



WOMEN'S LEGAL CENTRE

Annual Report
2014

“ One of the
highlights
of 2014
was to be
intimately
involved ”



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Women's Legal Centre ANNUAL REPORT 2014

INTRODUCTION

The Women's Legal Centre (WLC or The Centre) is a non-profit law centre that seeks to achieve equality for women, particularly black women, through impact-based litigation, the provision of free legal advice to women, legal support to advocacy campaigns by other organizations (which fall within our objectives) and training that ensures that people know and understand the impact of the judgments of the courts around women's rights.

The WLC also provides legal advice to other non-governmental women's organisations nationally and in Africa. The WLC has won several precedent setting cases that have improved women's access to justice in South Africa. The Centre is staffed by attorneys, candidate attorneys, paralegals and a legal advisor who specialise in gender law and have extensive litigation experience.

The WLC is based in Cape Town and has satellite offices in Khayelitsha and Johannesburg.

ABOUT THE WLC

The WLC has a vision of women in South Africa free from violence, empowered to ensure their own reproductive and health rights, free to own their own share of property, having a safe place to stay and empowered to work in a safe and equal environment.

The WLC seeks to achieve its long term objectives through litigation and related advocacy for law reform. The WLC has identified five strategic areas in which to focus its activities:

1. FAIR ACCESS TO RESOURCES:

We will take up cases that ensure that upon the dissolution of partnerships, whether by death or separation, women receive a fair share of the assets of the partnership. This involves ensuring that all partnerships are legally recognised, irrespective of religion and custom.

2. BEING FREE FROM VIOLENCE:

We will take up cases that improve the access of women and girl children to state protection from gender based violence, particularly rape and domestic violence, and increase protection for girl children from abuse in schools.

3. HAVING A SAFE PLACE TO STAY:

We will take up cases that extend tenure to women in their own right and to prevent loss of tenure on dissolution of relationships.

4. BEING ABLE TO WORK:

We will take up cases that extend employment protection to vulnerable groups, develop the law on sexual harassment in relation to vulnerable workers, and ensure equal opportunities in the workplace.

5. BEING WELL:

We will continue to defend legal challenges on the right to make choices around reproductive health, and to litigate to ensure that women have access to reproductive health care. We will take cases related to women's access to health care and the intersection between HIV/AIDS and our other strategic focus areas.



“ The political environment is proving to be increasingly challenging for women's rights ”

FREE LEGAL ADVICE

In order to empower women through knowledge of their rights, the WLC offers free legal advice to women. Women are assisted where possible by the WLC, or referred to the relevant body, NGO or court for assistance. The bulk of queries we receive involve the dissolution of partnerships, gender based violence and enquiries relating to maintenance claims and the like.

In the long term, we hope to contribute to building capacity within the sector to be more effective in advocating for women's equality. Our advocacy and training work focuses on providing support to other organisations and groups of organisations promoting the advancement of the rights of women in the WLC's focus areas. We assist those organisations by providing legal opinions, drafting and making submissions to parliament, presenting workshops and drafting legislation, regulations and policies. We provide training in order to ensure the communication and implementation of gains won in court, and as a costs recovery activity.

Finally, in order to work towards the transformation of the profession and broader society, we train candidate attorneys and seek to make submissions on the gender record of acting judges before they are appointed. We also provide information, training and capacity building services on a regional level.

WLC is staffed by attorneys, candidate attorneys, paralegals and a legal advisor who specialise in gender law and have extensive litigation experience. We are based in Cape Town and have satellite offices in Khayelitsha and Johannesburg.



Chairperson's Letter

This has been an exceptionally busy year for the WLC, as well as one of growth and change. It is appropriate to note that the WLC is 15 years old this year and is entering a phase of consolidation and expansion.

The WLC has earned a solid reputation in the sector, having seen success in precedent setting litigation since its inception. This year was no exception. In the *Ndatenim* matter before the Supreme Court of Appeal (SCA), relating to an appeal against the conviction and sentence of an accused in the repeated rape of an elderly woman, the SCA requested the WLC make specific submissions on whether a failure to warn an accused that he might face a minimum sentence automatically renders a trial unfair. In its judgment, the court made reference to our submission in refusing the appeal against conviction.

One of the highlights of 2014, which kept our dedicated lawyers and counsel extremely busy, was the opportunity to be intimately involved in the processes of the Khayelitsha Commission of Inquiry into failures of policing, highlighting the lack of service delivery to women victims of domestic violence and non-compliance with the Domestic Violence Act.

In the *Faro* matter, we successfully continued our pursuit to develop the law relating to unrecognised Muslim marriages, when the court recognised the right of our client, a Muslim spouse, to inherit. In the *Ngewu* matter, the Constitutional Court recognised the right of our client to be paid, without any undue delay, her portion of pension benefits after the finalization of her divorce, by giving effect to the proposed amendment to the Post Office Pension Fund Rules. In the *Isaacs* matter, we successfully prevented the eviction of our client from her marital home by challenging the husband's right of ownership of the home on the basis of Muslim rites.

As with many of our cases, our arguments are often placed in the context of how the failure to recognise Muslim or customary marriages violates women's constitutional rights.

During our strategy session held over 21- 22 February 2014 with all WLC staff and Trustees, we identified and committed to pursuing more cases on behalf of vulnerable workers. As such, we made submissions to the Equality Court in the *Kente* matter regarding discrimination against a domestic worker, which were well received by the Court.

We have seen an increase in requests from courts to intervene as *amicus curiae*, or friend of the court. This is a welcome development which shows how much our work is valued, and is an important tool in formulating legal remedies to improve the lives of women in South Africa. Our work with the judiciary also included training for around 120 judges in partnership with Democratic Governance and Rights Unit (DGRU) in April 2014.

Apart from our litigation successes, there has been a growth in demand for our work in relation to advocacy, training and legal advice. We use advocacy strategies to support litigation or identify cases but we also use advocacy to contribute to law reform and highlight systemic challenges within the criminal justice system.

The political environment is proving to be increasingly challenging for women's rights work. We need to engage government to address challenges experienced by women, and in particular vulnerable women, within the justice system and the delivery of its services. There is an increasing need for organisations in the sector to collaborate and drive a collective agenda. WLC already works with partners in some of our focus areas such as health and Gender-Based Violence (GBV), and will be focusing on how to strengthen this in 2015, especially in the areas of labour and relationship rights.

We are excited that the WLC has finally succumbed to requests to extend our physical presence by opening an office in Johannesburg. This has required us to appoint new staff to steer the ship of advancing women's causes in the economic hub of South Africa.

I would like to wish our Director, Jennifer Williams, well in her new position at WLC as in-house counsel. Jen completed her pupillage during the course of 2014 to pursue her goal to practice as an advocate at the Cape Bar. We thank her for her contribution as WLC Director for so many years and can assure her that she will be sorely missed by all of us.

I am also pleased to welcome Nokhunya Ntuli, Kholeka Zama, Nicole Fritz and Penny Parenzee as Trustees of the WLC. We are sad to say goodbye to Mary Vilakazi, who resigned as Trustee of the Centre to focus on her new role as Group Finance Director for MMI Holdings Limited.

As an organisation we sadly saw the passing of one of our staff members, Anita Mambumba, in July 2014. Anita made a significant contribution to the success of the peer-based model in our Sex Work project, where she acted as a paralegal working towards the decriminalization of sex work. The project will endeavor to work towards the decriminalization of sex work in honour of Anita.

**Basetsana Teboho
Molebatsi**



Focus Area 1: Freedom from Gender Based Violence

The WLC works to improve the access of women and girl children to state protection from Gender Based Violence (GBV), particularly sexual abuse in schools and domestic violence. We also work to develop the law in relation to particularly vulnerable groups such as sex workers, HIV positive women and girl children.

LITIGATION

Naidoo: Secondary Victimization by Police

Our client claimed damages from the State arising from secondary victimisation and assault that she experienced at a police station when she tried to report domestic violence. As of the end of 2014 the matter was subject to appeal before the Supreme Court of Appeal and the WLC has applied to be admitted as a friend of the court in this case. The WLC will use the opportunity to place before the court the existing research findings that show how victims of domestic violence, in particular women, are further victimized by police officers who do not perform their duties in accordance with the spirit and intent of the Domestic Violence Act No 116 of 1998.

Mphanama: Appeal Against Reduction of Sentence for Rape

In this matter from August 2014, an accused's initial life sentence for the rape of a 14-year-old girl was reduced to 20 years, because according to the acting judge she had been a "willing victim". The Mphanama matter led the WLC to address a letter and petition demanding an appeal of the sentence reduction in the North Gauteng High Court. The petition garnered approximately 1,000 signatures. We followed up with the prosecution, and pressured them to appeal. The National Prosecuting Authority (NPA) has subsequently advised that they have lodged an application to appeal and are awaiting the outcome.

