



We are closing from 15 December 2022 to 3 January



We wish all our friends and colleagues a happy and safe festive season

December 2022

Issue 88

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## National Children's Day activities bring excitement to the Johannesburg office

By Xoliswa Maaroganye, Communications Intern

**The first Saturday of November was declared National Children's Day by the South African government. This day aims to emphasise the progress made towards the realisation and promotion of children's rights.**

As has been the custom for the past few years, the ProBono.Org One Child A Year (OCAY) Campaign in partnership with Constitution Hill, Skilful Spaces and Play Africa organised a fun and educational day on 4 and 5 November 2022 as part of the National Children's Day celebration. This was organised for children from Guild Cottage, Home of Hope and the Christ Church

Christian Care Centre. Our aim was to educate children on their rights and raise awareness on the various channels through which children who are facing various challenges can be assisted.

We were also joined by a court preparation officer from The Teddy Bear Clinic who gave an important talk on the court preparation process, specifically when a child is required to testify in court and assured children that the law is able to protect them. We also emphasised that trained officials are available to assist them through the necessary preparations should they be required to stand before a



## Write for us



We would like to invite legal practitioners to contribute to our bi-monthly newsletters by writing an article of up to 400 words (one page) on a topical issue of law. Please indicate your interest to the editor at [margaret@probono.org.za](mailto:margaret@probono.org.za)

The deadline for articles for the next issue will be:

**1 February 2023**





magistrate to give testimony and see justice being served while being an integral part of the process.

Around 80 children between the ages of 5 and 19 attended the event. They participated in activities that encouraged interaction amongst their peers, such as drum playing, singing, face painting and having discussions that were age appropriate. In addition, ProBono.

Org organised a treasure hunt where they all had to hunt for small cards containing a specific right from the Bill of Rights which related to them as children. They all received prizes and fun toys for their participation. The younger children also played children's court where they had a magistrate, an eyewitness, attorneys, a complainant and defendant. It was

an interesting sight! Although fun and entertaining, the focus was on the education and empowerment of children in knowing and understanding what their rights are according to the South African Constitution.

We were excited to see the happy smiles of the children from the festivities of the day. ●





# Deceased Estates, evictions and property ownership addressed on Housing Day 2022

By Xoliswa Maaroganye, Communications Intern and Mpho Mogodi, Staff Attorney

On 28 October 2022, the Joburg housing department hosted the annual Housing Day event. This was the department's first event since COVID-19 prevented the planning and hosting of any gatherings. The event was held at the Holiday Inn in Parktown, Johannesburg – a National Monument and heritage site, where we thoroughly enjoyed the first-class treatment.

Housing Day took place in collaboration with experienced attorneys and conveyancers who are on our panel of legal practitioners. These are some of the topics they addressed:

- What to expect when administering a deceased estate; interactions and process with the Master's office
- Instituting and defending eviction proceedings, rule 46A applications and the debt review process
- The importance of due diligence when buying and selling property to protect interests, the process of applying for lost title deeds and carrying amendments
- The "family house" concept.

ProBono.Org is a law clinic and clearing house, but prides itself on learning. The Housing Day event is an example that serves the purpose of rights awareness and advocacy.

The Constitution of South Africa speaks to our rights to have access to adequate housing. The state is required, within its available resources, to achieve the progressive realisation of that right. However, for these rights to become a lived experience, people need to understand what this right means for them.

The influx of cases which we witness in our Housing and Deceased

Estates legal clinics prompts our organisation to collaborate with relevant stakeholders in meeting these needs and ensuring that community members are informed and empowered by receiving quality pro bono legal services. As a response to the gap that seemingly exists between our housing laws and the people we serve, the Housing Day event was aimed at meeting the needs of many who have property-related issues and are in need of legal assistance which is difficult to access. We emphasised the importance of knowing and understanding their housing rights and obligations when dealing with deceased estates as well as the legal processes involved in the buying and selling of properties.

ProBono.Org seeks to make justice accessible to all; however, this can only be achieved if the general public understands the law and legal processes by which we are all governed and protected. One of our goals is to act as a channel to which legal assistance may be attained when one's rights have been infringed upon. This concern is at the root of many of the community workshops and training opportunities that ProBono.Org hosts.

Community Advice Offices (CAOs) are the first point of contact in the various communities they serve, so they selectively chose people to attend from their communities who need assistance with housing matters. We were also able to guide them on other public interest law organisations that assist with housing related issues.

