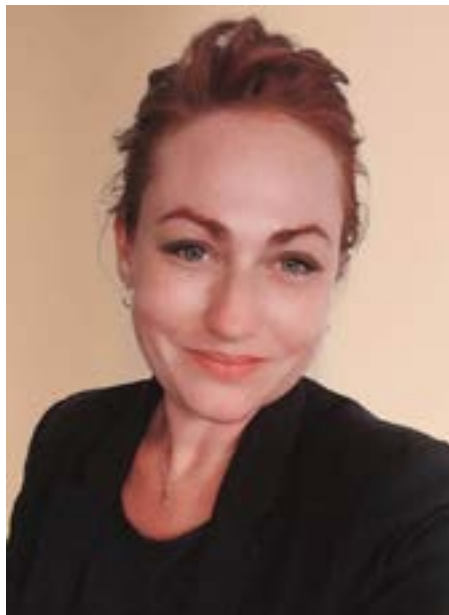


Legal Practitioner of the Month

The Cape Town office is proud to nominate **Zelna Swartz from Anneke Whelan Attorneys as their legal practitioner of the month. Her experience in commercial and civil litigation was a perfect fit for an acrimonious commercial matter.**

The matter was urgent as the client had two days to vacate the commercial premises in which she ran her small business. The client advises that her close corporation entered into a written one-year lease agreement with a commercial landlord commencing on 1 November 2023. The client advises that her business was given beneficial occupation for October 2023. The business only made use of four days of the beneficial occupation month.

In and during May 2024, the client wished to terminate her lease, despite the agreement lacking a termination clause, because she had requested a specific certificate for the premises several times from the landlord, which was not forthcoming. After being notified about the client's intention to vacate the premises, the landlord informed the client that her ability to terminate the lease agreement and vacate the premises would be contingent on her payment of the rent



for the beneficial occupation month and the remaining months of the lease period.

The financial burden that went with vacating the premises was of great concern for the client as she did not believe she should pay the hefty amount demanded by the landlord. Zelna Swartz offered to mediate the matter on a pro bono basis even though she was only approached by ProBono.Org for a legal opinion. Thanks to her swift and meticulous legal service, the matter was amicably resolved. The parties agreed to the re-drafting of the lease agreement for the benefit of both parties and the client was provided with the requested certificate by the landlord. ●

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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 editor@probono.org.za

**The deadline for articles for the next issue will be:
1 December 2024**

A Year of Growth and Gratitude

Thank You

Our ProBono.Org financial year came to an end on 30 September 2024. In this busy year, we have welcomed a total of 5 staff members, including our new National Director, 11 interns and 3 board members.

We have also welcomed several new attorneys, advocates and mediators who have joined our panel of pro bono legal practitioners. We would also like to take this opportunity

to thank all the legal practitioners who have committed their time and resources to carry out the work of ensuring access to justice for the marginalised this year.

To express our appreciation, we will be sending out certificates to recognise the unwavering commitment of our legal practitioners, mediators and law firms.

Empowering Women on Land, Housing and Property Rights

By Aphiwe Nonyukela, Staff Attorney, Johannesburg

ProBono.Org provided training to legal practitioners in Gauteng, North West and Limpopo on Women's Land, Housing and Property Rights. This legal training project was undertaken in collaboration with Lawyers for Human Rights and the Embassy of the Federal Republic of Germany (Pretoria).

The purpose of the workshops was to equip legal practitioners and paralegals on how to deal with legal matters that affect women's property rights. The following topics were covered:

- Proprietary consequences for women in monogamous and polygamous marriages .
- The Upgrading of Land Tenure Rights Act 112 of 1991 (ULTRA) and the Conversion of Certain Rights to Leasehold, Act 81 of 1988 (Conversion Act).
- *Rahube v Rahube* 2019 (2) SA 54 (CC) judgment.
- A gendered analysis of the family house.