***Nndateni* Appeal: Minimum Sentencing in Rape Cases**

The SCA admitted the WLC as a friend of the court in this appeal against conviction and sentence for the repeated rape of an elderly female victim. The WLC was asked to make submissions on whether a failure to warn an accused that he might face a minimum sentence automatically renders a trial unfair, as well as the kind of sentence the SCA was entitled to impose, if the trial was not found to be unfair. We made oral submissions before the SCA on 16 September 2014, with a judgment delivered two days later making reference to our arguments. It was found that a failure to warn an accused of a minimum sentence was an irregularity, however did not necessarily render the whole trial unfair. The appeal against conviction failed, and the matter was referred back to the trial court for sentencing.

***Jezile*: Human Trafficking and Bridge Abduction**

We were invited by the Western Cape High Court to act as a friend of the court to make submissions on *ukuthwala* (bride abduction). The appellant was appealing his criminal conviction on charges of human trafficking, rape and assault using the customary practice of *ukuthwala* as a defence. The WLC will make submissions about the impact of *ukuthwala* on women in the context of the Constitution, regional and international instruments.

***Linden*: Challenging Discriminatory Gender Profiling and Harassment**

The WLC has represented the client since 2012, in a matter where she was subjected to an invasive body search by airport officials because she was a “pretty girl travelling alone”. Proceedings were instituted at the time against the South African Police Service (SAPS) and the South African Revenue Service. In September 2014, the client received an offer of settlement which the client instructed we accept on her behalf.

***Maritz*: The State’s Responsibility for Known Repeat Offenders**

We represent a client who was raped by the same man twice, and assaulted by him on at least two other occasions. It is a damages claim that seeks to set due diligence standards in relation to state responsibility for known repeat offenders. The matter was launched in 2009 and set down for trial on 15 October 2014. On the date of the trial an offer was made to our client to settle the matter, which she accepted.

We also represented the client at the Parole Board proceedings in November 2014, where we made submissions on her behalf against the perpetrator’s release. As a result, the Parole Board extended the perpetrator’s incarceration.

ADVOCACY

Advocacy around Gender Based Violence is a significant part of our work. We use advocacy strategies to support litigation or identify cases, but we also use advocacy to contribute to law reform and highlight systemic challenges within the criminal justice system.

Some highlights from our work this year include:

In April the WLC launched a report on our research into the nature and prevalence of cultural practices in South Africa that are physically harmful to women.

The WLC co-hosted the launch of a research report produced by Lisa Vetten which tracks the manner in which SAPS is held accountable for compliance with the provisions of the Domestic Violence Act No 116 of 1998. The report reflects critically on the nature and efficacy of oversight function, which has moved from the Independent Police Investigative Directorate (IPID) to the Civilian Secretariat of Police (CSP). The launch of the report was conducted in partnership with the African Policing Civilian Oversight Forum (APCOF). The WLC contributed to the launch with a presentation on the experiences of women who come to the WLC for legal advice in relation to domestic violence. The WLC wishes to ensure that any plans to improve oversight to stay cognisant of what women’s real needs are, and how women experience gaps and poor service delivery in the system.

We prepared and delivered written and oral submissions to the Portfolio Committee (PC) on Justice and Correctional Services on the Legal Aid Bill. We used existing research and the WLC's considerable domestic violence query statistics to demonstrate the urgent need to provide legal aid to women who seek to obtain protection orders from domestic violence. As a result, the PC was able to question the Department of Justice and Correctional Services (DOJ) about the inclusion of domestic violence and other civil law issues in the provision of legal aid. The DOJ responded by assuring the PC that provision would be made in the regulations to the Bill and the Legal Aid Manual.

We were also invited by the PC on Justice and Correctional Services to present written and oral submissions on the Annual Report of the DOJ. We emphasised the fact that clients do not experience the criminal justice system as effective, using sector research and the queries received at the WLC. We also made submissions that DOJ targets around domestic sexual violence were too low and their budgeting inadequate.

We made written joint submissions on the draft Sexual Offences Act Amendment Bill in partnership with the Shukumisa Campaign (an activist group which aims to stir and shake up public and political will to develop and implement policies and strengthen laws related to sexual offences in South Africa).

We contributed to a written Shukumisa submission to the PC on Justice on the Regulations and National Strategic Implementation Plan in respect of the new sexual offences courts.

We made written submissions to the SA Law Reform Commission on *ukuthwala* and traditional healing.

The WLC continued its partnership with Rape Crisis Cape Town Trust and the Open Democracy Advice Centre in the Victim Empowerment Legislation Project ("VELP") to advocate for improved services for victims of crime, especially violent and sexual crimes against women. VELP aims to persuade the State to pass victim empowerment legislation that will address policy and service delivery gaps identified in the Road to Justice research report (undertaken by the partners in previous years), and developing a communication system that feeds information

about the criminal justice system to victims, thus empowering them to take an active part in the criminal justice process.

The WLC developed a new "**Simplified Guide to the Domestic Violence Act**", which is proving popular amongst our partners and their members. This booklet is available electronically via our website, and hard copies are used in training sessions and available at our legal advice desks and offices. We also updated our booklets on sexual offences and sexual harassment, and developed a new one on the Protection from Harassment Act.

Khayelitsha Commission of Enquiry into Police Inefficiency

The WLC gathered, prepared and submitted community statements regarding police failure to implement the Domestic Violence Act 116 of 1998 and regulations in the area of Khayelitsha. These statements highlighted the lack of service delivery to women victims of domestic violence.

The WLC also led the evidence of Wits University gender-based violence expert, Lisa Vetten who is a researcher at WITS University. Ms Vetten testified on the shortcomings in the policing of domestic violence and she made recommendations for improving service delivery. Some of these recommendations were included in the final report of the Commission.





Focus area 2: Fair Access to Resources in Relationships

The WLC pursues litigation and advocacy that attempts to ensure that women receive a fair share of joint resources when their relationships dissolve, whether through death or divorce. This involves ensuring that all partnerships are legally recognised, irrespective of religion and custom.

LITIGATION

Magona: Registration of Customary Marriages

The Recognition of Customary Marriages Act (RCMA) allows for one spouse to register a marriage, where there is evidence to the satisfaction of an official that the marriage took place. However, the Department of Home Affairs (DOH), as a practice, declines to register marriages when only one spouse applies. This undermines the very purpose of the section, which is to ensure that women who do not have the power to compel men to register their marriages are nonetheless able to do so themselves.

The WLC is representing Ms Magona in defending legal proceedings instituted by her husband, in which he denies that their customary marriage took place and disputes her right to claim half of their marital assets. We have filed a counterclaim asking for a declaratory order relating to the existence and registration of the customary marriage. Pleadings have closed and we await a trial date

Mathaba: Recognition of Customary Marriages

The WLC took this matter on appeal on behalf of Ms Mathaba. The validity of her customary marriage was disputed and so she could not inherit from her deceased husband's estate. The appeal was dismissed because there was insufficient evidence in the proceedings in the lower courts to sustain an argument that the marriage was validly concluded.

Mazibukwana: Developing the Custom of Lobola in Line with the Constitution

Ms Mazibukwana's husband sued for the return of his *lobola* (**bride price**) when she sought to leave their marriage. We are defending the case on her behalf, arguing that the custom of *lobola* should be developed in line with the Constitution so that (at least) in cases where the husband contributes to the breakdown of the relationship, the *lobola* should not be refunded.

Recognition of Muslim Marriages

Over the years, the legal status of Muslim marriages in South Africa has been questioned, unlike marriages entered into under civil or African customary law. As a result, many Muslim women and their children face stigma and are often left with no access to property, money, or resources in the event of divorce or

death. The WLC launched a class action in December 2014 for an order that the state pass the necessary legislation within eighteen months; the matter is due to be heard in the Western Cape High Court in December 2015. We continue to litigate individual cases that develop the law in relation to unrecognized Muslim marriages. These cases are aimed at ensuring that the remedies contained in the Divorce Act No 70 of 1979 can be applied to such marriages. Such cases we undertook this year include:

- In *Sadiq*, our application to intervene as a friend of the court to challenge the constitutionality of the non-recognition of Muslim marriages was recognised. The matter is enrolled for trial in February 2015.
- In *Rose*, we argued that our client should be treated as a spouse for purposes of her husband's pension interest. In August 2014, the parties agreed to a stated set of facts.. Judgement was reserved.
- In *Goolam*, we were again successfully admitted as amicus curiae. The matter is set down for February 2015.

Ely: Recognition of Muslim Marriage

Our client was married to her husband according to Muslim rites. Before his death he issued a unilateral divorce, however they reconciled and were still married at the time of his death according to Muslim Personal Law (MPL). The family disputed the marriage and objected to the Master's office, which is responsible for the administration of deceased estates. Whilst Muslim marriages have been recognised by the courts for purposes of intestate succession and spousal maintenance, because they are not legally recognised for all purposes, they are not registered. The Master's office thus relies on the Muslim clergy to provide a certificate as evidence of a Muslim marriage. In Ely's case, several contradictory certificates were issued stating that the marriage was valid, and then that it wasn't. This in itself shows the need for a regulatory body to provide certainty and consistency with regard to women's status in Muslim marriages.

