



Annual Report 2021

(for the period October 2020 to September 2021)

ADAPTATION

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Message from the Chairperson

The year 2020 could be described as the worst year ever, at home and around the world, due to the corona virus and its devastating consequences. In 2021 we saw the fastest ever rollout of a vaccine to combat the disease. Most vaccines take four or more years to develop; the COVID-19 vaccine took just a year. With the emergence of the deadly Delta variant in 2021 the availability of vaccines helped to reduce the mortality rate. However, by the end of the year more than five million people around the world had lost their lives to the virus.

South Africa went through eight changes to alert levels during from October 2020 to September 2021, starting with Level 1 and going up to Level 4 in July and August 2021. By September it had reverted to Level 1, with a total of 87,626 deaths in total from the virus.

This meant a continued need for caution, not only by the organisation, but by business and environment in general. After the lockdown and resulting decline in income in 2020, law firms were less able in 2021 to do pro bono work as they had huge backlogs and needed to earn fees.

ProBono.Org staff were not fully in the office for the whole of year, using a roster system of staff and pro bono attorneys to keep themselves and clients safe. They adapted by conducting online consultations between clients and attorneys and by holding online webinars to continue their legal empowerment work.

The board also continued its work and held its scheduled board and committee meetings online during the year. I thank each and every one of them for their support to me and to the National Director during these uncertain and trying times.

I would also like to commend the staff of ProBono.Org for their commitment, resilience and steadfast determination to continue to do their best to ensure that they are able to serve their clients.

To the donors who continued to support the organisation and its increased need to assist the most vulnerable in the face of an upsurge in illegal evictions, unfair dismissals and gender violence we extend our thanks in the knowledge that many of them have also had to divert their funding in the face of budget cuts and changing priorities.

We all hope for a more normalised existence in the next period.

Mohamed Randera

National Director's Report

This year has been one of adaptation, not only for ProBono.Org, but for civil society and for South Africa.

We have and are continuing to adapt to life and work in the wake of a global pandemic which is not over but is curtailed. At ProBono.Org we started adapting from the start of the pandemic with systems to ensure we were able to communicate with our clients, to ensure that the attorneys, advocates, and mediators in our panel were able to link virtually to clients, to continue to empower and teach through webinars, and to learn through participation in virtual trainings. Now that our offices and clinics are open, we are adapting to the "new normal."

This new normal requires that we remain focused on much of the same issues and we are committed to ensure that we are able to pursue and achieve the vision and objectives of ProBono.Org. During the pandemic we continued to recognise the importance of collaborative partnerships, and to that end strengthened our engagement and collaboration with other public interest law organisations (PILOs) in South Africa. As reported in the last annual report, ProBono.Org collaborated with other PILOs to provide access to justice to those with the most need in the face of this deadly pandemic.

As we move toward our "new normal" we continue to collaborate with the other PILOs and with our network of community advice offices that help to link people in their communities with experts in our clearing house, particularly with our network of pro bono attorneys who provide an invaluable service to our clients. We continue to adapt our ways of working so that the attorneys who still do not wish to conduct face to face consultations are able to assist our clients through virtual consultations. This continues to be an important adaptation as the ProBono.Org clearing house model relies on the availability of attorneys to provide the required legal assistance.

Adapting to technology that allows for virtual consultations, webinars, online meetings and other gatherings, and communication, has ensured that ProBono.Org is able to respond to the needs of our changing environment. We adapt to ensure that we are able to continue to provide high quality representation to our clients within the safest boundaries.

While our virtual meetings, consultations and trainings have been successful, we recognise that for our clients who do not have access to connectivity and resources for the needed data, some face-to-face interaction is necessary. During the past months we have therefore provided this interaction within communities and at our offices. As all of our staff are vaccinated, and more of the general population in South Africa take the vaccines, we have participated in increased face-to-face engagements. This has been an important step in providing assistance to our most vulnerable clients.

We have continued to build on our networks that allow us to expand our work and reach more clients. Beyond our ongoing collaboration with the PILOs, we have built strong ties with the Foundation for Human Rights and an additional 35 Community Advice Offices. We continued virtual trainings for paralegals with the support we received from the AIDS Foundation of South Africa (AFSA). To date we have trained more than 300 paralegals, using primarily virtual platforms. This work has allowed us to provide capacity to the community advice offices who during the year were able to assist 2,775 clients. Most of the clients were assisted by paralegals, however some were referred to ProBono.Org for further legal intervention.

ProBono.Org contributed to an introductory course on human rights in order to promote our collaborative work on ending stigma and discrimination against people who are HIV+ and people who

have TB, together with Show Me Your Number, SWEAT, NACOSA, NAPWA, TB HIV Care, Childline, Lifeline, Centre for Positive Care, rape crisis centres and other entities.

