progressive results can be achieved.●

## Expropriation of land without compensation – Dialogue with the legal profession

By Tshenolo Masha

**In collaboration with Bowmans and Wits University, we held a dialogue on this hot topic on 23 August. The panel consisted of Prof. Elmien du Plessis (North West University), Nomzamo Zondo (SERI), Pierre Venter (Banking Association of SA), Stephen Grootes (SAFM) and Tebele Makhetha (Business Leadership SA). The dialogue was facilitated by Nompumelelo Seme from Wits.**

The dialogue was specifically aimed at the legal profession and looked into various legal aspects

of expropriation, for example, the regulation of land use and how it could be translated to the majority of the population who currently do not benefit from land in its current legal framework. It also discussed the interpretation of Section 25 of the Constitution in its reference to fair compensation.

There was lively debate and interaction from the large audience. The success of this event will be followed by a similar dialogue in Cape Town on 18 October. ●





# Child abduction – the new scourge of the nation

By Courtney Cupido, Cape Town intern

**According to a recent Eye Witness News report, there have been at least 13 reported cases of child abduction and attempted kidnappings in communities across the Western Cape since 8 August 2018.** The motives for these abductions may vary from forced child labour, financial and sexual exploitation, the use of children as drug mules to involuntary domestic servitude which is especially rife within the international context.

Over the past month there have been numerous reports of child abductions on various social media and news platforms, which has caused widespread panic, both within the Western Cape Province and beyond.

Incidents of child abduction and attempted kidnappings have taken place in shopping malls from under their parents' noses, while playing in their neighbourhoods and even when walking to and from school.

The radical increase in reported abductions resulted in many government departments issuing warnings regarding child safety. The Western Cape Education Department in particular instructed all principals to inform and educate learners around

vigilance and taking necessary safety precautions.

In addition, the South African Police Services has sought to emphasise the need for continuous responsiveness amongst communities regarding the safety of children by conducting educational sessions and rights awareness interventions.

On 15 November 2000, the United Nations General Assembly adopted the Organised Crime Convention containing the Palermo Protocol, the first international instrument to define trafficking as:

*Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion. These other forms of coercion extend to abduction, fraud, deception, the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

All countries which were signatories to the protocol had a duty to create legislation which would combat the

crime of human trafficking.

Culturally unique forms of trafficking such as *ukuthwala* are however not addressed in the definition of trafficking. *Ukuthwala* is the illegal removal of a girl from her parents' dwelling for the purpose of forced marriage or sexual intercourse.

In the unreported case *Jezile v S and Others*, a full bench of the Western Cape High Court delivered a landmark judgment where the court held that *ukuthwala* is no defence for crimes of rape, human trafficking and assault with the intent to do grievous bodily harm.

Thirteen years after ratification, South Africa satisfied the duty imposed on it by the Palermo Protocol. On 29 July 2013, South Africa's former President, Jacob Zuma signed into law the Prevention and Combating of Trafficking in Persons Act of 2013. This is the country's first piece of legislation centred around combating and preventing human trafficking.

While South Africa's legislation in this regard may be viewed as being in its infancy, measures adopted by the country in criminalising acts associated with trafficking illustrate a step in the right direction. ●

## Visit from Judge Thina Siwendu

By Suraya McKenzie-Pillay, Johannesburg intern

As part of ProBono.Org's commitment to the career development of its legal interns, the Johannesburg office was honoured to have Judge Thina Siwendu accept an invitation to address them and provide an insight into her journey within the legal profession.

Judge Siwendu's remarkable journey from being an articled clerk at Cheadle Thompson & Haysom Inc., a fellow at the Centre for Applied Legal

Studies, establishing and running her successful practice Siwendu Inc. after saying no to a job offer, and transitioning into the Judiciary was both inspiring and motivational.

Judge Siwendu explained how life will give you signals and you need to constantly be alert as to how you respond when venturing into new territory. Saying no to attractive opportunities is sometimes required and in order grow on your journey

you need to have a model of success which you continuously evaluate fearlessly.

We would like to take the opportunity to thank Judge Siwendu for taking the time to provide us with her insight, for encouraging and inspiring the legal interns as they venture onto the next step in their career paths and equipping them with invaluable knowledge and life skills. ●





## ProBono.Org Durban's Fundraising Brunch

By Shamika Dwarika

**3 August 2018 was a culmination of months of hard work and planning for the Durban office as we held our Fundraising Brunch at the DLI Hall in Greyville.** The event served a dual purpose in that we sought to raise awareness about violence and abuse against women and children, while at the same time raising funds for our office. To our delight the day dawned clear, unlike last year's torrential downpour, and attendees were able to show up in their finery.

As there was a chill in the air however, BarMotion were on the scene to provide free hot beverages to warm

the soul. 1608 Beauty on Demand were also on hand to provide free massages to get attendees in the mood for the event. We were very thankful that sponsors saw the value in what we were trying to do and came on board to support us in various ways. Our financial sponsors were Sanlam, PSI and Lexis Nexis SA (being our key sponsor). We also received goodie bag items from TAFTA, Vovo Telo Umhlanga, Varsity College and others. And with so many raffle items up for grabs, everyone had an opportunity to win! In total, we had 49 sponsorships, every one of which was instrumental in

making the event a success.

In addition, we had exciting entertainment by Bluff Dance, Sizamawala Dance Group and Iris Samianathan whose performances took us through the various stages of a woman's life. Our keynote speaker told her tale of emotional and verbal abuse. While many tend to focus on physical or sexual abuse, other types of abuse can be just as damaging and poisonous. Attendees had an enjoyable outing but were also provided with food for thought. In summary, it was a day well spent for all. ●

## Pro Bono Law on Radio Today – the end of an era

By Margaret Fish

**For the past eleven years ProBono.Org, in association with the Constitution Hill Trust and Norton Rose Fulbright SA, has had a fortnightly half hour slot on Radio Today dealing with aspects of the Constitution and the Bill of Rights.** Patrick Bracher of Norton Rose Fulbright SA has been the gracious and able host of the show during its lifespan, leading our expert guests in conversation on a wide range of topics, such as media freedom, consumer and labour law, creative rights, the right to protest, land and education rights, among many others.

When we learnt in August that the

station was moving from Parktown North to North Riding it was apparent that it would be difficult for both our guests and Patrick to drive out there in rush hour for the programme to air live at 18h30. Our last programme was therefore aired on 27 September.

We are most grateful to Patrick for his dedication to the programme over the years. Many thanks also to our many willing and engaging guests, to Jacky Kanapi at Radio Today and to the station itself for hosting this programme.

Podcasts of all the topics aired on the programme are available on our Facebook page. ●



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