ProBono.Org®

Visit our website:
www.probono.org.za

OCTOBER 2026 ISSUE 111

In this issue:

- PILnet Global Forum - a veteran's perspective
- Refugee Clinic Success Stories
- Playing with Fire - The Dangers of Child Gambling
- Mediation - Strengthening the Court System
- Drafting WIlls for Wills Month
- A Volunteer's Journey
- Staff news

Another PILnet Global Forum!

By Erica Emdon



I attended the PILnet Forums six times while I was at ProBono.Org, and each experience reinforced the wealth of learning available. In the first few years, the forums were held in European cities, including Rome, London, Paris, Budapest, Berlin and Madrid, and were called "European Forums".

In 2017, the forum held in Budapest was renamed the Global Forum, as PILnet's networks had expanded far beyond Europe to include Russia, Asia, some South American countries and Australia.

I was often among a small handful of people from Africa. This gradually changed, and in 2017, at the Budapest Forum, a lunchtime discussion on Africa was held, partly to explore the possibility of holding a Forum in Africa and to enhance networks. By 2024, Africa was more clearly featured, as evidenced by the fact that in December 2024, ProBono.Org, PILnet and the SADC Lawyers Association signed an agreement to strengthen pro bono and public interest law across Africa, beginning in Southern Africa.

Now, South Africa is hosting the first PILnet Global Forum on African soil in Cape Town from 10-12 November.

I found enormous value in attending PILnet Forums over the years, particularly in meeting clearinghouses from around the globe and learning from their experiences. I took copious notes, and now, when I look over them, I am impressed by the wide range of topics covered and the practical guidance I took away.

Each year I attended, the clearinghouses and civil society organisations met for a day on their own and covered a wide range of topics aimed at enhancing our work. My notes, which run to pages, cover discussions on tactics for approaching law firms; how to encourage law firms to take on big matters by unbundling them; starting online law clinics staffed by pro bono lawyers, as lawyers may not be able to travel; using the expertise of NGOs in complex cases to assist law firms; the use of technology by clearinghouses to match lawyers to cases; how to use events strategically to involve private law firms; whether mandatory pro bono rules help or hinder; the value of training private attorneys in areas of public interest law; and many others.

The Forum always featured presentations addressing current legal issues faced globally. This year is no different: “AI and access to justice: Practical use cases workshop,” “The role of pro bono in ensuring a just and equitable energy transition in Africa,” and “Strategic litigation and refugee rights,” among others.

The Forums buzz with conversations, laughter, sharing, and thoughtful discussion, resulting in long-lasting networks and friendships with people from a wide range of countries. One comes back energised, stimulated, and with many new ideas on how to use pro bono to enhance access to justice. Always our central concern.



Refugee Law Clinic Successes

By Aphiwe Nonyukela, Staff Attorney, Johannesburg

High Court Sets Aside Rejection of Asylum Claim and Orders a Fresh Hearing



The High Court of South Africa, Gauteng Division, Pretoria, has set aside a series of decisions that rejected a pro bono client's asylum claim as fraudulent, and has referred the matter back to the Tshwane Refugee Reception Office for a de novo hearing.

The client approached ProBono.Org in June 2025 for legal assistance after receiving a final rejection of her application, together with a letter directing her to appear before the Director-General with her travel documents. She consulted with attorneys from Fasken in our Refugee Law Clinic. After merit was established, a review application was instituted in the Pretoria High Court to challenge and set aside the decision of the Refugee Status Determination Officer and the Standing Committee for Refugee Affairs, which had rejected her claim as fraudulent under section 24(3)(b) of the Refugees Act.

The Court ordered that her asylum application be remitted for a de novo hearing, meaning her claim must be considered afresh. Importantly, the Court also ordered that she be re-issued with an asylum seeker permit pending the final determination of her application. It further set clear timeframes: the new hearing must commence within 30 court days and a decision must be made within 30 court days of the hearing.

ProBono.Org extends its sincere appreciation to the Fasken team and to Counsel, Advocate Sokhela, for their support and contribution to this matter. Partnerships such as these strengthen access to justice and enable us to continue providing meaningful legal assistance to those who need it most.

Application for citizenship approved

Mr Ntokozo Gumede of Gumede N Attorneys has been one of the dedicated legal practitioners in our Refugee Law Clinic and recently secured a win for one of our pro bono clients. The absence of recognised citizenship status and identity documentation can limit a person's access to opportunities and services, and their ability to participate fully in everyday life.

In September 2022, Mr Gumede assisted a client with an application for citizenship in terms of section 4(3) of the South African Citizenship Act 88 of 1995. This provision allows a person born in South Africa to non-citizen or non-permanent resident parents to apply for South African citizenship upon turning 18.