ProBono.Org also assisted with the production of an Alternative Country Report submitted in September to the Committee on the Elimination of Discrimination against Women (CEDAW) for the 80th Session of CEDAW scheduled to take place in October. The report is entitled: "The Continued Marginalisation of Women Living with HIV in South Africa".

ProBono.Org commissioned the production of a 200-page manual on topics including HIV Testing, TB Testing and Privacy; Access to Health Care for Key and Vulnerable Populations; People Who Inject Drugs; Women; Children; Prisoners; Sex Workers; and Sexual and Gender-based Violence. The manual is one of the resources disseminated through an online/onsite legal education resources space linked on the ProBono.Org website.

Also with the AFSA grant, ProBono.Org convened a workshop with Her Rights Initiative and the Women's Legal Centre where 70 HIV+ women who are victims of forced and coerced sterilisation were able to consult with attorneys in preparation for a possible strategic litigation case.

All of the work we have undertaken in the past year has been done with the ongoing uncertainty of the impact of the pandemic on staff and our clients. I would like to thank the staff of ProBono.Org who have remained committed in their determination to continue to serve our clients. Furthermore, I thank our panel of legal practitioners who give so generously of their time and expertise. Without your commitment to providing pro bono legal services our work would not be possible.

Finally, ensuring that ProBono.Org can continue to adapt to a changing world and social and economic environment, not just in South Africa but in the rest of the world, takes financial resources. Thank you to our donors who continue to provide the necessary financial resources we need to carry out this important work. It is through your generosity that ProBono.Org is able to ensure that Section 34 of our Constitution is realised and that our vision to provide equitable access to justice for all who live in South Africa is advanced.

Teresa Yates

Statistics

Legal Clinics and Help Desks	
Refugees	202
Housing	499
Wills	335
Labour	623
Family General	569
Children	87
CAOs	705
NPOs	4
Deceased Estates	744
Property	219
General Matters	997
TOTAL 5,186	

Legal Practitioner Workshops

Johannesburg – 11

Durban – 15

Cape Town – 24

TOTAL : 50

Popular Topics:

- Statelessness and Access to Nationality
- Processes to Implement in the Workplace in light of the COVID-19 Pandemic
- Mental Health in the Workplace
- Customary Marriages
- Implications of Divorce on Children
- Drafting a Settlement Agreement and Parenting Plan
- CCMA and Labour Courts
- Estate Planning
- Retrenchments in Light of the Pandemic
- Changes to Employment Law
- POPIA Compliance

Community Workshops

Johannesburg – 9

Durban – 6

Cape Town – 7

TOTAL: 22

Popular Topics:

- GBV and Protection Orders
- Refugee Project Launch
- Employee Rights: UIF – Fixed, Temporary and Casual Employees
- Parental Rights and Responsibilities and the Role of the Family Advocate
- Importance of a Will

- Wills and Winding up of Deceased Estates
- Preparing for a Divorce
- Wills, Intestate Succession and Housing
- Mediation
- Amendments to the Domestic Violence Act and the Proposed Victim Empowerment Bill.

Johannesburg Office Report

We continued holding legal clinics virtually for most of this period, and the legal practitioners were largely happy with the idea of not having to leave their offices or homes and save traveling costs and time. This opened an opportunity to consult with more clients. Some of the clients consulted via WhatsApp video call using the ProBono.Org work cell phones. The Labour clinic faced a huge backlog coming back from the lockdown as there were more requests for assistance and queries about retrenchments due to the pandemic as well as queries around about the Temporary Employee Benefit Funds.

As the country was facing uncertainty about a third wave of COVID-19, we had to close our offices to all walk-in clients for the month of July 2021 and we re-opened on 2 August 2021. All the clinic and clearing house work continued with the legal professional staff from home and our interns were also able to take their laptops home and work from remotely.

Upon our return to the office with the slightly relaxed COVID-19 regulations, we were cautious as we realized that we were not yet out of the woods with the COVID-19 virus. We had to somehow gradually get things back to daily normal business and all staff members were requested to work two days from home and three days in the office. All staff and visitors who came to the office still underwent screening and had to sign the COVID-19 information form.

We welcomed two new staff members during this period: a paralegal, was appointed to assist with the undocumented minors and refugee and also assist with the One Child a Year Project, and an intern was appointed in the Family Law Department.

Collaborations

The Refugee department, together with the statelessness department at Lawyers for Human Rights, hosted a webinar on Statelessness. The event provided attorneys on our panel with training and practical skills to deal with statelessness matters. The training was well attended. The objective was to put in place a referral system and/or network of attorneys to take on cases with our office offering guidance and mentorship.

We forged new relations and collaborative networks with the South African Network on Statelessness which is a new hub for legal practitioners and organisations working on citizenship and migrant rights.