ProBono.org was pleased by the engagement from legal practitioners and paralegals at these training sessions. In certain parts of the country, mostly in rural areas, women are still experiencing land tenure insecurity. We hope that we have been able to raise awareness of women's land, housing and property rights through these training sessions. ●



Children on the Move Conference

By Daphne Makombe and Masi Ncube

South Africa is a major destination for children on the move, the majority of whom either migrate at a very tender age or are born in the Republic. Some of these children have little or no memory of their country of origin, which affects their sense of belonging. A child needs an identity and legal status to thrive as they grow into adulthood. Without documentation, children struggle to access basic services. In the interests of advocating for the rights of asylum seekers, refugees and

migrants, ProBono.Org accepted an invitation to participate in the “Children on the Move” 3-day conference facilitated by the Scalabrini Centre for Women and Children in Cape Town (Scalabrini) which took place from 25 to 27 September 2024. The conference encouraged multi-stakeholder engagements amongst civil society organisations, government institutions and academia, with the aim of delving into the multifaceted legal and psycho-social challenges of migrant children and pathways toward durable solutions.

The conference emphasised the agency of migrant youths and prioritised amplifying their voices throughout. Day 1 of the conference was facilitated by the Western Cape Commissioner for Children, Commissioner Christina Nomdo. The participating migrant children took part in a peer-facilitated process which allowed for voluntary reflection of their experiences through art. The multistakeholder plenary session took place on Day 2 where the children’s bold messages of frustration, perseverance and hope from their artworks grounded



the discussions.

Scalabrini advocacy officers Sindi Moyo and Dion Moyo discussed issues pertaining to birth registrations, permanent residency, child abandonment and family reunification, which sparked robust engagement amongst the plenary participants. The recurring feeling expressed was that although case law such as the Centre for Child Law v Director General: Department of Home Affairs and Others 2022 (2) SA 131 (CC) -- which

provides for fathers to register the births of their children without the assistance of the biological mothers -- and legislation such as the Children’s Act 38 of 2005 may make progressive provisions for migrant children, there is a lack of implementation and sensitisation from the officials of the Department of Home Affairs.

The stakeholders who attended the conference resolved that it is now time to advocate for policy reforms to address the complexities surrounding undocumented migrant children, ensuring their protection and access to services. We need to also offer psychological and counselling support to address trauma and emotional distress experienced by the children. There is power in listening directly to young people and not speaking for them. Surely speaking on behalf of migrants is not enough; we need to allow them to express their plight. Collaborative efforts from government agencies, civil society organisations and community stakeholders will ensure the protection and well-being of migrant minors in South Africa. ●

Sex Worker Pride

by Ayesha Bray, Cape Town intern

On 14 September 2024, ProBono.Org had an information desk at the Sex Worker Pride event hosted by the Sex Workers Education and Task Force (“SWEAT”) in Observatory, Cape Town. The event was in commemoration of International Sex Worker Pride Day.

Joined by sex workers, partner organisations of SWEAT and allies, the event was a celebration of the self-determination of sex workers and the achievements of the sex workers’ rights movement towards the decriminalisation and destigmatisation of sex work in South Africa. The event was also a celebration of the diversity within the sex worker community. A live theatre performance by sex workers in which they expressed their everyday lives, experiences and challenges as sex workers in South Africa stole the show.

SWEAT’s ultimate goal is to advocate for the rights of sex workers. Women make up the majority of the sex work industry - many of whom are single mothers who, due to poverty, a lack of education, limited employment options, gender inequality and survival choices gravitate towards sex work to support themselves and their families.

The 2022 Criminal Law Amendment Bill aims to respond to the National Strategic Plan on Gender Based Violence and



Femicide (GBVF) which requires the criminal justice system to provide protection, safety and justice for GBVF survivors and hold perpetrators accountable. This process includes decriminalising sex work as its continued criminalisation contributes to GBVF by leaving sex workers vulnerable to abuse. It is hoped that the Bill will be enacted in order to afford them legal protection.

Advocating for legal reform in which sex work is decriminalised will allow the livelihoods of sex workers to be under constitutional protection. ●

SWEAT’s ultimate goal is to advocate for the rights of sex workers.



Access to Justice Project – Crowd Funding

We are excited to announce that we are now fundraising on BackaBuddy to support vulnerable groups in accessing justice.



