

Welcome to Michelle Odayan

ProBono.Org's new National Director

We are delighted to announce the appointment of Michelle Odayan as the National Director of ProBono.Org as from April 2018. She is a non-practising Advocate of the High Court of South Africa (BA.LLB), a social entrepreneur and the co-founder of the Indiba–Africa Group, a human and rights centered development practice. Her personal and professional life is anchored around values-based leadership and an ethical rights, responsibilities and social justice discourse.



Development, Skills Planning and Development, Corporate Social Responsibility, Sustainable Development, Access to Justice and Rule of Law, Democracy and Governance, and in Alternative Dispute Resolution. Since 2000, she was instrumental in the planning and execution of public private partnership projects that were critical for the transformation of the South African justice system and is considered one of a handful of justice sector reform practitioners in Africa.

She has held formal positions with ACCORD, Olive OD&T, Business Against Crime (BACSA), Agenda Feminist Media and the National Centre for State Courts (USA). She is actively involved in a variety of professional associations, holds several Board directorships and is a fellow of the African Leadership Initiative, the Aspen Global Leadership Network (US) and an alumnus of the Cambridge and Prince of Wales Sustainable Leadership Programme (UK). In 2012 – 2013 she was a ministerial appointee to the National Task Team on Sexual Offences Legislation & the Re-Establishment of Sexual Offences Courts. She also served on the President's Working Group on Women (PWGW) from 2005 – 2007 and remains a vociferous champion for women's rights and equality.

We are very fortunate to have her as the leader of ProBono.Org and hope all our partners and colleagues will welcome her to the team. ●

Michelle has substantive experience working with government, the private sector and civil society stakeholders on a wide range of cross cutting social and economic capacity building interventions, business and human rights integration, skills development and technological advancement. Over the past 25 years she has led diverse teams and was accountable for multimillion rand development project portfolios supported by international donor and government investments.

Michelle has skills and experience in board governance, strategy and policy development, executive management, programme design, total impact monitoring and evaluation, resource mobilisation and capacity development. She has worked in the fields of Business and Human Rights, Employment and Equality Law, Gender and Women's Rights, Local Economic

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Durban office welcomes staff attorney Seshni Govender



Change is inevitable and every organisation goes through staffing changes. However,

while we frequently see interns leave after a year or two, the Durban office has welcomed a new staff attorney, Seshni Govender. Seshni joins us from private practice where she primarily worked on family law and criminal matters. She has an LLB degree from the University of KwaZulu-Natal (Howard College). In the short time that she has been with us, Seshni has shown herself to have the drive necessary for an NGO such as ours by putting in the effort and ensuring that the work gets done. The Durban office welcomes her young blood and fresh ideas and looks forward to entering a new era with her.

Seshni deals with the family, labour and refugee portfolios at our office. In addition, she runs the Chatsworth, Verulam, KZN Deaf Association and Umlazi help desks. She will also be dealing with the street traders' project that our office oversees. Attorneys interested in assisting with any of these can email her on seshni@probono.org.za ●



The Department of "Happiness Affairs"

By Zekhethelo Cele, Legal Intern, Cape Town

On 6 April ProBono.Org Cape Town together with Sonke Gender Justice, the Legal Resources Centre, the South African Human Rights Commission, UCT Refugee Law Clinic, Scalabrini, Resilience Africa and UNIFAM held an awareness event as part of their mission to ensure that the Cape Town Refugee Reception Office (CTRRO) reopens and is fully functional.

The Director General of Home Affairs decided to close the CTRRO to new applicants for asylum after 29 June 2012, which the Western Cape High Court ruled was unlawful. The court ordered that the CTRRO be reopened by 1 July 2013, but the Director General took the decision on appeal. Consequently, on 26 September 2017 the Supreme Court of Appeal upheld the Western Cape High Court's decision, stating that the Department of Home Affairs' decision to close the CTRRO was both unlawful and irrational, citing the Department's responsibilities towards the rights of asylum seekers and refugees, and ordered the CTRRO to reopen by 30 March 2018.

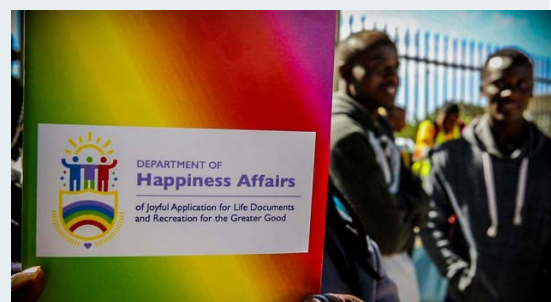
Despite the constitutional implications of closing the office, the Department of Home Affairs had argued that the CTRRO was closed due to the undesirability and difficulty in operating urban Refugee Reception Offices. It further stated that the location of Cape Town is unfavorable due to many asylum seekers entering South Africa

through its northern borders.

In spite of the latest court ruling, it was apparent that the CTRRO would not reopen to assist new asylum seekers by 30 March 2018 as per the court order. As civil society representatives, our purpose is to ensure that the Department of Home Affairs, the Ministry and the Director General are held accountable and remain answerable to the public in this regard, as they stand in contempt of court.