To kick start the project on undocumented minors, refugees and migrant workers, our staff attorney, regional manager and refugee law intern undertook a trip to the Limpopo Province to meet and establish a new collaborative network for this project. The team managed to meet with the Limpopo Pro Bono Bar Council, Lawyers for Human Rights (Musina office) Save the Children, CWM Boys shelter in Musina and Advocate Shirhami Shirinda in Louis Trichardt.

We were approached by several clients from the Free State, and we established a contact and a relationship with a local advice office called Ramotete HR Solutions which assists members of the public with Labour Law advice and representation at the CCMA. The purpose of establishing this relationship is to have a contact for the referral of labour cases that we receive from clients based in the Free state.

We also engaged in communication with Big Brother Hug, an NGO situated in the North West Province and even though we do not have reach in the North West, we agreed on a virtual consultation referral process to assist their clients with advice only, where they would have an opportunity to consult with our volunteer clinic attorneys.

New Projects

The organisation received a grant from the Anglo American Ambassadors for Good project in order to roll out community workshops on Indebtedness for the mining communities in the Limpopo Province and Rustenburg and surrounds in the North West.

We signed an MOU with Varsity College so that their final year law students could attend practical training through our legal clinics and clearing house.

Achievements

The manager of the One Child a Year (OCAY) project negotiated with the Booyens Children's Court to be given space at the court to conduct mediations for parties referred by the court to undergo Probono.Org mediation.

The Refugee and undocumented minors project with Misereor was launched on 28 September 2021. The event was physically based in Musina and was attended by stakeholders including the South African Police Service, members of various school governing bodies, attorneys, and members of the community.

We saw an increase in the number of legal practitioners taking on case from the OCAY project since we announced that they can claim for disbursements such as travel expenses and sheriffs' costs.

Our Refugee team gave a presentation at the Craft Your Campaign workshops and was a recipient of a prize of R15,000 to share in implementing the campaign with one other participant.

The Regional Manager was one the presenters at ENS Africa's annual series of webinars on Constitutional Developments and Human Rights on the topic of Child Justice and the Children's Court process.

Successful Cases

Justice was finally served for a client who was unfairly dismissed on or about January 2019 where, despite having been granted a CCMA award in his favour in for reinstatement and reimbursements, the employer refused to comply with the award. The matter went to the Labour Court which ordered that the client be reinstated and reimbursed with back pay of about R 239 000.

With the assistance of Cliffe Dekker Hofmeyr (CDH), were able to assist a client who is a South African citizen, but the mother of his children is a non-citizen. The children are undocumented as the hospital refused to give them birth records to register and obtain birth certificates. As a result the children

could not be registered to attend school. CDH were able to draft a letter to the school principal quoting the recent directives of the Department for Education that undocumented children may not be denied access to schools. CDH was further able to assist and represented two brothers through court proceedings to obtain formal documentation.

Werksmans Attorneys was able to successfully assist one of our clients involved in a housing dispute where the court declared the unlawful sale of the client's house to be null and void and the sale was consequently set aside.

Staff Development

Our legal consultant assumed the role leading as the coordinator of the Varsity College Law Clinic Project.

Our interns, receptionist and data capturer attended four educational and training webinars: Masterclass Training RE: DIS/DISA Model, which was facilitated by Attorney Jonathan Small.

Our legal interns had an opportunity to attend two high court proceedings as the cases were conducted virtually, which was a rare opportunity for an intern when cases were still at court. One of the cases involved an application for an interdict against a party who had published defamatory statements against our client.

Our Refugee Department team attended a series of online workshops called Craft Your Campaign from 5 July to 2 August 2021 organised by the Scalabrini Centre, CoRMSA, the Social Change Initiative and the International Center for Policy Advocacy. The aim was to teach stakeholders how to organise and implement cost effective campaigns that will be effective in addressing pertinent issues of migrants in South Africa. Our team made a presentation on advocacy campaign that focused on Access to Healthcare.

Our receptionist attended a course on Call Centre and Customer Services as part of in-service training to improve both her verbal and written skills for her growing and demanding role and as the first point of contact when clients and stakeholders visit or call our offices.

Media Engagements

The Regional Manager was interviewed about our services on Thetha FM and also discussed Deceased Estates and Wills. Listeners were given an opportunity to call in and ask questions on the above issues.

During the 2021 Human Rights month, the Regional Manager was interviewed by Umhlobo Wenene FM on Section 10 of the Constitution which states that "*Everyone has inherent dignity and the right to have their dignity respected and protected*".

Our Staff Attorney was interviewed by SABC2 on a show called Leihlo Lasechaba, an investigative programme. The focus was on the services provided by our organisation, challenges when dealing with Deceased Estates, our role as a learning and development platform for young law graduates and barriers faced by the public when trying to obtain access to justice. Two clients who were successfully assisted by us were also interviewed and the show was flighted on 26 April 2021.

During the 2021 Women's Month one of our legal interns from the Family Law Department was interviewed about the legal process of Divorces on Umhlobo Wenene FM as part of their series of interviews to empower women in South Africa.