The application was lodged in 2022. Then came the silence. Mr Gumede followed up with the Department of Home Affairs, resubmitted documents and escalated the matter, but the application remained unprocessed. He then brought an application in the High Court to compel the Department to process and decide the application, relying on the right to just administrative action.

In 2026, four years after the initial application, the client received approval of her application for citizenship from the Department of Home Affairs.

This matter shows that a pro bono attorney's commitment does not end when an application is filed. Mr Gumede stayed with the client through years of delay and turned to the courts when other options failed. ProBono.Org thanks him for his dedication and for helping a young woman secure the citizenship and identity she is entitled to.

Wills Month

ProBono.Org participated in Wills Month across our three regions

Cape Town



The Cape Town office partnered with Ikamva Lavantu, a women-led, community-based movement. They helped identity and transport pensioners to our offices on 15 September. They were met by representatives from our legal partners who assisted them in drafting wills.

The second of these engagements took place in Bonteheuwel on 16 and 17 September. The office partnered with the Bonteheuwel Walking Ladies to provide wills drafting services to community members at the local civic centre. There were various legal partners present who assisted us in drafting 25 Wills.

Lastly, our team co-hosted a workshop at the Saartjie Baartman Centre under our monthly workshops partnership with this organisation, where we and Law For All hosted a workshop on Wills and Deceased estates for some 50 women.

Durban



ProBono.Org Durban marked Wills Month with a range of activities focused on promoting access to free Will-drafting services and public education on estate planning. We began the month with a radio interview on the importance of having a valid Will and shared our programme of activities for September. Throughout the month, we continued to participate in radio interviews to raise public awareness about the importance of estate planning.

We held a Wills seminar in Wentworth in collaboration with the Wentworth Organisation of Women and Emeris Community Law Clinic, where we discussed the importance of estate planning and took Will-drafting instructions from community members. We also operated Wills helpdesks at the Ntuzuma Magistrates' Court and Chatsworth Magistrates' Court, assisting members of the public with instructions for the drafting of their Wills.

During Wills Week, our team operated from the Master's Office in collaboration with the Department of Justice and Constitutional Development. Attorneys from our panel assisted throughout the week by consulting with members of the public and supporting the drafting process.



Despite the rainy weather conditions, members of the public attended the various activities to ensure that they had valid Wills in place. A total of 122 Wills were drafted during Wills Month. The success of the programme was made possible through stakeholder collaboration and the valuable assistance of our panel attorneys, reflecting our ongoing commitment to practical legal outreach and public legal education.

Johannesburg





The Illusion of Play: How Informal Gambling Criminalises and Endangers South African Learners

By Delani Mthembu – Johannesburg Intern



Huddled in school corridors or on dusty township street corners, groups of school children intensely watch a spinning coin or a pair of rolling dice. To the participants, games like zwipi (coin-spinning), madaese (dice), and informal card games are seen as harmless playground culture or an easy way to secure lunch money. However, beneath this illusion of innocent recreation lies a harsh statutory reality.

In South Africa, these informal street games constitute a serious dual violation of national law and school discipline, serving as a dangerous gateway to youth addiction and crime. The legal framework is unyielding. Under the National Gambling Act, gambling is strictly illegal unless it occurs on licensed premises and under regulated conditions.
Because informal street games operate entirely outside this framework, they are classified as unregulated criminal offences. Furthermore, South African law enforces a strict statutory prohibition against underage gambling, drawing a firm line at 18 years old. The law makes no exceptions for social or informal betting when minors are involved.

Consequently, when school children wager money on the street or in the schoolyard, they are engaging in illicit gambling activities. Given that the criminal justice system is ill-equipped to police schoolyards, public schools serve as the front line of enforcement. Under the Department of Basic Education's framework, every school's Code of Conduct treats gambling with severe gravity, typically classifying it as a Level 3 offence, on par with theft or substance abuse. Most school codes enforce strict contraband rules, meaning that simply being in possession of dice or playing cards on school property is a punishable infraction that can lead to immediate confiscation, parental notification, and suspension.

Despite these rules, socio-economic pressures continue to drive participation. For many learners facing severe household poverty, gambling is viewed as an erratic survival mechanism rather than mere entertainment. Yet, because these informal games lack regulators or official supervisors, disputes over payouts frequently degenerate into schoolyard bullying, deep financial debts that drive children to steal from their families, and physical violence. Furthermore, the South African Responsible Gambling Foundation (SARGF) warns that these informal games act as psychological priming. The habituation formed over a game of zwipi easily transitions into illegal online sports betting as adolescents gain access to mobile smartphones.



