

In this issue

- International Social Justice Conference
- International Children's Day
- 16 Days activities
- Strategic Interventions and Partnerships
- Client feedback
- Women's Access to Land collaboration
- Staff news
- Holiday Closure

Stellenbosch University's 4th Annual International Conference on **Social Justice** and 5th Annual **Social Justice Summit**

By Uzair Adams and Masi Ncube

On 11 and 12 October 2023, Uzair Adams and Masi Ncube from ProBono.Org Cape Town participated in Stellenbosch University's 4th Annual International Conference on Social Justice and 5th Annual Social Justice Summit at the Artscape Theatre Centre in Cape Town.

This year's theme was "The Role of Business and Civil Society in Advancing Social Justice". The conference and summit sought to provide a platform to discuss and share ongoing efforts and to explore the potential of business and civil society to contribute to the advancement of social justice. The Director of the Stellenbosch University Centre for Social Justice, Professor Thulisile Madonsela, emphasised the significance of holding government institutions to account and working collaboratively with business and civil society to ensure the attainment of social justice.

Civil society plays a significant role in its attempts to fulfil the Sustainable Development Goals

(SDGs) such as poverty alleviation, gender equality and climate justice. However, civil society's practical action should be informed by sound theoretical reasoning and should challenge the status quo.

Despite civil society's efforts, the attainment of social justice remains elusive, mainly due to the high levels of poverty and inequality. This year being the mid-term review of the SDGs, it is clear that many countries are yet to achieve the goals - especially SDG 10 pertaining to the advancement of equality.

The conference delegates attended plenary sessions and break-away sessions where thematic areas such as economic parity, land equity, the strengthening of democracy and the rule of law, as well as Corporate Social Investment were hotly debated. It was discussed that business should consider social justice as a moral imperative instead of a business strategy as social injustice is a society's biggest threat. Furthermore, Honourable Deputy Minister of Justice and



Constitutional Development John Jeffery drove home the point that business should seek to embody Corporate Social Justice instead of merely implementing Corporate Social Responsibility in order to integrate a deep sense of social justice within the fabric of the private sector.

The conference and summit were fruitful as like-minded individuals and organisations engaged to explore further collaboration and opportunities. ●

Strengthening Awareness of Human Rights on International Children's Day

On International Children's Day, ProBono.Org collaborates with Constitution Hill to provide information on the rights of children.

On 4 November 2023, we partnered with the Constitution Hill education programme and Play Africa.

The theme of this year's event was "Play and learn". We hosted 99 children and 28 adults on the day.

The keynote speaker was Zanele Molao, FET Life Orientation Senior Education Specialist who emphasised that education is a human right and a legal requirement. It can provide empowerment, social mobility

and economic growth, where children can learn empathy and growth and how to be active citizens.

The older children were given a tour of Constitution Hill, while the younger ones participated in activities with Play Africa – making bracelets, court role playing and how to vote.

When the children came back from the tour, they played a variety of indigenous games before having lunch and a presentation of gifts.

Overall, it was a fun and eventful day. ●



16 days of Activism campaign: A collaboration between the Orange Farm Human Rights Advice Centre and ProBono.Org.

By Nonkululeko Sibambato, Senior Staff Attorney, Johannesburg



On 28 November 2023, the Orange Farm Human Rights Advice Centre hosted a community workshop in collaboration with ProBono.Org and the Itso seng Women's Project under the theme: In solidarity with the victims: Empowering the disempowered. The purpose of the event was to empower community members and advise them on their rights in relation to issues of gender based violence and birth registrations as they are issues that are seriously affecting the community of Orange Farm.

The event was attended by 68 community members. Several issues were raised, such as the distance community members have to travel to submit their protection order applications, and problems with members of the SAPS when protection orders need to be enforced. The attendees also discussed the role that churches play in addressing the scourge of gender based violence and that real collaboration is required to reduce instances of gender based violence in communities. ●

Strategic Interventions and Partnerships

- The matter of Ms Caster Semenya, who successfully won her case in the European Court of Human Rights. This is being challenged by the Government of Switzerland. ProBono.Org is working with Norton Rose Fulbright SA Inc, the Commission for Gender Equality (Ch 9 Institutions), DIRCO and Parliament of the Republic of South Africa (the Portfolio Committee on Sports, Arts and Culture) to defend her rights.
- The Khampepe Commission of Inquiry is being held into the fire in downtown Johannesburg where 77 people died. ProBono.Org is working with Norton Rose Fulbright SA Inc. together with the Centre for Applied Legal Studies (CALs) and the Socio Economic Rights Institute (SERI) where a decision is awaited on an urgent application in the High Court against the City of Johannesburg and the Department of Home Affairs who have taken a number of the victims of the fire to the Lindela repatriation camp.
- On the national Water and Sanitation crisis , ProBono.Org is engaging with the Legal Resources Centre (LRC), CALs, CHR(UFS) and the SA Human Rights Commission to challenge the state (in all three spheres of government) to deliver on its water and sanitation constitutional obligations.