Community Advice Office Support

We continued to support seven Community Advice Offices (CAOs) in Gauteng: Ntsu Advice Centre (Mabopane), Dobsonville Human Rights Centre, Kempton Park Tembisa Advice Centre, Orange Farm Human Rights Centre, Musawamaswazi Community Advice Centre, Thusang Morwalo Advice Centre (Kagiso) and Women and the Law (WATLA). We procured electronic tablets for each office to ensure that they can submit their client intake sheets and report to us attend virtual meeting and webinars. This period proved to be very difficult for the Community Advice Offices as some of them faced challenges that made it difficult to do their work within their communities, such as electricity power cuts not related to load shedding and some areas in Soweto which did not have water for weeks.

The seven CAO were able to attend about six training webinars, one of which was extended to more than 300 community-based paralegals under the umbrella of the AFSA Global Fund project. The purpose of the training was to reduce human rights barriers to HVI and TB services for key populations. We partnered with the Foundation for Human Rights and the training was conducted by ENZA.

Legislation Submissions

We submitted a written commentary on the Draft Amendments to the Children's Act.

Our office together with Werksmans Attorneys and Lawyers Against Abuse made submissions to the Department of Justice in March 2021 on the Domestic Violence Amendment Bill 2020. Thereafter in October 2021 we submitted the final comments on the same bill.

Challenges

Few of the attorneys staffing our legal clinics felt able to take on the clients' cases as most of them were referred back to us after their consultations in order for us to find other attorneys to take on the matters.

Challenges also exist with the process of virtual consultations in that legal practitioners are often delayed in sending us the required reports on the consultation; sometimes clients arrive late for their scheduled appointments which delays the process of sending the intake sheets to attorneys to take on the cases. We have tried to get the intake sheets completed a day before the consultations, but sometimes it is difficult to contact clients by phone.

Our help desks that were hosted at the various courts, such as the Domestic Violence help desk at the Randburg Magistrates' Court, the Palm Ridge Family Law help desk, and the Master's Office and Deeds Office help desks remain closed due to access regulations that have been in place since the pandemic. The reopening of the help desks is also dependent on our volunteer attorneys' willingness to consult and advise in public spaces.

We noted a drastic decline in the number of clients in the Refugee Clinic.

The OCAY department did not receive the anticipated number of mediations from the court. The courts kept on rotating magistrates and during this reporting period the courts were only dealing with postponements of matters.

Gratitude for Support

As we tried to move back to physical workshops with a limited number of community attendees and making sure that we still adhered to the social distancing, we were thankful to receive 30 masks and writing materials from ENS Africa which were distributed at a Wills workshop in Thokoza, and 20 notebooks, 20 masks, 20 pens and 20 sanitisers that we distributed at a workshop in Kagiso for 20 women on the Victim Empowerment Bill and Proposed Amendments to the Domestic Violence Act.

The Johannesburg High Court donated 18 Volumes of the 2018 Butterworths Statutes and Halsbury Law of England 2011 edition to our office.

Even though there was absolutely nothing normal about the so called “new normal” , as the Johannesburg Office we persevered and made changes in order to adapt to the post pandemic situation and did our best to continue providing legal services to our clients.

Durban office Report

People face a variety of obstacles when faced with a legal problem; access to civil legal assistance is fundamental to ensuring that justice prevails. The large number of people around the world who are unable to access legal assistance, primarily people from disadvantaged backgrounds, illustrates day after day how vital is the legal profession’s commitment to pro bono work. The Durban office is proud of the number of legal practitioners, both attorneys and advocates, who undertake pro bono work, not out of a mandatory obligation, but out of their own sense of what is fundamentally right. Access to pro bono services is essential for a just legal system.

The last two years have not been about the numbers of clients, webinars and events; it has been about the devotion. Having said that however, let us not lose sight of those numbers because this illustrates the commitment of practitioners to undertake pro bono work. During this period we saw 17 new firms sign up to undertake pro bono work via the Durban office, bringing the total number of firms on our panel up to 286. It is through them that we were able to assist 1,870 clients, hold fifteen webinars for legal practitioners, six seminars and online sessions for communities and an in-person Awards function. While the number of clients has dropped noticeably from pre-COVID years, the types of matters that we are dealing with are more substantive, i.e. we are being approached by people who genuinely have a need for legal services. We can therefore proudly say that we are addressing unmet legal needs.

With more people choosing to vaccinate, the world is slowly returning, if not to complete normalcy, at least to something resembling it. However, the lives of many have changed irrevocably. One of the biggest consequences of the pandemic has been the number of lives lost. The consequences of such losses have affected families in numerous ways, not least financially. The Durban office therefore prioritised the drafting of Wills for elderly people and drafted 256 Wills in total. We were thankful to be able to reconnect with stakeholders and also establish new connections within communities in Durban. Partnerships with community based organisations such as the Nelson Mandela Community Youth Centre, Durban Association for the Aged (DAFTA) and the Mangosothu University of Technology were key in achieving this impressive number and allowing us to access areas such as Tongaat, Chatsworth, Austerville and Umlazi.