We would like to thank our CAO paralegals for their keen support of the communities in which they operate. A special vote of thanks



goes to our guest speakers of the day who eagerly accepted our invitation and gave excellent presentations. Thank you to Phatheka Maliphale of PPM Attorneys and Conveyancers; Chrysi Kripotos of Chrissi Kripotos Attorneys, Notaries & Conveyancers; and Nthabiseng Gambushe of Lowndes and Dlamini Attorneys. Jabulani Manqele, our legal intern in the Housing department, also presented on the eviction process and made a valuable contribution in sharing some of the case studies which we often see in the housing clinic. ●

# ProBono.Org supports the global fight against Gender-Based Violence



**ProBono.Org joins South Africans and the world in the movement to fight against the violence and abuse of women and children. The 16 Days of Activism Campaign calls for the elimination of gender-based violence (GBV). It is run annually from 25 November (International Day Against Violence Against Women) until 10 December (International Human Rights Day).**

President Cyril Ramaphosa described GBV as a second “pandemic” that spreads like a disease and continues to cripple our society, depriving women and children of their right to safety and to live without fear of being murdered, abused or raped. “As a man, as a husband and as a father, I am appalled at what is no less than a war being waged against the women and children of our country”, he said. As witnessed in South Africa during the COVID-19 lockdown, GBV cases spiked as victims were stuck at home and confided with the perpetrators. Since most perpetrators are close family members or friends of the victim, it is important to raise awareness on this issue and to try to eliminate the shame and guilt that often burdens victims of abuse.

This year, in efforts to facilitate impactful dialogues on gender issues, GBV, rape, femicide and inequality, our Johannesburg office hosted an event on 28 November 2022 in collaboration with LIPCO- LAW FOR ALL. We had powerful talks from Nomzamo Kongola and Nomzamo Ndlovu from LIPCO who spoke on the topic of rape and sexual harassment, the bail process and the rights of a complainant. They also engaged on how the law protects victims of GBV as well as the process of applying for a protection order. Representatives from our Community Advice Offices also discussed organisations and forums that are specially trained to support victims of abuse as they operate in various communities.

During the 16 Days of Activism Campaign we aim to emphasise that GBV and femicide are human rights violations and must be treated as such. People must be held accountable for their actions. We also seek to

highlight the psychological trauma suffered by victims as well as those who are witnesses to such behaviour. Taking a firm stand against GBV is a step in ensuring the prevention of perpetual violence against women and children. We are trying to secure a future where men understand that their gender does not make them inherently superior to the other, nor does it entitle them to any women’s body.

We call on all members of society, especially men, to stand against the abuse of women and children as a matter of urgency; to not witness abusive behaviour and walk away, but to be active and responsible citizens who take action against such acts. This is not only a fight for women; men need to step up and be part of the solution. Our laws need to be tightened to ensure that perpetrators are removed from society to secure the protection and safety of homes, schools, communities and workplaces. Women and children cannot continue to die at the hands of those who are supposed to be protecting them.●

**#EndViolenceAgainstWomenAndChildren!**





# A successful mediation project at Protea Children's Court

By Elsabe Steenhuisen, Project Manager, and Zama Mbatha, paralegal, Children's Project

The South African Law Reform Commission ("SALRC") resumed its stakeholder meetings in 2022 once the COVID-19 threat had subsided. One of its virtual meetings in June was to finalise discussions on alternative dispute resolution in family disputes that started in 2016. The landscape of South African family law will be changed significantly once the Family Dispute Resolution Bill is enacted. The aim of the Bill is to further the development of a family justice system that will provide better access to justice; provide appropriate resolution of all family related disputes, allow the voices of children, parents and other family members to be heard; and to reduce legal costs. The draft Bill further acknowledges the importance of providing parties with the necessary information and education to ensure an awareness of their own rights and obligations, as well as insight into how the family law system works.

The One-Child-A-Year Project (OCAY) that has been running for over 8 years has mediation as one of its mandates. In April 2022 the project launched a pilot mediation service at the Protea Children's Court in Soweto to conduct mediations and assist parents in drafting parenting plans. Mediation in terms of the Draft Family Dispute Resolution Bill, 2020, is defined as a process in which a mediator facilitates and encourages communication and negotiation between the mediating parties and seeks to assist the mediating parties in arriving at a voluntary agreement.

In the beginning, the project had a fair number of teething problems. Thanks to experienced and dedicated mediators, who mediated either at the court or at our offices, the pilot project developed well. Since October 2022 the public has access to dedicated mediators on Tuesdays



and Wednesdays. This has resulted in parenting plans being finalised and made court orders mostly on the same day. Should the parties need a second mediation, it is booked immediately for the next available date. So far, the project has 48 mediated parenting plans and five plans pending finalisation.