These types of interventions add value to the work of ProBono.Org in reaching out to the poor and vulnerable beyond their day-to-day challenges of trying to live with dignity. ●



CGE meeting



The Khampepe Commission of Inquiry

Feedback from a happy client in Johannesburg

Thanks to the courteous and cordial service to Precious, the lady at reception and Sis' Nkuli (I hope my recollection of her name is right).

Although the matter I sought legal advice on could not be taken up by your organisation, the calm, cordial and firm service offered is much worth saying thank you to everyone.

From the reception desk to the simple yet friendly beverage servings, the warmth, firm and cordial business conduct felt like service at an affluent and hospitable corporate firm.

The friendly greetings on entry of other staff topped it all. It melted my heart. It jolted me to the glaring reality of service in SA.

How I wish there will be more support for service providers like ProBono.Org? What an enlivening synergy between government, corporate SA and civil society? Truly remarkable. Keep it up!

From ZMPD Mokhin

Empowering women on land, housing and property rights

By Mpho Mogodi, Staff Attorney, Johannesburg

In considering this topic, it is important to remember the words of Justice Goliath, AJ in the Rahube case that there was a need to reflect upon the present and to ask whether African women truly benefited from the full protection of the Constitution. Moreover, it must be established whether enough had been done to eradicate the discrimination and inequality that so many women faced daily. Laws and policies must seek to do more than merely regulate -- the legislature was enjoined to ensure that laws and policies promoted the participation of women in the social economy and political spheres, while also advancing the spirit, purport and object of the Constitution.

ProBono.Org and Lawyers for Human Rights have collaborated along with the German Embassy Pretoria in a project to empower women on land, housing and property rights. The project will host a number of training workshops to increase women's understanding of their legal rights and the legal framework involved



in accessing land and property related rights; to capacitate pro bono lawyers and increase the number of lawyers providing legal services to women wanting to exercise and enforce these rights. The project also seeks to lobby for improved legislation and policies which relate to these rights.

We will be hosting five training workshops for women in Gauteng, North West, Limpopo and the Eastern Cape. We are aiming to reach 150 women in total.

We will also train lawyers to increase access to justice and legal advice through empowering the pro bono network of practitioners.

Some of the training material which will be discussed is the landmark Rahube judgment where the Constitutional Court issued an order protecting

women's land rights. This case involves apartheid era practice, where not only the rights of black people were affected but also the rights of women. During apartheid, only men could be the head of the family and hold Certificates of Deed and Grant. This had the effect of excluding women from holding land tenure rights. The Court determined that because section 2(1) of the Upgrading of Land Tenure Rights Act (ULTRA) was based on this apartheid position, it indirectly differentiated between men and women in a way that amounted to gender discrimination. The Act reinforced the position created by the apartheid laws, specifically the Black Administration Act which suppressed the rights of women. Under section 2(1) of ULTRA, black women's vulnerability was worsened as they did not have the opportunity to register their

...continued

interest in a property before the title was automatically upgraded in favour of the male head of the family - without providing other occupants or affected parties an opportunity to make submissions.

The respondent, having been automatically upgraded as the owner of the house, tried to sell the property and the applicant challenged the section. The High Court indicated that section 2(1) violates section 9 of the Constitution. It discriminates against women based on sex and gender and impacts on women's property rights. The Constitutional Court confirmed this, interdicted the respondent from selling the property and ordered Parliament to rectify the Act within 24 months.

The High Court confirmed that the purpose of ULTRA was to provide for the conversion into full ownership of more tenuous land

rights which had been granted to Africans during the apartheid era. ULTRA was part of a scheme of legislation that was enacted to address the injustices caused by the colonial and apartheid regimes.

A new procedure for the upgrading of tenure rights is now available in terms of Section 2 of ULTRA. The application must now be made to the Minister for the conversion of land tenure rights into ownership in respect of a formalised township which was registered and opened on or after the commencement of the Act.