We obtained an interim order in the Cape High Court that the estate be frozen pending the court's decision in relation to the unfair administrative action on the part of the Muslim Judicial Council (MJC), and the Master. On 28 October 2013, the Court handed down judgment that our client was entitled to be recognised as a spouse for the purposes of the Intestate Succession Act No 81 of 1987, and as a survivor for purposes of the Maintenance of Surviving Spouses Act No 27 of 1990. The court recognised the hardship women experience as a result of the failure on the part of the state to recognise their Muslim marriages and postponed the matter to late 2014, ordering the state to report to the Court on progress in relation to the passing of legislation that recognises Muslim marriages. The matter was, however, postponed to 3 March 2015.

Ngewu: Right to Pension Funds after Divorce

In a matter before the Constitutional Court (CC), the WLC represented Ms Ngewu in relation to her right to her husband's pension funds following divorce. Previously,



the CC had postponed the matter for 18 months to allow time for the Post Office Pension Fund to amend its rules to provide for immediate payments to women on divorce. The State made an urgent application to the CC in November 2013, seeking an extension to make the necessary amendments.

We argued that the state should not be allowed to unreasonably delay amending legislation to bring it in line with the Constitution. The Court accepted our arguments and refused to grant a postponement. The Court then read in the proposed amendment itself, giving effect to the “clean break principle”. The result was that Ms Ngewu became entitled to receive her benefit immediately.

SA Human Rights Commission: Discrimination in Registration of Births outside Marriage

We applied to intervene as a friend of the court in a matter where the South African Human Rights Commission (SAHRC) is challenging sections of the Births, Deaths and Registrations Act No 51 of 1992 relating to the requirement of permission from the father of a child born outside marriage before his details may be inserted on the birth certificate. As *amicus* we intend to make submissions relating to:

- The possible violation of women’s rights to gender equality and human dignity in contravention of sections 9 and 10 of the Constitution with regard to women’s roles as mothers, primary caregivers and the head of the household in many cases;
- The possible violation of section 28 of the Constitution that protects the rights of children and ensures that the child’s best interest is of paramount importance in every matter concerning the child, having regard to the duties and responsibilities of fathers;
- The relevant regional and international instruments and other countries’ domestic legislation.

ADVOCACY

In September 2014, we prepared written submissions to Parliament on the Draft National Credit Regulations for Affordability Assessment, and on regulations for matters relating to functions of the National Consumer Tribunal. We argued that women are predominantly adversely affected financially as they bear the primary financial and caregiving obligations of rearing children. We thus supported the provision which provides that persons who fail to pay child maintenance will have their credit score negatively affected.

We have concluded a memorandum of understanding with the Commission of Gender Equality (CGE) to develop a media strategy to create and mobilise awareness for the enactment of legislation to regulate Muslim marriages. The *Ely* matter will be used as a platform to engage with the community.

Focus area 3: Access to Land and Housing

Women’s access to land and housing is often limited by the fact that they hold tenure through a male relative or through their husbands. This renders them vulnerable to losing their homes, especially if their relationships are not recognised by the state. We work to improve women’s access to housing, and to develop the duty of the state to provide emergency housing for victims of domestic violence.





“ We focus on defending the gains made around women’s rights ”

LITIGATION

Isaacs: Right to Remain in the Marital Home After Divorce

The WLC assisted a Muslim woman to oppose an application in terms of the Prevention of Illegal Eviction and Unlawful Occupation of Land Act, where her ex-husband sought to evict her from the marital home. They were married in accordance with Muslim rites for 13 years.

The marriage is not legally recognised and so the marital home was registered only in the husband’s name, and he wanted to evict her in order to bring in a second wife. The WLC challenged the husband’s right of ownership of the marital home, arguing that the home was bought with the proceeds from another home granted to them jointly by the City of Cape Town, and that it was not in the best interests of two minor children (the client was the primary caregiver during the marriage and after the divorce) that the client be evicted. These arguments were placed in the context of how the failure to recognize Muslim marriages violates women’s constitutional rights. The WLC was successful in opposing the application, and the eviction application was dismissed.

Focus area 4: Fair Labour Practices

Despite legislation and policy to reduce sexual harassment in the workplace, it is still prevalent. Many women face a workplace culture that renders them vulnerable to sexual harassment and are unlikely to report it for fear of repercussions. The WLC seeks to improve the application of the Code of Good Practice on Sexual Harassment in workplaces where the state is the employer, as well as in male dominated, rural and domestic workplaces. The WLC also works to extend the application of the right to fair labour practices to sex workers.

LITIGATION

Kente: Rights of Domestic Workers

In June 2014, we instituted proceedings in the Cape Town Equality Court to intervene as *amicus curae* in a case of a domestic worker who has alleged unfair discrimination on the grounds of race, harassment, and hate speech by her employer’s partner. Our application was granted on 8 July 2014, and we made submissions to the Court highlighting the plight of domestic workers and the discrimination they face on multiple and intersecting grounds, including that of gender. The Court found in Ms Kente’s favour.

SAMWU / CITY OF CAPE TOWN

We acted for the South African Municipal Workers Union (SAMWU) on behalf of 212 female fire-fighters employed by the City of Cape Town. The City is allegedly discriminating against pregnant fire-fighters by withdrawing their operational allowance, which is approximately 23% of their salaries, once their pregnancy becomes known. Conciliation at the Commission for Conciliation, Mediation and Arbitration (CCMA) failed, and SAMWU instructed that the case must proceed to the Labour Court. In December 2013, SAMWU decided to await the outcome of an over-due collective bargaining process to take place in 2014, that would potentially address the discrimination against pregnant fire-fighters, before proceeding to court. We await that process to take place.

Unfair Discrimination and Workplace Abuse

We represent a client who was employed as an articulated clerk at a large law firm. She has alleged discrimination by the firm on the intersecting grounds of race and gender. The matter is already before the Labour Court, and we will represent the client in the trial that is to follow.

ADVOCACY

Sexual harassment in the workplace remains one of the biggest barriers to women's equality. Training in relation to this is often demanded by unions, and the WLC continues its work in this regard, in particular with shop stewards and other union members.



The WLC is also providing increasing support to the domestic workers' unions, and will litigate to highlight the particular vulnerability of these workers, as reflected in the *Kente* matter.

Focus area 5: Access to Health

We focus on defending the gains made around women's rights to reproductive health, which are continuously being challenged. The WLC also seeks to develop the jurisprudence around women's rights to reproductive health and access to health care services, particularly for women who are HIV positive.

LITIGATION

Coerced Sterilisation and Consent

The WLC partners with Her Rights Initiative (HRI) in seeking to bring cases that set due diligence standards in relation to what constitutes informed consent when conducting sterilisation procedures.

Sithole

We represented a client who was coerced into being sterilised at a state hospital. We held the MEC for Health in Gauteng, in his capacity as custodian of all public health care facilities in the province, liable for damages suffered by the client as a result of the coerced sterilisation.

On the eve of trial, the Department admitted liability and offered our client a financial settlement.

This was a landmark settlement, as the Department was compelled to concede that a signature alone does not constitute free and informed consent for a sterilisation. According to the law, 'consent' can only be given if the patient has a clear understanding of what sterilisation involves, knows that it might be permanent, understands what the risks are, and is aware that their consent can be withdrawn at any time before the sterilisation is carried out. Because sterilisation is a surgical procedure, it is critical that a medical doctor provides this explanation to a patient. Nurses and other health care professionals may discuss contraception options with patients, but are not the appropriate personnel to obtain informed consent for a surgical sterilisation.

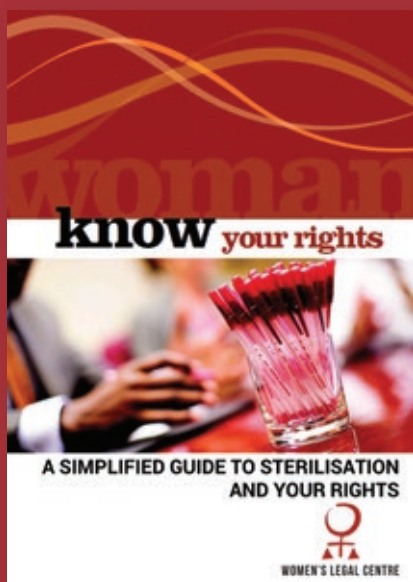
Sitamile

Our client was a refugee from Congo (DRC) who was sterilized without her informed consent at a state hospital. The WLC instituted a claim against the Premier of the Western Cape Provincial Government for damages as a result of the coerced sterilisation. In this matter we aimed to set due diligence standards in obtaining patient informed consent. The matter was settled favourably for the client.