Ultimately, punitive criminalisation and school suspensions alone cannot solve this crisis. Addressing informal youth gambling requires a holistic approach: strict school discipline must be balanced with targeted community education and psychological support.

By utilising free, confidential resources like the SARGF's Minor Intervention Programme (0800 006 008), families and educators can intervene early, deconstructing the playground illusion before it hardens into a lifetime of addiction.

Strengthening the Children's Court System Through Mediation

By Sphiwe Phiri, Volunteer in Johannesburg



Family disputes involving children can be emotionally difficult and can place significant pressure on parents, children and the courts. The Alternative Dispute Resolution ('ADR'') Children's Court Mediation Project provides an alternative way of resolving disputes by allowing parents to communicate, negotiate and reach agreements with the assistance of a neutral mediator. The project is administered by the ACR Community NPC in partnership with ProBono.Org. Its purpose is to assist families with care, contact and parental-responsibility disputes while reducing pressure on the court system. It is a court- based pro bono mediation service.

The project began as a pilot at Protea Children's Court in Soweto in May 2023 and was expanded to the Johannesburg Children's Court in January 2024. The project was created in response to the challenges experienced by South Africa's family justice system, including overloaded courts, repeated litigation and families who cannot afford private mediation. Its broader objective is to make mediation and access to justice more accessible to ordinary families.

Mediation is a process in which an independent and neutral mediator assists parties who are in conflict to communicate and negotiate a possible solution. Instead of allowing the dispute to become entirely adversarial, mediation gives the parties an opportunity to participate in finding an agreement.

This project provides free services to families who may not be able to afford private mediation or other professional assistance. The project has a social, child-centred, access to justice and institutional impact. On 14 August 2026, ProBono.Org had an opportunity to honour mediators, including experienced legal practitioners and child rights experts, whose contributions highlighted the importance of collaboration in family justice and protecting children's needs and participation. The mediators were presented with certificates in recognition of their valuable contribution.

The project has demonstrated measurable community impact. From May 2023 to the end of May 2025 the project recorded 606 mediation sessions, of which 478 resulted in resolved Parenting Plans, rights and responsibilities agreements or Section 23 agreements. Between January 2025 and August 2026, 154 anonymous feedback responses were received, indicating that the mediation process had been clearly explained to them.

The success of the project has created opportunities for expansion. The Lenasia and Randburg Children's Courts have invited the project to establish mediation services there, while there has also been an invitation to participate in mediation involving historic land claims. The project demonstrates that mediation can make justice more accessible, practical and child-centred, and that mediation is not merely an alternative to litigation, but can be an important part of strengthening access to justice for children and families in South Africa.



My journey at ProBono.Org

By Michelle Rapewana, Volunteer in Johannesburg



My tenure at ProBono.org represents a foundational and deeply meaningful chapter in my career as a recent LLB graduate. This experience allowed me to bridge the gap between academic theory and practical application, reinforcing a core principle of advocacy: “Behind every legal file is an individual whose life and well-being are profoundly impacted by the outcome.”

One of my main responsibilities was assisting with client consultations and client screening. I had the opportunity to interact with clients, listen to their concerns, gather relevant information, and understand the circumstances surrounding their legal matters. These experiences taught me that being a good legal professional requires more than simply knowing the law. It requires patience, empathy, active listening, professionalism, and the ability to treat every client with dignity and respect.

I was also involved in drafting case memoranda and case summaries for different attorneys and advocates. This was an important learning experience because it required me to analyse information carefully, identify the relevant legal issues, conduct some legal research, and communicate my findings clearly and accurately. It helped me develop my legal writing and analytical skills while giving me a better understanding of how legal professionals prepare and assess cases.

My engagement extended beyond desk-based research to practical dispute resolution. Attending mediation sessions illuminated the efficacy of negotiation, communication, and Alternative Dispute Resolution mechanisms. It demonstrated that legal practice is not confined to courtroom litigation, but often centres on securing pragmatic, equitable solutions that avoid protracted conflict.

A significant portion of my professional growth is directly attributable to the mentorship of my supervisor, Ms. Daphne Makombe. Beyond instructing me in procedural protocols, professional conduct, and legal drafting, she actively supported my career development by inviting me to specialised workshops, legal engagements, and professional networking events. This exposure broadened my perspective and fostered the professional confidence necessary to transition into practice.

Reflecting on this experience, my time at ProBono.Org demonstrated that access to justice is fundamentally about human equity. Every consultation, memorandum and mediation session represented a person's rights, vulnerabilities, and aspirations. As I advance in my legal career, I will continue to carry these principles forward, aspiring to be a practitioner who balances rigorous command of the law with an enduring commitment to the communities it serves.



