



woman

2011 annual report



WOMEN'S LEGAL CENTRE

First published by the Women's Legal Centre in 2012
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Printing by Salty Print

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WOMEN'S LEGAL CENTRE

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INTRODUCTION

The Women's Legal Centre (WLC) was established by the Women's Legal Centre Trust in 1999.

VISION:

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.

MISSION:

The WLC seeks to achieve its long term goals through litigation. The WLC has identified five strategic areas in which to litigate and conduct law reform. These areas are:

- **Fair access to resources:** We will take up cases that ensure that on 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.
- **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 (GBV), particularly rape and domestic violence, and increase protections for those vulnerable to GBV, such as girl children, HIV positive women, sex workers and women in male dominated environments..
- **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.
- **Being able to work:** We will take up cases that extend employment protections to vulnerable groups, develop the law on sexual harassment in relation to farm and

domestic workers, and ensure equal opportunities in the workplace.

- **Being well:** We will continue to defend legal challenges to 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.

In order to empower women through knowledge of their rights, the WLC also offers free legal advice to women. These women are assisted or referred to the relevant body, Non-Governmental Organisation (NGO), or court for assistance. The bulk of the queries we receive involve the dissolution of partnerships, GBV and maintenance.

In the long term we hope to contribute to capacitating 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 advocating for the advancement of rights of women in the focus areas of the WLC. We assist these organizations 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 provide information, training, and capacity building services on a regional level. We also train candidate attorneys to ensure transformation of the profession, and seek to make submissions on the gender record of acting judges before they are appointed.



CHAIRPERSON'S LETTER

As I review the work and achievements of the Women's Legal Centre Trust, and reflect on the year that was 2011, I am struck by the range and scope of the work that the WLC does, and the sheer volume and variety of it. That the WLC does so much in one year, given that it is a relatively small organisation with no more than 12 staff members at any one time, (at the moment five support staff and four attorneys), is astonishing. Even more striking is the innovative and groundbreaking nature of many of the legal challenges it brings, and its advocacy work.

How does the WLC manage to maintain such high standards of creative lawyering and remain involved in every issue of importance to women's rights? The answer lies with its all-women staff, comprising an excellent leader, Director Jennifer Williams, who holds it all together, and staff who are "committed compassionate, passionate, principled, and smart". Their commitment to social justice and a feminist vision of a society where women are free and equal is truly exceptional.

They achieve this feminist vision by assisting the most vulnerable in our society – poor, marginalised, almost invariably black, women – to access their rights. In addition each attorney develops special expertise in her field of law and women's rights, through inter alia socio-legal research, impact litigation, extensive advocacy, and forming networks and partnerships with Community Based Organisations (CBOs), NGOs, and academic institutions working in the same field.

Recent advocacy efforts include involvement in the Western Cape End Hate Alliance: 070707, and other Lesbian Gay Bisexual Transgender and Intersex (LGBTI) rights campaigns with Triangle Project; and campaigns on violence against women, such as 'Shukumisa', that address systemic flaws in the criminal justice system. The WLC has intervened at local, national and international levels in 2011. It has made submissions to the Parliamentary Portfolio Committee on Justice & Constitutional Development (DOJ&CD) on Domestic Violence (DV) and how it affects sex workers; drafted a memo to the DOJ&CD for the Joint Working Group on LGBTI persons and hate crimes; endorsed Civil Society submissions on Western Cape Housing Project for special needs of women victims of DV; and drafted a letter to the United Nations Special Rapporteur on Violence Against Women (VAW), which was endorsed by over 100 organisation in South Africa and many more activities.

It has been active in the area of women and health, with advocacy on virginity testing, concealment of birth, on access to healthcare for women living with HIV, and access to termination, working with the Reproductive Rights Alliance and South African National Aids Council.

Poor implementation and discrimination remain a big problem for women's access to termination of pregnancy. Obstructive practices, such as the provincial department using approval of building plans as a reason not to give the Marie Stopes Clinic a license, undermine the gains made for women in the area of reproductive rights. Similarly, women living with HIV must be constantly protected against infringements of bodily autonomy, such as forced sterilisation, and discriminatory practices which hinder their access to anti-retrovirals.