ADVOCACY - Coerced Sterilisation

The WLC launched the Know Your Rights, “A Simplified Guide to Sterilisation and Your Rights” campaign in Khayelitsha with an information booklet. The booklet serves to inform and create awareness around the legal and medical aspects of sterilisation. We aim to empower women with information to assert their rights, in order to prevent any further coerced sterilisation. The launch was attended by 50 participants from NGOs and community members.

The WLC presented on the legal aspects of sterilisation, whilst Dr Manasri Naiker, a practicing gynecologist, presented on the medical aspects. The booklet will be further disseminated to various relevant stakeholders in the different provinces.



The WLC joined a global working group on forced and coerced sterilisation. Participants in the working group include the International Community of Women with HIV (ICW) and its regional partners in East Africa, West Africa, Southern Africa and Latin America; Aids Free World; Canadian Legal Network; and Kelin in Kenya.

The WLC attended a regional consultation on gender

based violence and women living with HIV/AIDS, hosted by HRI. Stakeholders and delegates from five African countries were present, all of whom presented and shared information on the current status of coerced sterilisation in their respective countries.

Termination of Pregnancy

Illegal providers of termination of pregnancy (TOP) services are a serious risk to the reproductive health of women and girls. We participated in a meeting with relevant stakeholders as part of an ongoing plan of action to eradicate illegal abortions.

The WLC and Marie Stopes (one of the main providers of termination of pregnancies) have met with the relevant stakeholders in relation to the removal of advertisements for illegal termination services. We will continue to pursue this on a provincial level and have written to the Mayor of the City of Cape Town outlining our concerns in relation to this. We also met with SAPS in order to better understand their obligations and the procedures to be followed when Marie Stopes reports illegal posters.

WLC presented to stakeholders at two seminars hosted by the Commission for Gender Equality (CGE) on termination of pregnancy. We will continue to work with partners on this critical issue.

Sexual Reproductive Rights and Sexual Rights Training

Through our partnership with Masimanyane in the Eastern Cape, the WLC has provided training to various NGOs in the province that work directly with women on sexual health and sexual reproductive rights. The training focused on a Rights-Based Approach in this area.

Cross-Cutting Work: Sex Worker Rights

Since 2009, we have partnered with the Sex Workers Education and Advocacy Taskforce (SWEAT) on the Sex Work Human Rights Defender Project. This project, established on the advice and instruction of the community that it serves, has two overall objectives:

- To defend the human rights of sex workers, build their capacity to exercise their legal and constitutional rights and prevent further abuses.



- To build an empowered sex worker sector in South Africa and regionally that has the capacity to defend human rights and challenge health and human rights abuses.

This work cuts across all of our key focus areas – being free of violence, having fair access to resources in partnerships, having access to safe housing, being treated fairly in employment, and having access to health – and so we report on it separately here.

For 2014, we set four goals for the Sex Work Project:

1. To support existing core work around women's rights and in the public interest, particularly constitutional cases;
2. To build upon existing activities and to develop and integrated legal assistance program in Johannesburg that will be able to serve sex workers in Johannesburg, Rustenburg and Limpopo;
3. To extend litigation to include strategic impact litigation of issues arising from Johannesburg, Limpopo and Rustenburg;
4. To advocate for the decriminalisation of sex work through the Commission for Gender Equality processes and other advocacy areas.

EXPANSION OF THE SEX WORK PROJECT

From May 2014, we have been privileged to extend our activities in assisting sex workers in Johannesburg, Limpopo and the Rustenburg, through the establishment of an office in Braamfontein, Johannesburg

(JHB). The office is staffed by two paralegals and a secretary.

In order to identify partners for a legal network on sex worker issues in these areas, a referral database for JHB, Limpopo and Rustenburg was created, and letters were distributed to potential partners introducing the Sex Work project, its aims and activities.

We strengthened our relationship with the local office of SWEAT in Johannesburg and established strong connections with other partners, including:

- In Johannesburg: ProBono.org and the Wits Reproductive and Health Institute.
- In Musina (Limpopo): The Centre for Positive Care, Hlokomela Trust, Red Cross, North Star Alliance and Lawyers for Human Rights.
- In Rustenburg: Legal Aid South Africa, Rustenburg Police, Commission for Gender Equality, and various community legal advice offices and organisations offering HIV counselling, trauma counselling and life skills training.

These relationships have paved the way for referrals both into and out of the WLC office, and the ability to identify and map certain trends in the JHB, Limpopo and Rustenburg areas, such as the forced testing of sex workers by police and the selling of government condoms at clinics. We have also approached numerous private and corporate law firms for pro bono assistance.

To introduce ourselves to the Limpopo and Rustenburg



communities, in September 2014 the WLC hosted Human Rights Training workshops for sex workers in both areas. The workshops were very well attended. Upon the conclusion of the training, participants were requested to identify challenges that they faced in the community as sex workers, with SAPS, the community and health facilities. The following day we hosted stakeholder meetings, with attendees including SWEAT provincial managers, the Centre for Positive Care, Hlokomela Trust, Red Cross, North Star Alliance and Lawyers for Human Rights, SAPS Station Commanders and representatives from CGE. The aim of the meetings was to strengthen and build on a partnership network for the WLC in Limpopo and Rustenburg, generate referrals and enable sex workers to access resources, engage with community and police and protect their rights more effectively.

We had a productive year and report on the following stats for the following activities:

Legal Representation

In 2014, the sex work project attended 81 court appearances in CT and JHB.

CAPE TOWN	JOHANNESBURG
<ul style="list-style-type: none"> 15 watching briefs for sex workers arrested and trapped by police officers, then charged under Section 19(1) of the Sexual Offence Act. Two matters have been finalised, with the sex workers receiving suspended sentences. The remaining matters are still pending, with some postponed for further investigation by the State. 9 court appearances contesting municipal by-law offences. Three were attended by paralegals. All fines have been withdrawn. 7 other matters: assault and rape cases where sex workers were the complainants, and contesting protection orders against sex workers. 20 watching briefs where sex workers were faced with criminal charges or lodged criminal charges themselves, where the matters were postponed for further investigations by the State. 10 pending cases where court support is being provided, including for maintenance and criminal trials for stolen property and entrapment. 5 were fines that were withdrawn. 	<ul style="list-style-type: none"> Court support provided to six sex workers who were arrested and taken to the holding cells at Germiston Magistrates' Court. They were released without appearing in court. Court support provided to sex workers arrested for trespassing. These sex workers subsequently informed WLC that they have obtained the services of a private attorney. Accompanied two clients to Hillbrow Magistrates' Court who were arrested for common assault, and liaised with the attending prosecutor. The clients were released after one day in detention, and had been extorted and threatened by the arresting officer before approached WLC. Charges were withdrawn against both clients. Attended Hillbrow Magistrates' Court for a client accused of vehicle theft. The matter was withdrawn and the client released. Attended Germiston Magistrates' Court regarding the attempted murder of a sex worker by a client. Attended Randburg Magistrates' Court following the arrest of three sex workers for indecent exposure. The cases were withdrawn and the clients released. Attended Hillbrow Magistrates' Court following the arrest of five sex workers where the charges were not clear. The case was withdrawn and the clients released.



LITIGATION

1. Damages Claims for Unlawful Arrest and Wrongful Detention

We are representing sex workers in several damages claims against the Minister of Safety and Security. They include:

- ***“F” and Others v Safety and Security, Western Cape High Court:***
Our clients were arrested and charged with soliciting at the Bellville Magistrates Court, with bail set at R1 500. Neither the Court nor the State asked whether they could afford the bail, as the law enjoins them to do, and as a result our clients spent approximately two months in detention. At their final court appearance the charges were withdrawn due to insufficient evidence. During 2013 we instituted a damages claim in the Western Cape High Court. Legal proceedings continued through 2014. We await an amended plea and discovery from the State.
- ***“N” v Minister of Safety and Security, Bellville Regional Court:***
Awaiting further discovery from the state.
- ***“W” and 2 others v Minister of Safety and Security, Bellville Magistrates’ Court:*** Matter came about as a result of the conduct of the Bellville South African Police Services. We have prepared a consolidation application in respect of all actions to be heard together in Court. We have received the State’s plea and have compelled discovery, and have prepared for a pre-trial conference. We are waiting for a date to be set for the matter to be heard in court.
- ***“D”:*** Damages claim filed for unlawful arrest and wrongful detention. Germiston case relating to unlawful arrest and wrongful detention. We served the State with notice to institute legal proceedings. In November 2014, we received an offer of R10,000 from the State Attorney. Our client instructed us to reject the offer and submit a revised offer of R30,000. The State Attorney submitted a revised offer of R25,000, which the client instructed us to accept.