The media plays a vital role in the success of our events and help desks and we are fortunate to receive assistance from the Phoenix Tabloid, The Rising Sun, Ntokozo FM and Ntuzuma FM, to name but a few. Through these partnerships and the hard work of the staff of the Durban office, we have been able to achieve and grow more than we thought possible in these trying times. Barriers to reaching

the most vulnerable and marginalised are numerous and the help of the media in overcoming these barriers has been crucial in enabling us to adapt to changing circumstances. The growth of the Durban office during this pandemic has also been commendable. Staff sought out new strategies to gain access to the marginalised. One of these was by learning to use social media and online platforms to promote information sharing and learning, which also enabled us to reach a wider audience. People who live in outlying areas were able to gain access to information at a time when information, while essential, is often difficult to access.

In the seven and a half years since I joined ProBono.Org's Durban office, it has had tremendous success. The legal practitioners, stakeholders, partners and other like-minded organisations have worked with us to reach those most in need of our services. Their work has been commendable. A special thank you to LexisNexis SA, IIE's Varsity College, Tetley Tea SA, Farrell Inc., and Virgin Active | Collection for always supporting our events, which have been successful because of the wonderful people there. It has been a blessing to be able to do the work that I am passionate about, with such fantastic people who shared my vision and provided support, assistance and, of course, laughter. I wish the Durban office, and ProBono.Org, all the success in the future.

Shamika Dwarika, outgoing Regional Manager

Cape Town Office Report

The Cape Town office reached a tremendous milestone on 11 December 2020 when we hosted our inaugural Legal Practitioner Awards Ceremony, virtually. This was the day following the end of 16 Days of Activism for No Violence against Women and Children, coinciding with International Human Rights Day.

Since lockdown levels did not allow for large gatherings, we still felt it relevant to pay homage to the pro bono legal practitioners who have gone above and beyond the call of duty, especially in light of the added pressures caused by the COVID-19 pandemic. We were honoured to have Judge Chantel Fortuin of the Western Cape High Court deliver our inaugural keynote address, which was both inspiring and insightful.

Since moving office on 2 August 2021 - to the corner of Longmarket and Adderley Streets in the Cape Town city centre - the Cape Town office has experienced tremendous change, unfortunate operational delays and limited capacity while adapting to the so-called *new normal*. The new office space, which is well-located and closely situated to the bus terminus, train station and taxi rank, is not only more cost effective, but also larger, with many windows that open to the outside. This allows for social distancing and fresh ventilation – crucial considerations in the time of a global pandemic. The Cape Town office team therefore saw it fitting to go for their first vaccinations together at the Cape Town International Convention Centre on 27 August 2021, which positively contributed to a sense of camaraderie.

With the slow ease of the lockdown restrictions, the Cape Town office managed to see approximately 900 walk-in clients during the period, the majority of whom were older female clients of colour. In addition, a total of 36 clients attended the Housing Referral help desk and all of their matters (100%) were taken on by attorneys. A total of 41 clients attended the Heideveld Wills Legal Clinic over the reporting period and all of their matters (100%) were taken on and finalised, while a total of 11 clients attended the once-off Paarl Legal Clinic staffed by ProBono.Org in collaboration with Member of Parliament Marie Sukers. Some of the office's notable initiatives during the reporting period were evidenced by an article published by website News24:

<https://www.news24.com/news24/southafrica/news/cape-towns-legal-practitioners-power-through-covid-19-to-help-the-poor-for-free-20201207>.

While a large number of law firms have indicated that they have been negatively affected by the pandemic and are therefore unable to provide any measure of pro bono support for the foreseeable future, the Cape Town office still managed to recruit nine new law firms, four new advocates and an additional mediator who joined our pro bono panel. Moreover, the Director of Patton Williams Inc, one of our pro bono panel practitioners, featured in an episode of Cape Town TV's *the Womxn Show* on 16 February 2021 on Cape Town TV and DSTV channel 263. The topic was 'revenge porn', recent changes to the Film and Publications Act on the publishing of sexually explicit material online and what this means for women, gender-based violence and the public.

In the spirit of Women's Month, ProBono.Org Cape Town spearheaded a national collaboration with Umhlobo Wenene FM on a three-part radio interview series, the aim of which was to educate women in their vernacular about their legal rights in relation to certain areas of law. The sessions in the three-part series were held on Domestic Worker Rights, Domestic Violence and Divorce. Podcasts of the radio interviews have been uploaded to the ProBono.Org website and social media platforms as resources.