Our 20 year anniversary booklet is out. **Click here**

STAFF NEWS

Congratulations to our new Regional Managers

Durban

Pearl Khumalo has been appointed as the Regional Manager in the Durban office with effect from 1 October 2026.



She holds a Bachelor of Laws degree from the University of KwaZulu-Natal and currently oversees the organisation's labour, refugee, family, and gender-based violence practice areas. Before joining ProBono.Org, she served as a Legal Administration Clerk in the Office of the Chief Justice and as a Legal Intern at the KwaZulu-Natal Provincial Treasury.

Her longstanding passion for the non-profit sector has continued to shape her professional journey. She has contributed to various non-profit organisations and initiatives focused on advancing women's rights, providing career guidance to young people, and promoting human rights. She particularly enjoys community outreach programmes involving older persons, as well as planning community events. We wish her all the best in her new role.

Cape Town

Mikhail Petersen has been appointed as the Regional Manager in the Cape Town office, also from 1 October 2026.



Mikhail holds a Bachelor of Social Science in Politics & Economic History (UCT) as well as an LLB (UCT). He was also admitted as an Attorney in 2024. Mikhail believes in the law as a tool for societal change and its ability to result in the realisation of the rights of the marginalised.

Prior to joining ProBono.Org he has held positions at The Institute for Justice & Reconciliation, Ndifuna Ukwazi, The Legal Resources Centre and Gender Dynamix.
Before his appointment as Regional Manager he occupied role of Staff Attorneyin the Cape Town office.

"I am truly honoured to be bestowed with the honour of managing the Cape Town office of such an amazing organisation. I cannot wait to assist in aiding the organisation's mission of promoting access to justice in the Western Cape". Welcome Mikhail.

STAFF NEWS

Congratulations to our new Interns

Johannesburg



Siyasanga Nxokweni

Siyasanga is an LLB graduate and a postgraduate student in the Department of Public, Constitutional and International Law at the University of South Africa (UNISA). Her research focuses on Space Law, with a particular interest in protecting the Square Kilometre Array (SKA) from satellite interference through South Africa's constitutional and international law framework.

Siyasanga is passionate about public law interest and the role of the legal profession in advancing social justice. Beyond her interest in litigation and constitutional law, Siyasanga aspire to contribute to the development of space law in South Africa, including shaping legislation and policy to strengthen the country's legal and regulatory framework for space-related activities while supporting the growth of the space law as an academic discipline.



Michelle Rapewana

"I am an LLB graduate with a passion for the legal profession and a strong interest in making a meaningful difference through my work. My experience as a Legal Intern at ProBono.org provided me with valuable exposure to client consultations, legal research, drafting case memoranda and summaries, court proceedings, and mediation.

My main work focuses on protecting and promoting children's rights by assisting families with parental plans, maintenance applications, guardianship matters, and other issues affecting children's well-being. I help families navigate legal processes to ensure that children's needs and best interests are prioritised. I also assist individuals without official documentation with ID applications, helping them take steps towards obtaining legal identity and accessing essential services.

Through this work, I aim to improve access to justice, strengthen the protection of vulnerable individuals, and make a meaningful difference in the lives of children and families."

PILnet Global Forum Comes to Cape Town

By Precious Masenya, Communications Intern

The PILnet Global Forum 2026 is coming to Cape Town from 10–12 November 2026, bringing together legal practitioners, civil society organisations, pro bono leaders, academics and justice advocates from across the globe.

Under the theme ***"Advancing Access to Justice Worldwide Through Innovation, Resilience, and Solidarity,"*** the Forum will explore practical approaches to strengthening access to justice and building meaningful collaboration across the global legal community.



ProBono.Org is excited to be participating in the Forum. We will be participating in the following sessions:

1. Crossing borders, claiming rights: co-creating pro bono strategies for sexual and reproductive health and rights in migration contexts
2. Building sustainable pro bono models: cross regional lessons for a changing world
3. Celebrate pro bono! Pro bono weeks, recognition lists and awards

Legal Lifeline Partnership on Radio 919 FM



The Legal Lifeline is a practical and informative radio show and podcast on 919 FM, a community radio station based in Sandton, Johannesburg. Produced in partnership with ProBono.Org, the show is designed to help listeners understand their legal rights and navigate everyday challenges.

The show is hosted by Advocate Gushwell Brooks featuring expert insights and clear explanations on topics such as:

- Consumer rights and contracts.
- Family law and mediation.
- Workplace issues.
- Cyber law and medical practice law

Time: Every Thursday from 18:00 to 19:00.

Tune in to 919 FM in the Johannesburg/Sandton area, or listen live via the 919 FM official website. Missed episodes are available on iono.fm and the station's podcast page. Listeners can send questions or interact with the show via the station's WhatsApp number at 084 221 2919.