2. Equality Court Claims

We were instructed by a transgender female sex worker client, “M”, who went to a club in Green point and whilst waiting in the queue to use the female toilet was approached by a security guard who grabbed her from the queue took her out of the premises. She was handed over to another security guard at the exit and informed that she was not allowed to be in the bar/club by order and instructions of the owner. We considered the merits of a claim for discrimination on the basis of gender in the Equality Court, however could not maintain contact with the client and decided to close this file.

3. Contesting Fines for Contravening Municipal By-Laws

We were approached by 18 sex workers who received fines for contravention of municipal by-laws. The WLC contested the fines and 8 have been withdrawn. The remaining ten are to go to trial. At these trials, we will provide court support for cases that do not fall within our piecemeal, and litigation strategy and legal representation to those that do. We are investigating the merits of a challenge to the constitutionality of by-laws relating to sex work and the implementation of those by-laws. During 2014 we consulted with clients to get full statements, advised Counsel that we would like to launch this as a class action, and prepared evidence.

4. Rape Charge Against Police Officer

We represent a sex worker client, "Z" who was arrested and then asked for oral sex by a police officer in exchange for her release. The police officer was arrested, however when the matter was referred to court, the Senior Public Prosecutor declined to prosecute. We referred the matter to the Deputy Public Prosecutor who further declined to prosecute, stating their reason being that she is a sex worker and willingly had sex with the police officer. We referred the matter to the NDPP to investigate. We have made numerous requests for a progress report on their investigation, however have yet to receive it.

5. Mayfair Arrests – Condoms as Evidence

In July 2014, we received queries from four sex workers in Mayfair, Johannesburg, whom experienced the illegal policing practice of using condoms as a basis for arrest. Police had arrived at the scene and searched our clients, finding four boxes of condoms in one sex worker's possession. The police accused our clients of being sex workers, based on this find, forced them to get into a police vehicle, where after they were driven around for 4 to 5 hours, sworn at, called derogatory names and made to clean police cells and offices. We submitted a complaint to the Station Commander and Independent Police Investigative Directorate (IPID) and relevant Station Commander and Provincial Police Commissioner and are in the process of drafting a brief to counsel. We

await the opportunity to obtain the full version and to obtain further instructions from the clients and have made contact with a peer educator at WRHI to assist in reaching them.

6. "G" – Confiscation of Condoms and Sexual Advances by Police

In August 2014, our client, a sex worker, was arrested by police while standing on the street. She was not working at the time. The client was searched by police (not by a person of the same sex), who found two condoms and destroyed them. She was placed in police vehicle, after which the police picked up two other sex workers, and drove around with them for around three hours. They were not taken to police cells but instead to a park, where police threatened to beat them up. One policeman wanted our client to have sex with him without a condom, saying that if she refused he would drop her off in the middle of nowhere. She refused to sleep with him and insisted that he take her back to where he found her. We have attempted to obtain the identities of the other two sex workers picked up by police, However this has been unsuccessful. We have been on Outreach in Rosettenville in an attempt to get statements from more sex workers to determine whether the confiscation of condoms and police requesting sexual favours is a persistent trend in this area. We believe that this case is an important illustration of illegal policing practices and could be used in support of a decriminalisation case. We have proceeded to lodge a complaint to IPID and the Station Commander of Moffat View Police Station. Paralegals are currently doing outreach in Rosettenville in an attempt to find our client for further instructions.

7. "N" - Illegal Searches

Our client works at an indoor bar/brothel in Cape Town central. When she visited a friend's house in the Sea Point, police raided the premises and demanded that they strip their clothing and open their genital orifices in full view of other male officers. WLC was instructed to challenge the invasive body search and the property search, both of which were conducted without a search warrant and violated the constitution. WLC has drafted an opinion on

the basis for a challenge to the searches and to the Criminal Procedure Act No 51 of 1977, in that it lacks the necessary safeguards to protect individuals from unlawful body searches and is therefore an unconstitutional expansion of police power. In order to evidence the impact litigation, we are currently seeking to obtain statements to evidence the prevalence of this practice amongst sex workers, and have already received similar complaints from Kuruman Northern Cape Province.

8. Sandton Arrests

Our clients were on the road when police stopped, chased and eventually caught them. They were placed in the back of the police vehicle where their pictures were taken, before being taken to Sandton police station and detained overnight in sub-standard conditions. One client was also denied medication for an existing bullet wound. We are currently completing statements.

9. Challenging the South African Law Reform Commission (SALRC).

Following the SALRC's delay in releasing their report regarding the "Adult Prostitution Project 107 Discussion Paper" commissioned in 2009, the WLC has drafted a legal opinion for SWEAT on the available remedies and prospects of success in obtaining a release of the report, and prepared a brief to sue the SALRC and sent it to the JHB bar for pro bono counsel. We have since been instructed that SWEAT no longer wish to proceed with this. However WLC are preparing a legal opinion and brief for an application either to obtain a structural or mandatory interdict ordering the SALRC and Dept of Justice to finalise this project. We have been in consultation with CGE regarding a national hearing in relation to obtaining the report and have submitted 4 files of judgments (fines and other cases of sex workers) that we collected from 2011-2014. CGE have requested to meet with the initial 17 complainants.

10. Contempt of SWEAT Interdict

We received a copy of statistics from the National Police Commissioner regarding the arrests, pros-

ecutions and convictions of sex workers, indicating that police are in contempt of an interdict prohibiting them from doing so. We met with SWEAT in a legal partners meeting and raised this matter with them. We shared the litigation memo, legal opinion and brief to counsel with them again, in an attempt to move on this matter.

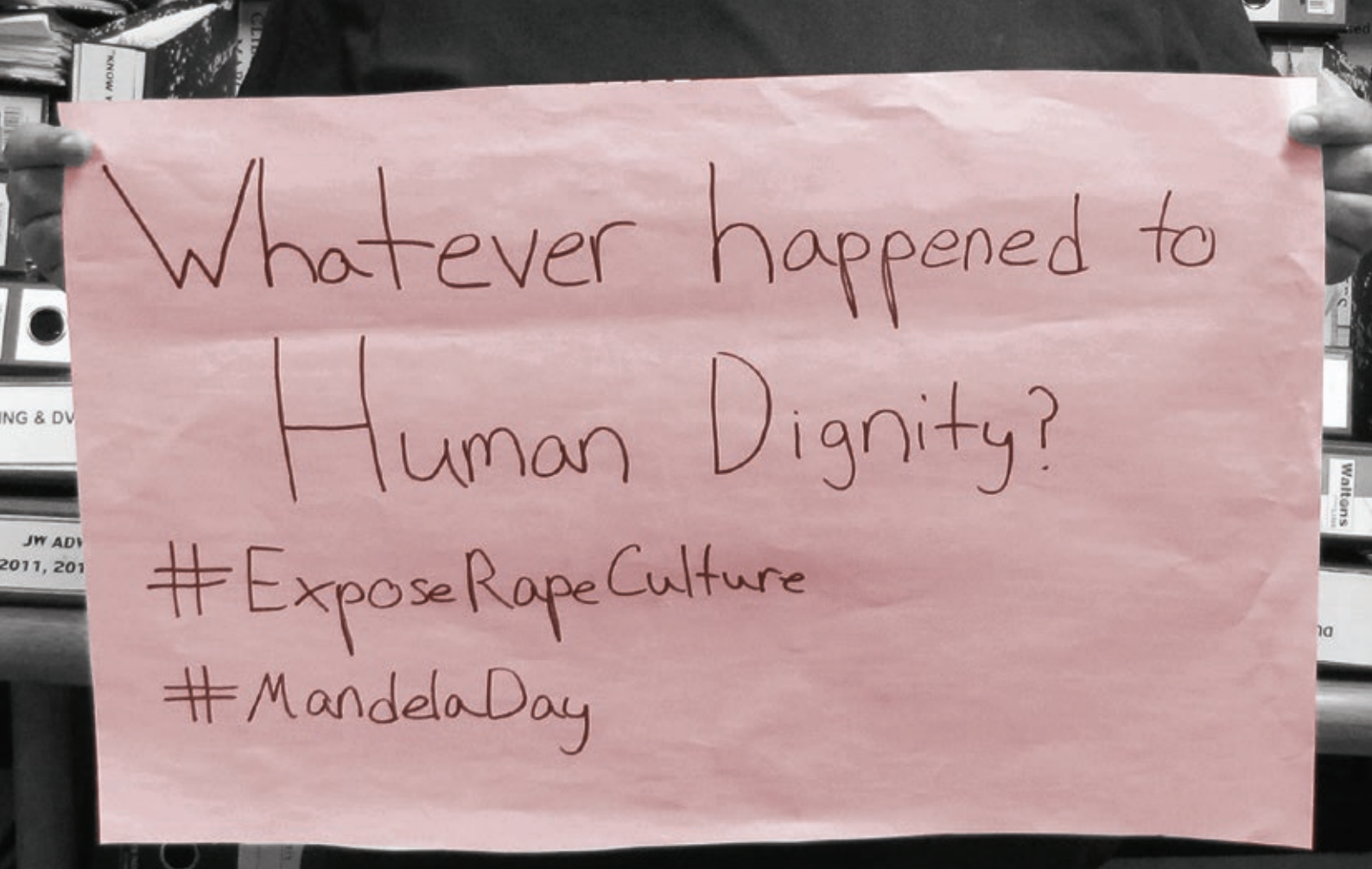
11. Challenging the Constitutionality of the Municipal By-Laws

We are investigating the merits of a challenge on the constitutionality of the by-laws relating to sex work and the implementation of those bylaws. We have prepared 148 questionnaires relating to fines and are consulting with clients whom we have identified to obtain full statements from them. We have met with Counsel and advised that we would like to launch this as a class action.