We have made various attempts to find out when the office will reopen, but representatives from the CTRRO advised that they need to secure new premises first and allege that the Department of Public Works has been delaying the process. When asked why they needed to obtain new premises since the current office was fully functional before it closed its doors to new asylum seekers, we were advised that they did not have the mandate to answer this question.

As civil society representatives, we are well aware of the hardships that new asylum seekers in Cape Town have to go through to get their papers. The logistical implications are simply unreasonable and very unfair. People have to travel long distances to either Pretoria, Durban or Musina, regardless of where they are living in the country. This involves asylum seekers in the Western Cape and surrounding provinces having to travel to these cities at their own expense, taking days off work and being



forced to keep their children out of school for the duration of their trip. Even then, it is not guaranteed that they will be assisted within a day, since the lines are exceptionally long and the process itself a dreadful one that could take months and even years to finalise.

ProBono.Org together with other NGOs believe that this situation is dire, and the rights of asylum seekers are being undermined.

We have been tirelessly appealing to the Department of Home Affairs and the Minister to prioritise the reopening of the CTRRO. Its closure has given rise to gross constitutional implications and the effects thereof will have a negative impact on South Africa's interactions with neighboring countries.

As NGOs, we have dubbed ourselves "The Department of Happiness Affairs" and asylum seekers and the general public participated in the 6 April awareness event. We hope that this event has regained the attention of the relevant departments to ensure that the court order is not simply lost in processes and swept under the rug. ●

Practitioner Profile

By Masechaba Modise, Legal Intern

Emily Ruth West is a young, vibrant legal practitioner, practising at Cliff Dekker Hofmeyr. She was born in Pietermaritzburg, KwaZulu-Natal. She obtained her law degree from the University of KwaZulu-Natal and relocated to Johannesburg to commence her articles with the firm in 2015. In May 2017 she was admitted as an attorney and is now an associate working in the Trust and Estates department.

The Trust and Estates department specialises in the administration of deceased estates, trust matters, wills and estate planning. As part of their initiative to give back to the community and serve their pro bono hours, Cliff Dekker Hofmeyr has practitioners who volunteer at the Master's Office Help Desk and Emily is one of them.

The Master's Help Desk is located at the Master of the High Court, Johannesburg and assists destitute and indigent members of the public who need assistance with either reporting and administration of a deceased estate, estate planning and general legal advice pertaining to deceased estates.

Although this is a great avenue for the practitioners, Emily often encounters challenges which are common but not limited to reporting and administering estates worth R250 000 or more and where the only asset in the estate is immovable property, often indebted to the municipality.

The biggest challenge however has been dealing with and advising on deceased estates where she has to explain the non-existent notion of a "family house" and the interpretation of ownership in



terms of legislation applicable to the country. More often than not the clients become confused and agitated, especially because most of them do not understand the

distinction between the customary context and the legal interpretation of ownership, but as a legal practitioner one has to apply the law as is and allow the client to learn and understand the concepts. As Emily says, *"It's daunting but someone has to do it, and unfortunately that someone is me sometimes."*

Given its challenges, Emily and the firm generally love to assist with pro bono work as they get to engage with the actual people. The firm predominantly deals with corporate matters, so to have the opportunity to work and help actual people who may not under ordinary circumstances be able to afford such legal services is fulfilling. To quote Emily, *"We sit in our comfortable offices in Sandton but once you step out to go and staff the Help Desk you get exposed to a whole different world, where the reality of how many people cannot afford basic legal assistance because of their financial difficulties stares you in the face. That experience on its own is enough to make any practitioner want to assist in any way possible"*.

Emily believes that with more initiative from legal practitioners and relevant stakeholders the Administration of Deceased Estates Act can be amended to accommodate the indigent and vulnerable. ●

New interns for Cape Town

Courtney Cupido obtained her LLB Degree from the University of the Western Cape in 2016, after which she attended UCT's

School for Legal Practice which solidified her interest in human rights law and social justice. During her studies she was a member of the Street Law Society, the Institute of Justice and Reconciliation (Ashley Kriel Youth Development Programme) and Activate Change Drivers. Her involvement with these initiatives ignited her passion to uplift communities and to develop young people.

Zunaid Latief graduated with an LLB degree from the University of the Western Cape in 2016. He is currently an alumnus member of the

HCI Foundation, where he has participated in a number of community outreach programmes, including feeding schemes in some of Cape Town's most poverty-stricken areas. One of his primary goals in life is to educate and assist underprivileged and previously disadvantaged communities, especially on the Cape Flats, where the lack of access to justice and general lack of legal assistance is prevalent. ●



LEGAL CLINIC OPENS FOR THE LANGA COMMUNITY OF CAPE TOWN

South African has robust laws which protect the vulnerable but enforcement of these laws lags behind. There is a scarcity of lawyers working at community levels which hinders much-needed legal reform. Grassroots justice is therefore required to fill the gap. In response to this problem, the Cape Town office of Norton Rose Fulbright SA, in association with ProBono.Org, launched a general legal clinic in the community of Langa on 7 February 2018. The clinic's objective is to provide access to justice and to empower people to protect their rights. The firm will be providing pro bono legal services to Langa residents once a month for the next year. If you would like to offer your services at the clinic, please contact Nicki van't Riet. ●

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