We operate as a clearing house. This means we link prospective clients with private legal practitioners who have signed up to provide pro bono legal assistance. We assess all matters before handing them over to legal practitioners.

Your contribution will help those in need to obtain the resources and support to know their constitutional rights. The donations will enable us to facilitate rights education on matters such as housing issues, gender based violence (GBV), children's rights, unfair dismissals and evictions. We also work closely with a number of community advice offices that provide information and legal advice and also refer cases to us from their communities.

Read more about our campaign and donate on our BackaBuddy landing page here:

ACCESS TO JUSTICE PROJECT <https://www.backabuddy.co.za/campaign/access-to-justice-project>

HOW-TO: Click on the link >> click donate >> add your amount >> choose your payment method & share with your networks!

Every donation makes a difference, and we truly appreciate your support. We currently have a total of close to 3 500+ subscribers on our mailing list and we are appealing to you to help us raise these funds. **We are requesting that each person donates R50 or more to help us reach our target of R100,000. If we can have 2 000 people donate R50.00 each, we will successfully reach our target.**

Use the #IPledgeAccessToJustice/#IsupportProBono.Org/ #AccessToJusticeProBono.Org on Social Media. This is the first phase of our donation drive. Please help us spread the word by sharing this with your networks! ●

Let's Talk Law PODCASTS

Our podcast series in partnership with the Empire Partner Foundation continues to deliver valuable insights into our areas of work. Catch up on these episodes you may have missed:

Deceased Estates with Masi Ncube: [Watch here!](#)

Deeds with Nicole Laljit: [Tune in now!](#)

Call to Action: remember to sign up to join our panel of attorneys - <https://probono.org.za/attorney-sign-up-new/>



EVENTS

Wills Week

Johannesburg

The JHB team celebrated Wills month for the whole of September. Our team comprising the senior staff attorney, staff attorney and the legal interns took time out from their busy schedules to assist community members in drafting wills and educating them about estate planning. A total of five organisations including advice centres were visited in the Gauteng Province. We would like to extend our warmest gratitude to the partner law firms who assisted us to ensure this initiative was a success.

Durban

The Durban office attended the following organisations to draft wills:

- a. Chatsworth Magistrates Court
- b. Masters Office Durban
- c. KZN Deaf Association
- d. Ntuzuma Magistrates Court

A total of 88 wills were drafted.



Wills Month Dobsonville

Cape Town



Cape Town Wills Week



Wills Week Durban

Funder Visit – Misereor

Christian Maywurm (Misereor financial consultant from Germany) visited our Joburg office on 12 September together with Cleona Ilett from the local office. They spent the day discussing various aspects of the refugee and undocumented minors project that they support.



Heritage Day

Staff came together to share their heritage and favourite dishes to mark Heritage Day



NEW STAFF

Welcome to the new staff members in our three offices

Cape Town

Siphokazi Mlindazwe

Siphokazi pursued her LLB at the University of Cape Town and her aim has always been to assist vulnerable persons to protect and promote their constitutionally enshrined rights. Her commitment to the promotion of human rights and access to justice informed her decision to complete her articles at the Rhodes University Law Clinic. She was recently admitted as an attorney of the High Court of South Africa and has now joined ProBono.Org as a Staff Attorney to contribute to the organisation's efforts to ensure that we recognise and acknowledge people's intrinsic human worth by ensuring that those in need have access to justice regardless of any socio-economic impediments.



Durban

Luyanda Mtolo

Luyanda joined the Durban office as an intern on 1 September 2024. Luyanda completed her LLB at the University of KwaZulu-Natal in 2020.



Johannesburg

Bridgett Nzimande

Bridgett Nzimande is the new legal intern in the refugee and family law clinics in the Johannesburg office. She obtained a Bachelor of Laws (LLB) degree from the University of the Witwatersrand (Wits).

She is passionate about access to justice, human rights and social equality. She hopes to contribute her expertise in legal research, drafting and enthusiasm for collaborating with like-minded professionals to drive positive change. She is excited to join the ProBono.Org team and to work towards creating a more just and equitable society.



VISIT OUR WEBSITE AND FACEBOOK PAGE
WHERE YOU CAN READ MORE ABOUT OUR
WORK

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