12. Unfair Dismissal

In the cases of "J" and "H" we assisted sex workers in taking cases of unfair dismissal to the CCMA. In both cases our clients received compensation.

- "J": we assisted a sex worker, "J", who was unfairly dismissed by her brothel manager. She was also not paid for services provided. We referred her matter to the CCMA and it was settled at Conciliation in August 2014. She received compensation and was paid for the services provided.
- "H": we assisted a sex worker, "H", who was compelled to leave her employment because of the unfavourable working conditions and was not paid for services she provided. We referred the matter to the CCMA alleging constructive dismissal. The matter was not resolved at Conciliation and was referred to arbitration. At the arbitration proceedings we assisted the sex worker in preparing arguments. The Commissioner found in favour of the sex worker and the employer was ordered to pay the sex worker for the services provided and awarded compensation for the unfair dismissal. We are currently assisting client with a writ of execution.



Whatever happened to
Human Dignity?

#ExposeRapeCulture

#MandelaDay

13. Unlawful Reporting

We assisted two sex workers who complained about the unlawful reporting of an article in the Daily Voice newspaper in Cape Town and the violation of their constitutional rights. The article also violated the South African Press code. As a result of our complaint, the local newspaper agreed to publish a public apology. We have used this opportunity to lobby the Press Ombudsman to support our submission to the Press Council to include sex workers as “vulnerable workers” as listed in the Press Code to ensure that journalists take precautionary steps when they report on matters that involve sex workers. We await feedback on our submission.

14. False Reporting

We assisted two sex workers to lodge a complaint to the Press Ombudsman for an article published in the Daily Sun newspaper. The article made false statements, included quotes from our clients which were incorrect and was accompanied by pictures of our clients used without their consent. We have received feedback from the Press Ombudsman’s office that the editor of the Daily Sun has had agreed to respond to the complaint.

15. Denial of Access to Medication While in Detention

Our client, a sex worker is a diabetic and is required to take insulin. She was found by police while sitting in the street eating. She told police that she needs to eat in order to take her insulin but police didn’t believe her and removed her food. She was arrested with five other sex workers and taken to John Vorster police station. Shortly after arriving at the cells, she became ill and fainted and was taken to hospital. Arrangements have been made to visit client in hospital on Special Outreach, and a statement will be compiled.

16. Failure to investigate

- The client, a sex worker, was raped on two consecutive weekends; however she was ignored by both police and her brothel manager in the first instance. A complaint was submitted to IPID, Inspectorate and SAPS in December 2014.
- Clients, all sex workers, were physically assaulted and harassed by a ward councillor; however, police failed to open assault investigations. We consulted with clients and completed their statements. A complaint was submitted to SAPS in December 2014.
- Client, a sex worker, had been assaulted by her client and had visible injuries. She was taken to Khutsong Police Station by a security guard at the flats she was working in; however police failed to assist her in opening an investigation and denied her medical attention for a broken arm (caused by the assault) while she was detained. The client was instead charged with trespassing and signed an admission of guilt form which was not explained to her and which she says she would not have signed if she knew. Complaint was submitted to both police stations and IPID, with SAPS denying poor condition of cells, however conceding it was arresting officer's duty to take our client to hospital. We have replied regarding conditions of detention and continue to request reasons for arrest.

RUSTENBURG CASES

- **“S” – Domestic Violence**
Assisted a sex worker, “S”, who complained about suffering domestic abuse at the hands of her boyfriend of 3 years because of her profession. WLC advised her on how to obtain a protection order at the nearest Magistrates' Court. We will be following up with her continuously and have verified that the client is longer living with the abuser.
- **“P” – Access to Health Services**
Assisted a sex worker, “P”, who complained about the bad treatment she was receiving from a nurse at a local health facility who refused

to assist when a condom used by a client had broken. WLC is trying to obtain further information on the incident in order to bring to the attention of the management of the clinic where this particular nurse works. The client's matter has been identified as a possible impact case.

- **“K” and “M”**

Two sex workers who complained of tenants refusing to move out of homes that they owned. Both clients had attempted complaining to the Municipality and other authorities to no avail. These matters may be referred to a pro bono attorney for an eviction application.

LIMPOPO CASES

- **“C” – Disclosure of HIV Status**

The client, “C”, is a sex worker whose former friend continues to disclose her status as HIV positive to her clients. The WLC advised her on obtaining a harassment interdict, and is looking at the possibility of assisting the client in laying a *crimen inuria* charge against this person or taking the matter to the Equality Court.

- **“L”** : The client, “L”, is a sex worker who was raped, assaulted and robbed by a stranger that she met in a taxi.

When reporting the incident, the client was confronted by a police officer who knows that she is a sex worker. The officer made fun of her, did not take her seriously and made her wait a full day before being helped. The client was told nothing could be done because the suspect was unknown. After obtaining the identity of the alleged perpetrator, he was arrested. The WLC advised the client on the process of laying a criminal charge and of her rights during an investigation. WLC will be following up with the investigating officer and monitoring the investigation closely, and have arranged court support for the client at the hearing in January 2015. The WLC has also submitted a complaint to the Station Commander in Musina and the SAPS Inspectorate Limpopo to investigate the misconduct of the police officers.



“

...in order to make our
presence known
in Rustenburg
our JHB office conducted
Human Rights training

”

LEGAL SUPPORT AND ASSISTANCE

During 2014 we offered a wide variety of legal support and legal assistance through our offices in Cape Town, Khayelitsha and Johannesburg. This is not only to provide practical assistance, but also to identify trends and potential impact cases for litigation. There were too many individual cases to cover in detail in this report, but these are the kinds of support we offered:

- Complaints to Station Commanders, Provincial Commissions of Police and/or IPID about unlawful arrests and detention, refusal to allow sex workers to lay charges, failure to investigate cases, seizure of property, harassment and other abuses.
- Liaising with police on behalf of sex workers in detention to ensure their welfare, including that they receive food and medical treatment.
- Helping sex workers to open and pursue rape, assault and harassment cases, sometimes against police, correctional services officers and ward councillors. This includes accompanying them for counselling, advising them about the process and arranging court support where appropriate.

- Helping sex workers negotiate with social welfare agencies and courts about matters affecting their children.
- Helping sex workers to get and enforce maintenance orders.
- Liaising with prosecutors to get witness protection for our clients.
- Helping clients to get protection orders against domestic violence and harassment.
- Helped transgender clients who were detained in cells of the wrong gender.
- Referrals to the Housing Tribunal and help with housing and illegal evictions.
- Collecting information about discriminatory and abusive treatment at clinics for a possible impact case.

Our work is complicated by the fact that sex workers are often difficult to contact again, but we co-operate closely with SWEAT and other organisations to try and trace clients if we lose contact with them.



ADVOCACY

During this reporting period, we started collating all the human rights violations questionnaires that we collected from sex workers from September 2011 to August 2014 in order to compile a research report on the ongoing human rights violations that sex workers experience, particularly abuse perpetrated by the police. Our aim in this report is to highlight the ongoing abuse perpetrated by the police and to compare the statistics from our previous report. We also aim to assess the impact of our legal interventions.

Where we have identified trends of abuse, we have intervened:

- Lodged 4 complaints to the Station Commanders in Cape Town Police stations;
- Lodged 4 complaints to Independent Police Investigative Directorate;
- Submitted 9 statements and 1 complaint to the Provincial Commissioner of Police in the Western Cape. Following one complaint relating to the unlawful arrest and detention of 9 sex workers working in Milnerton/Brooklyn area, we have not received any further complaints from sex workers there.

We have maintained our media presence:

- We provided comment on an article for The Lancet Journal on the intersection of human trafficking and sex work, after being approached by Anand Grover, UN Special Rapporteur for Health.

- Our attorney was featured in a Special Assignment documentary regarding the human rights violations that sex workers experience.
- We provided input into a Journalist Manual that Sonke Gender Justice is developing.
- WLC provided input into a Journalist Manual that has been finalized by Sonke Gender Justice.