The project also seeks to bring test cases before court in terms of the latest ULTRA regulations and to bring strategic litigation on customary, intestate succession and having the 'family house' recognised in law. Any legal practitioners interested in attending the training and to add

commentary to the cases should reach out to ProBono.Org and Lawyers for Human Rights.

So far we have held successful workshops for practitioners in Polokwane. We also held a session for women in the area to educate them on their rights. More sessions will be held in Gauteng and in the North West before the end of the year. ●

End of Year Get Together and Film Screening

The Johannesburg office invited our partners, pro bono legal practitioners, donors and friends to a special screening of the film One Humanity, a documentary on the tribute concert held to mark Nelson Mandela's 70th birthday. Thank you to all our stakeholders from the legal profession, donor community and other friends of the ProBono.Org family for attending, and a special thanks to our host Mr. AB Moosa, CEO of the Avalon Cinema Group of Companies.



Welcome to Precious Maredi, Johannesburg Intern for the GBV Project

Precious Maredi is a LLB graduate from the University of Pretoria. She has a strong passion for human rights and social justice. She also believes that in order to achieve substantive equality it is essential to start with the needs of the most vulnerable in society.

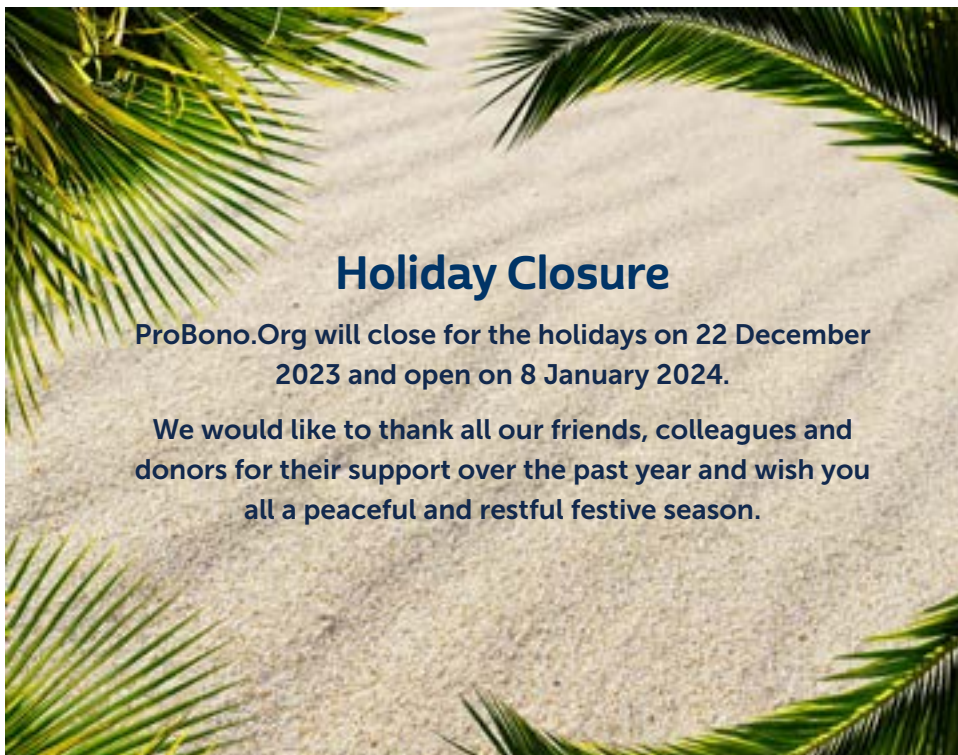
She volunteered at the Centre for Sexualities, AIDS and Gender at the University of Pretoria as a student counsellor which has helped her to understand power dynamics, exploring diversity and enabling inclusivity.

She feels honoured to be part of ProBono.Org as an organisation that assists the marginalised.



Farewell to Uzair Adams, Cape Town Regional Manager

We bid a fond farewell to Uzair, who will be leaving ProBono.Org at the end of December. He was appointed as the founding regional manager of the Cape Town office in September 2016. We thank him for his service to ProBono.Org and wish him every success for the future.



Holiday Closure

ProBono.Org will close for the holidays on 22 December 2023 and open on 8 January 2024.

We would like to thank all our friends, colleagues and donors for their support over the past year and wish you all a peaceful and restful festive season.

Write for us



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

margaret@probono.org.za

The deadline for articles for the next issue will be: **31 January 2024**