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Issue 103

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2024 Annual Awards Durban



2024 Annual Awards

Ceremony,

Durban

By Nicole Laljit, Regional Manager

This year's Annual Awards Ceremony was a special occasion to celebrate and honour the dedicated legal practitioners who have contributed significantly to pro bono work throughout 2024. Sponsored by Norton Rose Fulbright, the event was held at the elegant Durban Country Club, bringing together members of the legal community, partners, and supporters of ProBono.Org

The evening commenced with a warm welcome from Craig Woolley, Managing Partner at Norton Rose Fulbright, Durban. His opening remarks set the tone for a meaningful celebration of service and impact.

We were privileged to have Advocate Suleman as our keynote speaker, who delivered an inspiring address on the profound impact of pro bono work. He encouraged legal practitioners to continue taking on matters that advance access to justice for vulnerable communities. His message served as a powerful reminder of the importance of legal professionals in driving social change.

The ceremony concluded with a heartfelt vote of thanks from Advocate Shafie Ameermia, ProBono.Org National Director, who acknowledged the tireless efforts of practitioners and the invaluable support from our sponsors and partners.

We extend our sincere gratitude to Norton Rose Fulbright and Nike Pillay Inc. for their generous support, which made the event a great success.

A special congratulations to all of our award recipients - your commitment and excellence embody the spirit of pro bono service.



Award Recipients

Excellence in Deceased Estates Assistance
Bianca Griffiths, Meumann White Inc Attorneys

Outstanding Support in Housing Matters
Muhammad Dangor, Dangor and Associates

Outstanding Support in Consumer Law
Bonita van Zyl, Legator Mckenna Inc

Most Helpful with Wills
Rita Padayachee, Mooney Ford Attorneys

Excellence in Refugee Legal Assistance
Mellisha Hurchund, Mellisha Hurchund Attorneys

Champion for Family Law & GBV Cases
*Wiseman Hlela, Hlela Wiseman Attorneys and
Jenna Jones, Jenna Jones Attorneys Inc*

Excellence in Labour Law Assistance
Bradley Aliphon, Bradley Aliphon Attorneys

Outstanding Community Stakeholder
*KwaZulu-Natal Deaf Association
and
Association for the Physically Challenged*

Impactful Contribution to Community Seminars
Nqobile Gumbi, N Gumbi and Associates

Excellence in Media & Public Awareness
Sanele Msomi, Coleman Msomi Inc

Dedication to Attorney Training & Webinars
Bonga Sibiya, Farrell Inc Attorneys

Most Pro Bono Hours Contributed
Meumann White Inc.

Commitment to Special Help Desks
Bulelwa Jafta, Bulelwa Jafta Attorneys

Excellence in High-Impact Litigation
Gillian Hughes, Hughes Attorneys

We salute all our awardees for their unwavering dedication to justice. Your work continues to make a lasting difference in the lives of those we serve.

Celebrating 30 Years of Children's Rights: Symposium Highlights Progress and Challenges

By Daphne Makombe,
Legal Consultant

In commemoration of three decades since South Africa enshrined children's rights in its democratic Constitution, ProBono.Org hosted a thought-provoking symposium on 11 June 2025. The symposium reflected on South Africa's progress but also prompted action calling upon our collective duty to protect and promote children's rights as South Africa commemorates 30 years since it ratified the United Nations Convention on the Rights of the child (UNCRC). The Symposium was attended by various stakeholders committed to the promotion and protection of children's rights, including representatives from civil society organisations, government departments, the legal profession and child welfare agencies. The symposium was attended by 88 in person delegates, 329 participants online and 20 children who rendered a choral performance.

The keynote address was delivered by Ms Abigail Noko, Chairperson of the Southern African Office of the United Nations High Commissioner for Human Rights. We were truly humbled by the presence of our distinguished speakers: Madam Justice Linda Retief of the Gauteng Division, Pretoria, Advocate Nthabiseng Sepanya-Mogale, Chairperson of the Commission for Gender Equality and Ms Daphne Naidoo, Provincial Programme Head for Adoption and CYCC Services within the Directorate of the Department of Social Development.

During the symposium, the speakers focused on the importance of the UN Convention on the Rights of the Child (UNCRC). The Convention was recognised as a foundational international instrument that sets out the civil, political, economic, social, and cultural rights of children. Its importance lies in providing a comprehensive framework for governments to ensure that the best interests of the child are prioritised in all matters affecting them. The symposium highlighted how the UNCRC guides policy development, legal reform, and service delivery to protect children's rights globally and locally. The role of South African courts was acknowledged as playing a pivotal role in interpreting and enforcing children's rights, as enshrined in the Constitution and in alignment with the UNCRC. The Gauteng Department of Social Development emphasised the Convention's influence on provincial child protection policies and programmes. An example was their implementation of child protection campaigns aligned with Article 19 of the UNCRC, which focuses on protecting children from all forms of violence. They also highlighted the integration of UNCRC principles into foster care and early childhood development services.