Moreover, ProBono.Org Cape Town held seven workshops for communities with a total number of 128 attendees during the period as the lockdown restrictions were eased. The workshop with the highest number of attendees was the Wills, Intestate Succession and Housing workshop held in the Mfuleni community, with 39 attendees. Challenges with community workshops in light of the pandemic include, but are not limited to:

- The transition to online learning and working platforms since the majority of community members do not have access to data or mobile devices in order to access these platforms.
- The ability of communities to observe all required COVID-19 protocols and securing appropriate venues during this time.

The Cape Town office held 24 webinars for legal practitioners with 1,021 attendees during the past year.

We noted that the Basic Skills for Drafting a Liquidation and Distribution Account webinar gained the most interest with 233 participants attending the two sessions. These sessions were specifically arranged to support Candidate Legal Practitioners in preparation for the Attorneys' Admissions Examinations. We received almost 400 RSVPs for the first session but ran into technical difficulties which affected the overall number of participants.

Furthermore, in the spirit of Women's Month, the Cape Town office collaborated with the Saartjie Baartman Centre for Women and Children on a three-part legal practitioner webinar series. The topics for these sessions were gender based violence - including drivers, resources for survivors and assisting survivors; divorce and maintenance procedures and the Domestic Violence Act. A total number of 86 participants attended the three webinars held during August.

We are currently planning to collaborate on establishing a Gender Based Violence help desk, community workshops and rights awareness interventions to be rolled out in 2022, as the lockdown levels have since been relaxed and there has been positive progress made with the vaccination rollout.

It is evident that the COVID-19 pandemic has left no stone unturned the world over in that it has affected each and every individual and organisation in one way or another. It has undoubtedly forced

organisations to relook at the ways in which they have done their work in the past but, more importantly, has also encouraged ProBono.Org to establish innovative and creative delivery mechanisms for pro bono work to be undertaken by private legal practitioners. The Cape Town office has certainly demonstrated its resilience by successfully navigating these unprecedented times and continues to adapt, learn and grow.

Uzair Adams, Regional Manager

SPECIAL PROJECTS

CHILDREN'S PROJECT – OCAY (One-Child-A-Year)

The year was marked by “stopping and starting”. Just when the project picked up speed when a lower lockdown level was announced, it slowed down due to the Christmas holiday season when many legal practitioners took a break, and then again when a higher lockdown level was announced. Throughout the year the pandemic had a see-saw effect, but the project did not come to a stop. It pressed forward despite a disruptive working-from-home schedule with limited days at the office. The staff realised that communication was very important and they continuously liaised with court staff, legal practitioners and the clients in securing court dates and progress reports.

Key Achievements

The project presented a total of 15 webinars. Ten webinars were presented for on mediation for lawyers, paralegals, members of the public, ProBono.Org interns, and teachers. An attorney gave vast input by assessing our interns in terms of the DISA/DISC model, which helped them to understand their own personality traits and those of their supervisors and their clients. He presented a follow-up webinar through which they became better equipped to deal with certain problematic situations, and handle conflict and the demands of clients. Webinars on Children's Court Practice were offered over four in-depth training sessions for legal practitioners.

Legal Awareness and Knowledge Development

In dealing with statelessness, undocumented persons, unaccompanied minors and related legislation, the plight of these classes of people and the tremendous challenges lawyers face when accepting those referrals from the project, once again became clear. The project supported the lawyers by giving them training, and advice on the different options and the court procedures. Other legal practitioners received support in dealing with difficult and unreasonable opponents.

Varsity College Students

The project manager contributed to drafting ProBono.Org's programme outline to Varsity College in accommodating its students to undergo their work-integration/experiential learning at the Johannesburg, Cape Town and Durban offices. A total of 83 students attended the offices, each spending 24 hours at an office.

Strategic Partnerships and Advocacy

The project actively advocated for the rights of children. The manager submitted written commentary on the following:

27 November 2020 - Tabled Children's Amendment Bill [B18 - 2020]

30 April 2021- the SALRC Discussion paper 152 - Single marriage statute.

The working relationship with the DHA Stakeholders Forum and Teach SA continued. The project and the organisations assisted each other with advice, support and referral of cases.

The main partnership for the project remains with its legal partners. They are the main contributors to the success of the project. It will be clear from the statistics below how much sole practitioners and small firms assisted the children. Sadly, the in-person training of and social events for the legal practitioners came to a halt due to COVID-19.

Statistics

For most of the year, the project had over 90 open referred files; more than 30 files pending referral, and over 40 cases on the waiting list. Once-off advice was given in more than 100 cases. At the end of the year and with the diligent work of the project's paralegal, the project closed 46 of the open referred files and five files, pending referral. Amongst the pending referral files were 14 files that involve 17 undocumented minors. Referrals could not take place as a large amount of evidence was still being collected.

The project started keeping statistics of the age and gender of its clients. It is noteworthy that most clients fall into the age brackets of 6-10 years and 18-40 years, with most clients being black women.