It soon came to our attention that the public did not understand how mediations work, or what mediation is. With the cooperation of the court clerks, we educated the public on mediation and the best interests of the child. Parents came to realise it is better and quicker to mediate than to litigate, and since then the project has flourished.

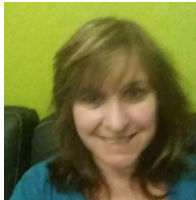
Our mediators have settled matters that were labelled "too difficult" or "unsolvable". One of our most difficult cases was mediated by Adv Zola Khumalo. The case had been on the court roll since 2018 and the parties could not reach an agreement. However, within three sessions our mediator assisted the parties to reach

an agreement. The parenting plan was made an order of the court and the OCAY project will follow up after three months to ensure that any further or new problems are mediated as soon as possible.

The second problematic case illustrated the value of mediators. The legal practitioners experienced the father to be unreasonable, aggressive and demanding. However, when two of our mediators intervened, both Adv JP Weitz and Rev Forsman realised that the mother was the unreasonable person frustrating the rights of the father in the process. Due to the mediators' experience and high-level skill sets, the parents settled and the parenting plan was made an order of court.

The mediation project has proved that most types of conflict can be mediated. Further, it is a process that assists in clearing the congested court rolls but, most importantly, it brings the service to the people and ensures children's rights are realised. ●

# Special Profile



**CHRYSI KRIPOTOS CONVEYANCER**

*We would like to pay tribute to the dedicated pro bono work performed for our clients by our attorneys, advocates and mediators. If you would like to be featured in our newsletters, please send us your contribution. This month we are pleased to profile one of our conveyancers, **Chrysi Kripotos***

“I was born in Springs to immigrant Greek parents. My father had left Greece in 1931 with the Great Depression and landed by ship in Mozambique where he spent a couple of years doing manual work and selling fish which he caught.

In 1933 he walked from Mozambique to South Africa and made his way to the first big mining town at the time, which was Springs.

In the late 1940s he started corresponding by mail to my mother who was working as a bank teller in Greece as a “pen-pal”. He then sent her an air ticket to come to South Africa to visit in 1950, whereafter they formally met, fell in love and married.

I was the last born of three children.

We stayed in Springs and my parents had a café (as many Greeks did in those days) on the corner opposite the maternity home where I was born. I then attended school from Grade 1 to Matric at the Convent of Our Lady Of Mercy which was round the corner from both our home and the café.

I attended Wits University and obtained my BA (Law) and LLB degrees, finally graduating in 1981.

I served my two years of articles with a firm in Benoni called Cook

& Falconer commencing in 1982, where I later became a partner and ran their Brakpan branch. I did everything from litigation, commercial, criminal and conveyancing work during this period from 1982 to 1994. While I was with Cook Cook & Falconer I was admitted as an Attorney in February 1985, thereafter as a conveyancer in 1993.

In 1994 I left Cook Cook & Falconer to become an Associate with Cliffe Dekker & Todd Inc in Johannesburg where I only dealt with conveyancing matters. I was admitted as a Notary Public in 1996.

I stayed with Cliffe Dekker until 1999 when I left to join up with a couple of fellow associates and started my conveyancing practice on my own in association with them.

I have been running my conveyancing firm since about 2000. I have been hoping to retire but that seems a very far off dream.

Most of my immediate family live in Greece and the rest are spread across the world from Canada, USA and Australia. I only have one sister here in South Africa but no other relatives living here. I am pleased to say that I am the only “Kripotos” living in the whole of the Southern Hemisphere as far as I am aware.

I never married as I have always loved being single and my own boss. I currently live in Boksburg and now work full time from my home. As I am constantly “about to retire”, I do not have any staff assisting me and only deal with transfer matters and certain notarial transactions such as ANC’s. I love going to the Deeds office, meeting with clients, drawing up all the relevant transactions, and generally doing everything personally, from the time the instruction is received until it is finally registered.

I have two dogs that I cherish dearly and who keep me sane, make sure I stop working at my computer every couple of hours to play with them, and to take them for long walks in the park.

My hobbies are reading, painting, mosaic and pewter work. At times I think family and friends look at what I have done to a wall and think to themselves, “What was she thinking!” but I have great fun thinking up different ways to jazz up my furniture or some blank space in my home. My current obsession is painting and stencilling some of my furniture.

Workwise I absolutely love doing the pro bono work although it sometimes has to take a back seat when normal work accumulates.”