The symposium also explored how children's rights intersect with gender, noting that girls often face compounded vulnerabilities such as gender-based violence, early marriage, and barriers to education. It was stressed that a gender-sensitive approach is essential in promoting substantive equality and addressing systemic discrimination. The need for programmes that empower both boys and girl, challenge harmful gender norms, and promote gender justice within the framework of children's rights was underscored.

As stated by our former president Nelson Mandela, "there can be no keener revelation of a society's soul than the way in which it treats its children."

We would like to express our gratitude to the Commission for Gender Equality for their support in making this symposium possible.

Ohio University Students Explore Law and Democracy in South Africa

By Larry Hayman



Fourteen Ohio University students recently returned from a study abroad program, *Law, Justice & Transition to Democracy in South Africa*, co-directed by Larry Hayman, Esq. and Dr. Haley Duschinski. Now in its second year, the program offered students a two-week immersion into the legal and historical landscapes of post-apartheid South Africa.

Developed in collaboration with Advocate Shafie Ameerma, National Director of ProBono.Org and former Glidden Visiting Professor at Ohio University - the program was designed to deepen students' understanding of human rights, South African constitutional law, and democratic transition in a global context. The experience combined academic rigor with cultural engagement, and spanned four locations across the country: Cape Town, Pilanesberg, Pretoria, and Johannesburg.

In Cape Town, students visited iconic sites such as Robben Island, Table Mountain, and the District Six Museum. They engaged in guided tours that brought South Africa's complex history to life, exploring the legacies of colonialism and apartheid in places like the Iziko Slave Lodge. In the Bo-Kaap neighbourhood, they examined the country's diverse cultural identities.

Midway through the program, students traveled to Pilanesberg National Park for a two-day safari experience, exploring South Africa's rich biodiversity and reflecting on indigenous land rights and environmental justice.

In Johannesburg, the academic focus intensified. Students toured Constitution Hill and met with Dr. Zaid Kimmie, Executive Director of the Foundation for Human Rights. There, they learned about the unfinished business of the Truth and Reconciliation Commission. Next, they visited the national office of ProBono.Org, where Advocate Ameerma gave them the opportunity to explore access to justice in South Africa. They also toured Soweto, met with Hector Pieterse's sister Antoinette Sithole, and visited the Apartheid Museum.

The program culminated in a capstone moot court exercise held at Norton Rose Fulbright, SA in Johannesburg. Students presented oral arguments before a panel that included Professor Matthew Chaskalson, SC - son of former Chief Justice Arthur Chaskalson - and professor Tracy-Lynn Field of the University of the Witwatersrand. The event challenged students to apply what they had learned about constitutional law and human rights to contemporary issues in South Africa.

As Ohio University continues to expand global opportunities for students, this program stands out as a model of experiential learning in international law and human rights.

From Condoms to Sanitary Towels: Bridging the Gap in Reproductive Health Rights

By Jonathan Malatji, Johannesburg Intern

Menstruation has long been considered a taboo subject. It is one of those topics people often avoid, finding it distasteful or inappropriate to discuss openly. Yet, menstruation is a natural biological process experienced by almost all women who have reached maturity. The inability to access sanitary towels due to financial constraints places a heavy burden on women and girls. Menstruation directly impacts several constitutional rights, such as the right to human dignity, the right to access health care services (including reproductive health care) under Section 27 of the Constitution, and the right to equality as guaranteed under Section 9.

This article critically analyses how free sanitary towels can be provided to vulnerable women in marginalised communities in modern-day South Africa.



Section 1 of the Constitution establishes that South Africa is founded on the values of “human dignity, the achievement of equality, and the advancement of human rights and freedoms”. Section 9 states that “Everyone is equal before the law and has the right to equal protection and benefit of the law.” Section 10 guarantees that “Everyone has inherent dignity and the right to have their dignity respected and protected.” Sections 27 (1)(a) and (c) provide that “Everyone has the right to have access to (a) health care services, including reproductive health care; and (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.”

In 1996, the late former President Nelson Rolihlahla Mandela stated, “As long as women are bound by poverty and as long as they are looked down upon, human rights will lack substance.” These words were spoken over 28 years ago, yet women’s rights remain partially unrealised, largely because access to free sanitary towels has not been included in legislation.