The achievements of the WLC in 2011 have been many and varied. Some have come about as a result of years of legal challenges and advocacy and waiting, such as the piecemeal recognition of rights for women in Muslim Marriages. The WLC made submissions on the latest draft Bill in May 2011, and is expecting the DOJ&CD report on the Bill and the submissions in 2012.

The WLC has had a number of groundbreaking legal victories in 2011. In the *Board of Executors* case, in which the WLC intervened as amicus, the High Court found that excluding girls from testamentary trusts for educational bursaries was discriminatory on the grounds of sex and gender. In *F v Minister of Safety and Security*, in which the WLC intervened as amicus, the vicarious liability of the Minister of Police for damages for rape was extended to off-duty officers on standby. This is a major victory as the Constitutional Court developed the law of delict even further to protect vulnerable women and girl children. The facts of the case are deeply concerning, as the applicant in the matter was a 13 year-old girl.

In the 'hate crimes' case of Louw and Groenenberg, in which the Applicants were assaulted and insulted because of their sexual orientation, the Equality Court held that the actions of the Respondent were unfairly discriminatory, and ordered a public apology.

The WLC launched its 10 year Report on the Recognition of Customary Marriages Act (RCMA). It still awaits judgment in *M v N*, (where it has intervened as amicus) a challenge to a High Court ruling that where the husband in a polygynous marriage failed to meet his statutory obligations to apply for a contract in terms of the RCMA, the marriage is invalid, the argument being that women in such marriages are constitutionally entitled to access the remedies available in the RCMA.

2011 also saw the finalisation of the WLC sex worker research, and the WLC plans to use the findings to challenge discrimination against these most marginalised women. An exciting highlight of the year was the WLC's engagement in direct civil action when it demonstrated with other organisations and members of civil society outside parliament on the issue of GBV.

This year has seen a continuation of the WLC's work in challenging and eradicating unfair discrimination that inhibits women's access to their rights and broader issues such as the systemic flaws that result in women being denied their basic constitutional rights. In addition, it is starting to intervene as amici in certain socio-economic cases, so as to illustrate the gendered and disproportionate impact of lack of water, housing, sanitation, on women.

A very interesting development is the WLC's application in terms of s 206 of the Constitution, in terms of which a complaint was lodged with the Premier of Western Cape on behalf of a number of civil society organisations (CSOs), to launch a Commission of Inquiry (CoI) into the failure of the criminal justice system, in particular the police, in Khayelitsha. There has been a positive indication that the Premier will be calling for the CoI into policing in Khayelitsha, and the WLC has commenced preparing statements. The Commission will be the first of its kind in terms of section 206 of the Constitution.

On behalf of the WLC Trust, I would like to thank our funders, without whom the WLC could not do the excellent work it does, and to encourage their continued support. The effects of the global financial recession has meant that 2011 has been a bad year for donor-funded organisations, as many funders either scale back their work, or no longer support work in South Africa. I am happy to report that the WLC remains financially sound.

Thanks are also due to our intrepid clients, for entrusting their stories to us, for enduring hardship with fortitude, and for braving the legal system. I would also like to express our gratitude to all who have assisted voluntarily in the WLC's work, including our Board, patrons, volunteers and interns, and those members of the legal fraternity and other professionals who have contributed pro bono work. I remain, as always, proud of my long association with the WLC Trust and its dynamic women warriors.



DIRECTOR'S LETTER

2011 saw the WLC continuing its work to transform the legal profession, with the end goal of better access to justice for women. We have broadened our reach into the Eastern Cape and Khayelitsha, partnering with Masimanyane Women's Support Centre and the Rape Crisis Cape Town Trust, and increased our free legal advice services to women at our Cape Town office.

The highlights of 2011 include judgments obtained in the Equality Court, High Court and Constitutional Court. In December 2011 the Constitutional Court handed down judgment in the *F v Minster of Safety and Security* case, holding the Minster vicariously liable for the rape of a child by a police officer while he was on stand-by duty. The court has in the past interpreted the State's duty to fulfil the constitutional right to be free from all forms of violence as one that requires active steps from the State. There have been a series of cases developing this duty, including one where the state was held vicariously liable for rape committed by police officers while on duty, despite arguments that the rape was not committed in the course and scope of employment. The challenge by the State in this matter was to get the court to limit its liability for violence by its employees, on the grounds that the officer was not on duty. Had the argument succeeded it would have limited the development of the jurisprudence holding the state to a high standard of due diligence in respect of violence against women and children.