Our Clients' Stories

One of the cases the OCAY project had been dealing with since December 2016 concerned a minor's claim against his deceased father's estate originating from 2012. Apart from securing the minor's secure placement, the project had to deal with the mess the original executrix left behind when she was removed from the practising attorneys' roll. The minor, who had reached majority in the meantime, and his half-brother managed to obtain the title deed to their father's property and arranged with the Master to appoint the heir as executor, provided he be assisted by an attorney. The project secured the services of Susan Harris and sent the brief on 28 April 2021. The attorney reported that she handed in all documents on 10 August 2021 at the Master's office. The Master had to change the Letters of executorship, reflecting the heir and the attorney as executors. Just when the project thought that the client's woes were at an end, Ms Harris reported in the last week of September 2021 that the Master's office has "again lost" the file and, if not located, she will have to provide a duplicate file. In the same week the Master's office announced that due to the compromise of the Department of Justice's systems on 5 September 2021, the office, like all other justice offices and courts, had lost access to all electronic systems and networks, including emails. At least the client was not alone in dealing with this bad situation but could rely on the continued support from the project and his attorney.

The project has two more examples of excellent services legal practitioners rendered throughout this very challenging pandemic period. Advocate Kalli Sachinis accepted seven cases in the Protea Soweto Children's Court. She could finalise two of the seven. All practitioners have to give an estimate of fees to ProBono.Org for reporting purposes. If we take her very reasonable fee of R2,500 per hour and multiply it by the 239 hours spent from January 2020 to end of September 2021 on these cases, she rendered free services to the children worth R597,500!

The second example is that of Coetzee Attorneys who accepted the so-called four "Bara babies" cases. These cases refer to babies found in Baragwaneth Hospital where they were kept for weeks without formal processing. The senior magistrate at Protea Court called on the OCAY project to urgently secure LPs to assist with these cases. Although the cases originated late 2019, the firm kept on following up on the babies until September 2021. All children but one, who most sadly passed

away due to ill health and very poor development, obtained secure placements and were approved for adoption.

Although we name only these two attorneys, we can surely say of all those involved with the OCAY project - in the words of Mother Teresa - that their services are the fruit of love and compassion in action, for which we thank them.

In September 2021 our Johannesburg housing clinic assisted a domestic worker residing in Braamfisherville, an area in Dobsonville, Soweto. She needed assistance with a pending eviction application brought against her by an unknown gentleman. Client resides in the property with her daughter and grandchildren.

Client advised that her late husband owned and operated a shebeen on the property. He had borrowed money from a certain gentleman and when he couldn't pay the gentleman took the title deed for the property as collateral and had the property transferred into his name.

We enlisted the services of a handwriting expert, who confirmed that the signature on the sale agreement is fraudulent.

The matter is at the Magistrates court in Roodepoort and will probably end up at the High Court, wherein we will request the current title deed be cancelled due to the fraudulent transaction, and request that the property be registered in client's name.

Another case concerned a client in our Refugee Clinic. Mr N is a South African national who has three children with an undocumented lady from Mozambique. Two of the children were born in Musina in Limpopo, and the other in Orange Farm, Gauteng, where the client now resides. He needed assistance with having his second born child accepted at school. The school Principal had refused to admit the child because he was undocumented (due to the mother being undocumented). With the assistance of Cliff Dekker Hofmeyr a letter was sent to the principal advising him of the Department of Education circular which directed all public schools to accept undocumented children and to comply with the recent ruling in the Eastern Cape High Court, Grahamstown, enforcing section 29 of the Constitution to the effect that everyone has a right to basic education – the Phakamisa Judgement - and the child was subsequently enrolled in school.

DIRECTORS 2021

Mohamed Randera, Chairperson

Teresa Yates, National Director

Ilan Lax

Khalik Mayet

Meluleki Nzimande

Sayi Nindi

Wendel Bloem

PRO BONO ORGANISATION
 (ASSOCIATION INCORPORATED UNDER SECTION 21)
 REGISTRATION NO. 2007/002099/08

STATEMENT OF FINANCIAL POSITION AS AT 30 SEPTEMBER 2021

	2020 R	2020 R	2019 R
ASSETS	10 300 175	10 636 012	14 124 945
Non current assets	164 982	191 692	176 455
Equipment	164 982	191 692	176 455
Current assets	10 135 193	10 444 320	13 948 490
Accounts receivable	770 714	353 591	232 504
Investments	7 651 281	8 474 288	9 632 888
Cash and cash equivalents	1 713 198	1 616 441	4 083 098
Total assets	10 300 175	10 636 012	14 124 945
RESERVES AND LIABILITIES	10 300 175	10 636 012	14 124 945
Reserves	2 735 308	2 088 161	4 682 726
Accumulated surplus	2 570 326	1 896 469	4 506 271
Equipment fund	164 982	191 692	176 455
Current liabilities	7 564 867	8 547 851	9 442 219
Accounts payable	145 114	57 941	209 830
Deferred income	7 132 943	8 173 812	9 004 301
Provision for leave pay	286 810	316 098	228 088
Total reserves and liabilities	10 300 175	10 636 012	14 124 945