The Constitutional Court in *S v Makwanyane* emphasised that the right to dignity is one of the most important rights in the Bill of Rights, describing it as a right of intrinsic value.

A person’s dignity is violated when they are subjected to degrading or humiliating circumstances. This is exactly what some women experience when they cannot afford basic sanitary products and are forced to use unsafe alternatives.

In *National Coalition for Gay and Lesbian Equality v Minister of Justice*, the court held that when considering the right to human dignity, it must be protected for all individuals, regardless of gender or sexual orientation. True equality can only be achieved in a society where all women have adequate access to menstrual products. The ability to practise good menstrual hygiene directly affects women’s rights to dignity and equality.

The National Health Act 61 of 2003 empowers the Minister of Health to introduce strategies to combat the spread of HIV/AIDS, including the provision of free condoms. The preamble of the Act highlights its purpose: “To provide a framework for a structured uniform health system within the Republic, taking into account the obligations imposed by the Constitution and other laws on the national, provincial and local governments with regard to health services.”

It was enacted in line with Section 27(1) of the Constitution to address “the socio-economic injustices, imbalances and inequities of health services of the past; the need to heal the divisions of the past and to establish a society based on democratic values, social justice and fundamental human rights; the need to improve the quality of life of all citizens and to free the potential of each person.”

It is important to acknowledge that black women were unfairly discriminated against on the basis of both gender and race during apartheid. In the modern South Africa, black women are again subjected to unequal treatment considering the fact that black communities are recognised as the poorest in South Africa, and black women form part of these communities, with some women not being able to afford basic sanitary towels which directly impacts their inability to live a dignified life. In or around 2019, organisations such as the #TeamFreeSanitaryPads movement began advocating for the government to provide free sanitary towels and menstrual health support. These organisations argued that the lack of basic sanitary products is a major factor hindering young girls from attending school.

In response, a parliamentary committee was formed to consider this issue. However, the committee noted that the main challenges to implementing free sanitary towel distribution were lack of funding and concerns about the quality of the products. They explained that the funds raised thus far were inadequate, making the programme difficult to sustain. As a result, many women and girls who cannot afford sanitary towels are forced to use items such as newspapers, grass, and cloth, which expose them to infections.

This article recognises the value of distributing free condoms to society, but it argues that women's menstrual hygiene must be given equal importance. The government should allocate funding to a free sanitary towel initiative. Access to these basic items must be recognised as a human right that forms part of Section 27(1)(a) of the Constitution, and the National Health Act must be amended to include this provision. The amended law should specify that free sanitary towels will be provided to the most vulnerable women in society, which would ensure sustainable funding and targeted delivery.



It is worth noting that, despite more than 30 years of democracy, South Africa remains one of the most unequal countries in the world. Thus, the provision of free sanitary products is an essential step toward realising true equality. While we wait for government implementation, those who can afford to help should make it a habit to buy a pack of sanitary towels when doing grocery shopping and donate them to vulnerable people in their communities.

Conclusion

In conclusion, menstrual hygiene is a critical human rights issue. The rights of women in South Africa remain partially unrealised because menstrual hygiene has not been recognised as a basic human right worthy of legislative protection. This article argues that access to free sanitary towels should be included under Section 27(1)(a) of the Constitution, and the government's obligation to provide them must stem from Section 27(1)(c). The provision of condoms or sanitary towels must not be viewed as an "either or" issue because both are essential. However, there is a key difference: sexual activity is a choice, whereas menstruation is not. This makes the case for urgent government intervention in the provision of free or at least affordable sanitary towels.

"We are because we are"

"Umntu ngumntu ngabantu" Let us end menstrual period shame. It begins with us.



STAFF NEWS

Welcome to our new interns

JOHANNESBURG

Tiisetso Maleka

Tiisetso Maleka is a master's candidate in Critical Diversity Studies, building on her LLB as part of her journey towards becoming a transformative legal practitioner. She is passionate about using the law as a tool for social justice, particularly in advancing the rights of marginalised communities. Tiisetso is deeply committed to ethical, client-focused legal work and is always open to learning and self-development. She is excited to contribute to ProBono.Org's mission of ensuring access to justice for indigent and marginalised communities.



DURBAN

Thobani Nyathikazi

Thobani Nyathikazi is a recent graduate from the University of KwaZulu-Natal. He initially completed his Bachelor of Arts in Legal Studies and Political Science and went on to successfully complete his LLB degree. He is passionate about the law, particularly its ability to serve communities, empower individuals and uphold justice. He is excited to start his career at ProBono.Org and to grow in an environment where he can learn, develop practical skills and contribute meaningfully.