The case illustrates the cross roads at which our country stands. It represents a turning point where the gains made in the past may have to be defended while arguments are made to develop them further. The future prospect of a more conservative society is exacerbated by the political "backlash" to the Constitution and the courts, with groups within society arguing that the Constitution was a sell out and seeking more authoritarian and traditional ways of ruling. This is a threat to the constitutional protection of women's rights, often viewed as subject to religion and culture by such groupings. Litigation that seeks to promote and protect women's rights is crucial at this stage.

The Equality Court order obtained in the *Louw* matter was testimony to the courage shown by our clients in seeking

the establishment of a principle. The perpetrators of the attack were convicted in a criminal court of assault and sentenced. Our clients approached the Equality Court for damages and an apology. The perpetrators were not in a position to pay any damages, but clients proceeded in order to obtain an acknowledgement that the assault was because they were lesbians. The criminal court was not able to convict the perpetrators of a "hate crime" as none exists in our law and they were only convicted of assault. The Equality Court ordered the perpetrators to publish an acknowledgement that the reason for the assault was based on our clients' sexual orientation and a public apology in two newspapers.

In the High Court we were successful in convincing the court to prevent testamentary trusts from excluding girls, opening up trusts that have historically excluded girls in the *Bank of Exchange* case. Our litigation in the *Ngewu* case resulted in the Post Office Retirement Fund drafting amendments to the rules and suggesting amendments to the Post Office Act of 1958 to make provision for the 'clean break' principle.

We also believe our work has been valuable in bringing about systemic change, such as the complaints to the Special Rapporteur on Violence Against Women, the Premier for a Provincial Commission of Inquiry into the criminal justice system in Khayelitsha and to the CGE on cervical cancer. In conjunction with supervisory interdicts sought from the courts, these could contribute to improving women's lived realities.

We have received a great deal of media coverage for our work as detailed later in the report, and have engaged in partnerships in advocacy across the country to ensure that women's rights are publicised and furthered.

The Trustees of the WLC continue to provide the leadership and strategic guidance needed to make the work of the WLC possible. We thank them for their generous contribution of time and expertise. The staff at the WLC have worked tirelessly to ensure that we uphold and support the Constitution, the Bill of Rights, and improve the rights of women across South Africa. In 2012, as the strong team that we are, we will continue to work towards our goal of justice for all women.

FOCUS AREA 1: GENDER BASED VIOLENCE

The WLC works to improve the access of women and girl children to State protection from GBV, particularly sexual abuse in schools and DV; and to develop the law in relation to women in vulnerable circumstances, such as sex workers, HIV positive women and girl children.

LITIGATION

F. Van Wyk v Minister of Safety and Security

The liability of the Minister of Safety and Security for damages flowing from the delictual conduct of police

The WLC was admitted early in 2011 as a friend of the court in the Constitutional court in the matter of *F v Minister of Safety and Security and Another (the Institute for Security Studies, the Institute for Accountability in Southern Africa Trust and the Trustees of the Women's Legal Centre as Amici Curiae)* Case No: CCT 30/11.

Ms F had brought a claim for damages against the Minister of Safety and Security (Minister) arising from the assault and brutal rape committed by a policeman on her when she was 13. At the time of the attack, the policeman was on standby duty. The central question in both courts was whether the Minister was vicariously liable for the damages flowing from the delictual conduct of the policeman.



The answer to this question depended on whether a sufficiently close link was established between the policeman's wrongful conduct and the business of the police service.

The Supreme Court of Appeal (SCA) held against Ms F. This was challenged in the Constitutional Court (CC). In the past, the CC, in a series of ground breaking cases, interpreted the right to freedom from violence to have a corresponding duty on the state to actively protect women from gender based violence, holding the state vicariously liable for rape committed by police officers while on duty. In this case, the SCA decided that the principle does not apply to a police officer who raped a 13 year old girl while on "stand by". The WLC made submissions in relation to the levels of GBV and child rape in South Africa. We argued that the police officer should be considered on duty when asked for assistance by a child who relied on his position as a police officer.