We attended numerous important stakeholder meetings and conferences:

- Meeting hosted by the 1 Billion Rising in association with SWEAT and Embrace Dignity, which included an open debate on the different models. Meeting hosted in March 2014 by the CGE to discuss the role of the United Nations Special Rapporteur on Violence Against Women, where we raised questions on the follow up on the various requests that WLC sent to them.
- We also attended the national strategic meeting of Sisonke which was held over three days in JHB. Assistance was given to Sisonke especially in drafting their code of conduct and policy and advice was given on the kind of independent entity Sisonke could be once they are separated from SWEAT. We attended a Decriminalisation Coalition Meeting hosted by SWEAT, and participated in core group meetings to discuss the structure and activities.
- WLC was invited to the Gauteng Provincial Legislature Dialogue on Commercial Sex Work. We

also participated in the planning of the program and gave input on topics for discussion.

- WLC was invited by City of Joburg to participate and present at its World Aids Day event. This event was held in partnership with SWEAT, WRHI and the Johannesburg Aids Counsel. WLC participated in the planning and engaged with SAPS to arrange a representative to do a presentation on their behalf.
- We attended a Sisonke Stakeholders Meeting to touch base with all organisations in and around Johannesburg that assist sex workers.
- WLC attended the Global Fund Site co-ordinators quarterly training and presented on how we conduct our work.

We met, corresponded with, made presentations to and provided advice and assistance to many other partner organisations and NGOs around the world:

- Our attorney presented on Sex Work litigation and working with vulnerable groups at Harvard Global School in November 2014.
- We shared our model materials and other tools with Sexual Rights Centre in Zimbabwe and a researching attorney from Australia.
- We provided advice to the Sexual Rights Centre on the stigmatization of sex workers by health care practitioners and legal remedy options. We also shared the Desmond Tutu Manual for training of health care workers with them.
- We developed a template / tool to assist SWEAT in reporting on the information that we extract from the questionnaires.
- We assisted the Centre for Human Rights Education Advice and Assistance (CHREAA) in Malawi with information on documenting human rights abuses and on our paralegal program.
- We shared our documentation tools and paralegal administrative forms with SWEAT who shared it with the Global Fund sub recipients who have human rights defenders.

- We finalised a Lawyers Manual and to be printed in January 2015.

We made or assisted with submissions to various commissions and policy making bodies:

- We provided input into a letter to the MEC for Social Development who has reported that she is in support of the decriminalisation of sex work.
- In August 2014, we forwarded a submission to the Commission on the Status of Women and included information regarding sex workers.

We have undertaken a project specifically relating to police using condoms as evidence against sex workers. We have commenced taking statements from sex workers who have experienced this, and trained them on their rights. We have asked SWEAT to send out mass text messages to this effect. Along with SWEAT, we have requested a meeting with the Deputy Minister of Police in order to discuss a Police Directives, but were informed that she would only meet with us after elections. We have raised this issue at the SANAC Level National AIDS Council and in our engagement with the Provincial Commissioner's office when we discussed police training.

Police Training

We have prepared letters to the DM of Police, National Commissioner, Provincial Commissioners, IPID and Department of Civilian Secretariat, requesting a meeting to discuss the Standard Operating Protocol. We hope that once we meet with the DM of Police, she may make this a national instruction.

In March 2014, WLC met with SAPS who has followed up on this and agreed to:

- Put posters with the image people from the LGBTI and sex work community in all police stations, with the aim that these posters will make people feel a bit more comfortable when they enter a police station. It is also to show that police officers are "accepting" of all.
- Follow up on the dates for training
- Follow up on the request to include our training in the police colleges



- Follow up on the comments that we are waiting on SAPS Legal Services
- We have drafted and completed the National Police Training manual to assist with improving the ways in which the SAPS deal with sex workers and thus reduce human rights violations experienced by sex workers at the hands of police officers.
- WLC met with SAPS who has agreed to put posters with images of people from the LGBTI and sex work community in all police stations, to create a sense of comfort for those entering a police station
- They will also provide us (and our partners) access to train police officers on these issues.

Paralegal Training

We conducted training with our paralegals in order to increase and enhance their legal knowledge, so that they can provide top quality legal services to our clients. We identified the areas of legal training through our engagement with paralegals, assessed the legal advice that they provide and covered any gaps in knowledge that stems from any changes in the law.

In Cape Town, we conducted training on the following:

- Refugee and immigration law
- A three-day extensive paralegal course for the Global Fund Paralegals
- Child labour
- Administrative duties of a paralegal

In Johannesburg we conducted training on:

- Domestic violence and assisting clients to apply for protection orders. We identified organisations and facilities where victims of domestic violence can be referred to for counselling or shelter.
- Divorce law and procedure
- Customary marriages

We also conducted training for the SWEAT human rights defenders in Polokwane, Rustenburg, Johannesburg and Cape Town, with an average of 20 human rights defenders at each training session. We also entered into an agreement with SWEAT to provide paralegal training for their human rights defenders supported under the Global Fund grant. We conducted the training in Johannesburg, Polokwane (Limpopo), Klerksdrop (North West) and Cape Town.

Paralegal Debriefing

We hold weekly paralegal debriefing sessions for our paralegals. The aim of the debriefing is to discuss the previous week's events, hand over questionnaires to the attorneys, prepare for the coming week, discuss trends for litigation and obtain assistance with problematic cases. We also use this time to discuss any administrative issues. We held 24 such debriefings during 2014.



Legal Advice and Help Desks

The WLC offers free legal advice at our office in Cape Town:

- Weekly in Khayelitsha,
- During office hours telephonically
- Via our social media
- Via email

Where we can resolve the query and assist the client, we do so; otherwise we refer the client to the relevant body or government department for assistance. We provide practical advice and guidance to clients in addressing their legal concerns. Through this process we also identify matters which we can take up for litigation where there may be immediate harm to the client.

We also identify trends through our legal advice work which can lead to strategic litigation.

The duty query statistics are reflected in the form below:

NATURE OF QUERIES	Totals
Access to children	39
Abuse (child)	11
Abuse (verbal and emotional)	1
Civil claims	27
Criminal	84
Custody	41
Customary marriages	28
Damages	11
Debt	29
Defamation	4
Discrimination	11
Divorce	249
Domestic partnership	24
Domestic violence	92
Education	1
Estates	53
Evictions	61
Family law	28
General	42
Health	7
HIV	4
Housing/land	128
Labour law	50
Maintenance	93
Muslim Personal Law	89
Pension funds	13
Queries from NGO's	2
Queries from students, researchers	0
Refugees	4
Sexual harassment	15
Sex work	273
Sexual offences (including rape)	27
Wills and estates	8
TOTAL	1549

Staff, Trustees, Patrons and Funders

LEGAL STAFF

Jennifer Williams:

Director / Attorney
(until June 2014)

Shireen Motara:

Director (from July 2014)

Hoodah Abrahams-Fayker:

Attorney

Stacey-Leigh Manoek:

Attorney

Sanja Bornman:

Attorney

Sithuthukile Mkhize:

Attorney

Jody-Lee Fredericks:

Legal Advisor / Attorney

Lin Soekoe:

Legal Advisor (Volunteer)

SUPPORT STAFF

Ingrid Johnson:

Litigation Secretary

Aretha Louw:

Litigation Secretary

Nwabisa Ntshibelo:

Receptionist

Nomhle Magwaza:

Administrator

Charmaine Groep:

Administrator

Estelle Malgas:

Office Assistant

Gcobisa Silwana:

Communications

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(Chairperson)

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Nokukhanya Ntuli

Penny Parenzee

Kholeka Zama

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FOR SOUTH AFRICA



WOMEN'S LEGAL CENTRE

WOMAN'S LEGAL CENTRE TRUST

**ANNUAL FINANCIAL STATEMENT
FOR THE YEAR ENDED 31 DECEMBER 2014**

(Registration Number IT 3486/98)

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

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General Information

Country of registration and domicile	South Africa
Registered Office	7th Floor Constitution House 124 Adderly Street Cape Town 8001
Postal address	PO Box 5356 Cape Town 8000
Bankers	Standard Bank
Auditors	Solace and Associates
Trust registration number	IT3486/98
NPO registration number	032685NPO
PBO and Section 18A	930 007 242

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Statement of Trustees' Responsibility and Approval

The trustees are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The auditors are responsible for the fair presentation of the financial Statements.

The trustees are also responsible for the trust's systems of internal financial control. These are designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of the assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the trustees to indicate that any material breakdown in the function of these controls. Procedures and systems has occurred during the year under review.

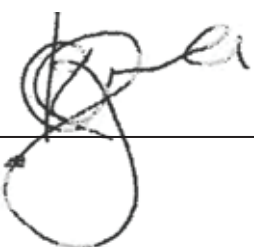
The financial statements have been prepared on the going concern basis, since the trustees have reason to believe that the Trust has adequate resources in place to continue in operation for the foreseeable future.