PRO BONO ORGANISATION
(ASSOCIATION INCORPORATED UNDER SECTION 21)
REGISTRATION NO. 2007/002099/08

STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 SEPTEMBER 2021

	2020 R	2020 R	2019 R
INCOME	10 880 155	7 810 966	10 782 771
Grants and donations	8 627 013	7 313 337	10 059 320
Realised gain on investments	-	194 457	-
UIF Maternity refunds	46 192	-	-
Other income	-	-	31 949
Vat refunds	1 507 326	-	-
Interest and dividends received	699 624	303 172	691 502
EXPENDITURE	10 085 446	10 299 811	9 858 161
Advertising and marketing	-	-	-
Annual report	30 113	-	32 688
Assets expensed directly	38 288	13 448	5 518
Audit fees	46 352	50 620	48 184
Award ceremony	14 270	81 934	-
Bad debts	-	-	-
Bank charges	25 618	22 582	22 315
Computer expenses	101 327	103 655	53 799
Consulting fees	70 530	211 004	130 893
Courier and postage	7 262	8 822	6 883
Directors emoluments	1 242 939	1 233 431	1 242 944
Equipment hire and maintenance	131 033	198 122	328 015
Evaluation	-	-	-
Insurance	36 677	42 208	51 971
Interest and penalties - SARS	-	-	-
Office supplies	174 290	114 855	151 738
Printing and stationery	34 116	54 271	60 826
Programme expenses	961 031	544 493	-
Provision for leave pay	(29 288)	88 010	(13 914)
Refreshments and entertainment	-	-	2 261
Rent, parking, water and electricity	1 074 303	1 188 028	1 297 445
Repairs and maintenance	20 628	11 272	8 061
Salaries, wages and contributions	5 707 865	5 645 223	5 425 822
Secretarial fees	2 289	760	4 632
Seminars and workshops	-	-	489 701
Staff recruitment	-	290	-
Staff training	13 013	34 449	9 410
Subscriptions	25 746	28 418	25 475
Telephone	267 419	258 979	233 606
Unrealised loss	-	254 827	-
Travel and accommodation	55 160	75 018	193 528
Website costs	34 465	35 092	27 370
Workmen's Compensation	-	-	18 990
SURPLUS/(DEFICIT) FOR THE YEAR	794 709	(2 488 845)	924 610
SPECIAL PROJECT - GLOBAL FUND AFSA	43 429	36 599	-
TRANSFER (TO) GRANTS	(90 000)	-	-
BALANCE AT BEGINNING OF YEAR	1 896 469	4 506 271	3 659 888
TRANSFER TO EQUIPMENT FUND	(74 281)	(157 556)	(78 227)
BALANCE AT END OF YEAR	2 570 326	1 896 469	4 506 271

PRO BONO ORGANISATION
(ASSOCIATION INCORPORATED UNDER SECTION 21)
REGISTRATION NO. 2007/002099/08

	2021	2020	2019
	R	R	R
GRANTS AND DONATIONS			
Grants			
Anglo American Chairman's Fund	18 563	200 000	200 000
Constitutionalism Fund	2 000 000	2 500 000	1 500 000
CS. Mott Foundation	1 195 010	1 244 375	1 059 203
Embassy of Ireland	350 000	350 000	-
Global Fund ASFA	-	-	86 383
H C I Foundation	277 807	153 500	308 000
Millennium Trust	-	-	2 232 360
Misereor	636 185	-	-
Open Society Foundation for South Africa NPC	569 540	230 459	800 000
Raith Foundation	2 823 330	2 010 003	2 134 667
The ELMA Foundation	-	-	-
SASSETA	127 078	45 000	-
Varsity college	324 000	-	-
Donations			
AAC Fund	-	-	90 000
Birmingham Family house Project	-	-	70 907
Bowman Gilfillan Attorneys	75 000	175 000	185 000
Butterworth LexisNexis	5 000	-	30 000
Cliffe Dekker Hofmeyr Inc	75 000	75 000	100 000
Cape Law Society	-	-	150 000
Fasken Martineau	100 000	100 000	200 000
Foundation for Human Rights	-	-	48 000
Gauteng Law Council	-	-	150 000
R B Hagart Trust	-	-	250 000
Johannesburg Bar Council	50 000	100 000	200 000
KwaZulu-Natal Law Society	-	-	31 500
Other Foundation	-	-	21 900
Webber Wentzel	-	-	200 000
Werkmans Attorneys	-	100 000	-
Sundry donors	500	30 000	11 400
	8 627 013	7 313 337	10 059 320