On Thursday 15 December 2011 the CC reversed the decision of the SCA. In a majority judgment written by Mogoeng J, the CC held that the facts gave rise to a sufficiently close link between the police detective's employment and the assault and rape of Ms F. This link was founded on the basis that the police vehicle facilitated the commission of the rape; that Ms F placed her trust in him because he was a police official; and that the State has a constitutional obligation to protect the public against crime. Consequently, the Minister was held vicariously liable for the damages suffered by Ms F as a result of the rape and assault. This was welcomed, because to find otherwise (as the SCA did) would be to backtrack on the gains made in relation to the State's obligations toward women in terms of the constitutional right to freedom from violence.

L and G

Hate Crimes

In the Equality Court, the WLC represented Ms Louw and Ms Groeneberg, who were victims of a "hate crime". They were assaulted by two men in Malmesbury on 19 December 2009. Both complainants are 'out' lesbians in the Malmesbury community and believed that the assaults were perpetrated against them on the basis of their sexual orientation as reference was made to gender and sexual orientation during the assault.

On 15 November 2011, the parties reached a settlement agreement which was made an order of court. In terms of the agreement, the perpetrators acknowledge that the basis for the assault was because the women were lesbians and have undertaken to make a public apology.

The case set a precedent as the first Equality Court case dealing with a so-called hate crime. South African criminal law does not yet provide for specific offences that are motivated by discrimination on the basis of gender



or sexual orientation. The outcome illustrates that the Equality Court can order a wide range of remedies, such as a public apology and an acknowledgment that the motivation for the assault was the women's sexual orientation.

Maritz

The state's duty of care to protect women from repeat offenders

In the *Maritz* case, the WLC is seeking to set due diligence standards in relation to State responsibility for known repeat offenders, and extend the State's duty of care. In 2010 the State belatedly applied for the court to allow them to file a special plea. WLC opposed this application. The WLC has successfully obtained condonation for the irregular notice and the matter can be set down for trial as soon as a court date is available.

Linden

Challenging discriminatory gender profiling in strip searches

The WLC represents *Linden* in a matter where the client was subjected to an invasive body search by airport officials because she was a "pretty girl travelling alone" and thus they suspected her of being in possession of drugs. The case has been launched and will be opposed

by the South African Police Service (SAPS) and the South African Revenue Service (SARS). We are awaiting their pleas which will set out the exact nature of the defence.

Teddy Bear Clinic

Children and the Sexual Offences Act

During 2011, the WLC was admitted as a friend of the court in a significant case on GBV, the *Teddy Bear Clinic* case in the Gauteng High Court. This is a constitutional challenge to the provisions of the Sexual Offences Act (SOA) which criminalise consensual sex between children. This matter arose out of the incident that occurred at Jules High, where a 14 year old girl was raped by a 15 and 16 year old boy in the school grounds. She subsequently said the sex was consensual and was then charged, with the boys, under the provisions of the Sexual Offences Act. She was then diverted out of the criminal justice system. However, the case highlighted the prejudicial effect of the provisions on children and as we wish to submit, particularly on girls.

The WLC represents the Women's Legal Centre Trust and Tshwaranang Legal Advocacy Centre. We intend to make submissions on the prejudicial effect of the relevant provisions on children, and particularly on girls, who may be

discouraged from reporting rape if they face prosecution themselves.
The matter will be argued in 2012.

Mellita Davids

Litigation as a form of domestic violence

In the *Davids* case, where the WLC sought to develop the law in relation to the use of litigation as a form of domestic violence, the husband has not proceeded with his application to bar our client from laying charges for breach of the conditions of the protection order.

I

The duty of care of the State and school governing bodies to prevent sexual abuse of girls in schools

The Ismail case was enrolled for trial, however, because of the sensitive nature of the matter and the time that has passed since the incident occurred, the client and her family thought that it would be in the best interest of all concerned not to pursue that matter further. The client will continue to receive therapy as she pieces her life back together. The WLC will seek another case to litigate in relation to the duty of schools with regard to sexual abuse.

Assisting Sex Workers who are being targeted by the police and arrested unlawfully

WLC has launched five damages claims against the Minister of Police for unlawful arrest and wrongful

detention of sex workers. The claims are a response to police officers who do not follow statutory procedures when they arrest sex workers, and who violate the constitutional rights of sex workers whilst in police custody. The WLC drafted the research report containing the findings of its research conducted in relation to the violations of the rights of sex workers.