The annual financial statements which appear on pages 29-36 went approved by the trustees and are signed on their behalf by:



Trustee

08- September 2015
Date



Trustee

22 September 2015
Date

REPORT OF THE INDEPENDENT AUDITORS

To the Trustees of Women's Legal Centre Trust

We have audited the accompanying annual financial statements of Women's Legal Centre Trust, which comprise the balance sheet and income statement as at 31 December 2014, a summary of significant accounting policies and other explanatory notes, as set out on pages 31 to 36.

Trustees' Responsibility for the Financial Statements

The trust's trustees are responsible for the preparation and fair presentation of these financial statements in accordance with the generally accepted accounting practice in the manner required by the Trust Deed.

This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of annual financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the annual financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the annual financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the annual financial statements, whether due to fraud or error.

In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the annual financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the trustees, as well as evaluating the overall presentation of the annual financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

G Cronje
Associated company: Solace Consulting

Opinion

In our opinion, the annual financial statements have been prepared, in all material respects, in accordance with the basis of accounting described in note 1 of the financial statements for the year ended 31 December 2014 and in the manner required by the Trust Deed.

Emphasis of Matter

Without qualifying our opinion above, we draw attention to the fact that the financial statements have not been drawn up in accordance with generally accepted accounting practice in that assets are fully depreciated in the year of acquisition.

Supplementary Information

We draw your attention to the fact that the supplementary information set out in page 35 does not form part of the annual financial statements and is presented as additional information. We have not audited the information contained in the annexure and its contents are therefore not part of our audit opinion.

Solace and Associates Incorporated CA (SA)
PER: G Cronje
Registered Auditor

Cape Town
Date: 30 September 2015

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Trustees' Report

The Trustees have pleasure in submitting the annual financial statements of the Trust for the year ended 31 December 2014.

Main object

The main object of the Trust shall be to advance women's rights by conducting constitutional litigation and advocacy on gender issues.

Trustees

The trustees of the Trust during the accounting period and the date of this report were:

B. Molebatsi (Nee Makhalemele) (Chairperson)

S. Mills

A. Tilley (resigned)

S. Cassiem (resigned)

M. Vilakazi (resigned)

N. Ntuli (Appointed: 15 January 2015)

P. Parenzee (Appointed: 15 January 2015)

N. Fritz (Appointed: 15 January 2015)

C. Zama (Appointed: 15 January 2015) Post balance sheet events

The trustees are not aware of any matter or circumstance arising since the end of the financial year that would materially affect the financial position of the Trust.

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Balance Sheet

	NOTES	2013 R	2014 R
ASSETS			
Current assets		8,888,425	6,621,634
Deposits			
Trade and other receivables		89,322	2,785
SARS - VAT receivable		103,42	50,727
Cash and cash equivalents	2	8,612,m	6,507,099
Total assets		8,888,425	6,621,634
CAPITAL AND LIABILITIES			
Capital and reserves		6,126,212	6,194,881
Initial donation		100	100
Retained funding	3	6,126,112	6,194,781
Current liabilities		2,762,213	426,753
Trade and other payables		186,061	223,869
SARS - VAT provision		39,775	36,619
Litigation Fund - Trust Account		14,594	12,371
ISLA funds	4	2,379,975	
Leave provision		141,808	153,894
Total capital and liabilities		8,888,425	6,621,634

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Income Statement

	NOTES	2014 R	2013 R
INCOME		7,151,499	6,512,494
Donations and grants	5	6,309,824	6,202,460
Cost recovery		30,000	30,700
Fees received		50,808	
Fiscalsponsorshipfees		381,170	
Interest received		379,662	279,334
Other Income		35	
EXPENDITURE		7,220,167	5,828,714
Employment costs		4,470,412	3,269,227
Salaries & benefits		4,205,785	3,083,263
Contributions		93,330	97,971
Supervision		65,360	62,280
Recrutment costs		100,037	11,713
Consultancies		5,900	14,000
Litigation costs		791,103	641,975
Advocacy & training		360,658	n4,J11
Information costs		291,326	225,984
Newsletter and annual report		50,480	5,000
Law books & subscriptions		20,292	44,375
Material development		122,196	90,548
Resource centre		11,207	8,104
Volunteer costs		366	2,373
Website design and maintenance			13,503
Internet/computer support		86,785	62,081
Governance costs		82,703	55,051
Trust costs		82,703	55,051
Administrative costs		899,735	644,770
Bank charges		29,778	24,34
Cleaning		166	3,450
Equipment rental and maintenance		62,960	54,381
Insurance		20,436	19,429
Interest paid		6,212	12,243
Loss on investment		5,062	
Office set up costs		113,643	
Rental of offices and parking bays		524,221	439,014
Stationery and postage		50,100	18,641
Sundries		21,270	13,301
Supplies		7,583	6,959
Telephone and fax		54,155	52,598
Travel		4,149	414

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Income Statement (cont.)

	NOTES	2014 R	2013 R
Audit and accounting		<u>252,721</u>	<u>160,683</u>
Audit fees		27,550	32,835
Accounting fees		<u>225,171</u>	<u>127,848</u>
Fundraising		1,838	422
Organisational and staff development		33,697	4,978
External evaluation			22,000
Capital expenditure		<u>35,975</u>	<u>29,315</u>
Computer & office equipment		35,975!	<u>29,315!</u>
NET (DEFICIT) /SURPLUS		<u>-68,669</u>	<u>683,778</u>
OPENING RETAINED FUNDING		6,194,781	5,511,003
CLOSING RETAINED FUNDING		<u>6,126,112</u>	<u>6,194,781</u>

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Notes to the Financial Statements

1. SUMMARY OF ACCOUNTING POLICIES

The following are the principal accounting policies of the Trust which are consistent in all material respects with those applied in the previous years, except as otherwise indicated.

Basis of Preparation

The financial statements have been prepared on the historical cost basis, except as otherwise indicated.

Revenue

Revenue comprises funding received from donations and grants. Revenue is recognised when it is received.

Grant periods do not always correlate to the financial year end of the Trust and therefore balance of retained funding per funder is for expenditure

Financial Instruments

Financial instruments carried on the balance sheet include cash and cash equivalents, receivables and amounts payable. These instruments are generally carried at their estimated fair value.

Property, Plant and Equipment

Property, plant and equipment are written off to the income statement on acquisition date against the funding received for this purpose.

A detailed fixed register is maintained and is available for inspection.

2014	2013
R	R

2. CASH AND CASH EQUIVALENTS

Current accounts	183,736	105,502
Trust bank account	15,094	12,871
Investment accounts	8,410,634	6,387,465
Petty cash	3,313	1,261
	<u>8,612,777</u>	<u>6,507,099</u>

The Investment accounts include unquoted fixed interest gilts in the ABIL Income portfolio with a book value of R291,351 and a market value of R258,325 as at 31 December 2014.

3. RETAINED FUNDING ANALYSED BY FUNDER

Anglo American Chairman's Fund	300,000	
Foundation for Human Rights		-61,506
Heinrich Bohl Foundation		-1,372
National Lottery Distribution Trust		177,173
Open Society Foundation	53,864	190,938
Sigrid Rausing Trust	1,022,069	1,141,870
General Funds	<u>4,750,279</u>	<u>4,747,778</u>
	<u>6,126,212</u>	<u>6,194,881</u>

Women's Legal Centre Trust

(Registration Number IT 3-186/98)

Annual Financial statements for the year ended 31 December, 2014

Notes to the Financial Statements (cont.)

	2014	2013
	R	R
4. ISLA Funds		
Grants received	3,811,702	-
Less:	1,431,727	-
Fiscal sponsorship fees	381,17	-
Salaries and recruitment costs	410,553	-
Office operating costs	86,686	-
Establishments costs	302,857	-
Programme costs	250,461	-
Funds held by Womens's Legal Centre on behalf of ISLA	<u>2,379,975</u>	<u>-</u>

The Trust accepted funds and provided fiscal sponsorship towards the establishment of the Initiative Strategic Litigation Africa (ISL.A) project, prior to its incorporation as separate legal entity in 2015.

5. GRANTS AND DONATIONS

Anglo American Chairman's Fund	300,000	-
First for Woman Foundation	200,000	100,000
Ford Foundation	1,454,708	1,231,755
Foundation for Human Rights	165,667	195,333
Henrich Bohl Stiftung	379,276	628,544
National Lottery Distribution Trust	-	925,000
Open Society Foundation (SA)	1,875,210	1,265,000
Other donations	19,555	183,718
Sigrid Rausing Trust	1,280,572	1,138,570
Wallace	634,836	534,54
	<u>6,309,824</u>	<u>6,202,460</u>

6. TAXATION

The organisation is exempt from income tax under 10(1)(cN) as read with Section 30 of the Income Tax Act. No provision has been made for taxation in the current year.

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WOMEN'S LEGAL CENTRE