Stembile Mchunu

Supporting sex workers rights to dignity and privacy

The WLC assisted Durban sex worker Stembile Mchunu by submitting a complaint to the Press Ombudsman for defaming her in a newspaper article. We wrote a letter to the editor but the editor refused to print a retraction. We followed this by submitting a complaint to the Press Ombudsman. The newspaper was called upon to support the publication and we represented the client at the hearing of the matter. While the Ombudsman dismissed our application, the matter created awareness with the Ombudsman and in the media in relation to the treatment of sex workers by the media.

Portia Gidane

Developing the law around entrapment to protect sex workers

Portia Gidane was a sex worker arrested during an entrapment stint at a brothel. With this case the WLC seeks to develop the law around entrapment pertaining to offences in the Sexual Offences Act. We submitted written representations to the Senior Prosecutor, and she dismissed our allegations. The WLC then proceeded



to represent the client at trial. The judgement will be handed down in 2012.

Unlawful profiling of sex workers

The WLC research showed that the police are harassing sex workers by taking photos of them and taking their fingerprints. In some cases these were displayed at police stations. We are of the opinion that this is unlawful and so we briefed counsel for an opinion on the prospects of success of an application to interdict the police from “profiling” sex workers. We have sent letters to the various police stations and the Vice Squad to put them on notice that the practice is unlawful. We are currently obtaining more affidavits from sex workers who have been profiled.

Strategic litigation which sets standards for due diligence in relation to police treatment of sex workers

SWEAT obtained an interdict in the Cape High Court in 2009 which prohibited the police from arresting sex workers when there was no intention to prosecute them. The WLC was instructed by SWEAT to proceed with contempt proceedings as the police have not complied with the terms of the interdict. Correspondence was addressed to various police stations including the Vice Squad, informing them of the interdict, advising them of cases of breach under their jurisdiction and putting them on terms to comply with the interdict. The WLC collected statements in Johannesburg in order to obtain a similar interdict there.

Moricia Cloete

Moricia Cloete approached the WLC for assistance because she was sexually harassed during her stay at the Haven Night Shelter in District Six. We assisted her by forwarding a complaint to the CEO of the Haven Shelter for investigation.

Sex Workers Denied Bail

Five sex workers were arrested for soliciting in Bellville. When they appeared in court the magistrate granted them bail at R1500. They instructed the WLC that they were unable to pay the amount and that the court did not conduct an inquiry to see if this is an amount that they can afford. The WLC requisitioned them to court and they were later released on a warning. At the third court appearance, the charges were dropped because the State had insufficient evidence.

ADVOCACY

Complaints

- The WLC submitted an allegation letter to the United Nations Special Rapporteur on Violence Against Women which highlighted the prevalence of violence against sex workers in South Africa. We received 102 endorsements for this letter. In the allegation letter, WLC asked the Special Rapporteur to investigate the allegations contained in the letter; communicate



with the South African government and make recommendations. The Special Rapporteur has addressed correspondence to the South African government in relation to the abuse of sex workers and is awaiting a response.

Hate crimes

In 2011 there was much international interest in hate crimes against members of the LGBTI community in South Africa following online campaigns from Avaaz and Change.org detailing these offences. While the campaign seemed to draw the attention of the Minister of Justice and Constitutional Development (MoJ&CD) the WLC had to assist a client to have her photographs removed from the “corrective rape” campaign (AVAAZ and Change.org) as they were published without her consent.

Following this online action, the WLC drafted a memorandum on behalf of the WLC, Triangle Project and Rape Crisis Cape Town Trust, setting out interim demands to be handed to the MoJ&CD in relation to LGBTI persons and hate crimes. We made a brief presentation on this memorandum to the Joint Working Group on LGBTI persons and hate crimes to explain circumstances around the memorandum and request their endorsement.

We attended the Coalition to End Discrimination Against Women’s protest outside of National Parliament to demand that South African representatives advocate for equality and anti-arbitrary treatment of LGBTI persons in other African countries, and to call for an end to hate crimes against LGBTI persons in South Africa and in other African countries.

In line with achieving the objective of an end to hate crimes, we provided continuous legal advice, legal assistance, conducted watching briefs of criminal cases, and engaged with the State to highlight hate crime and aspects of crimes motivated by hatred on the basis of gender, sex, sexual orientation and gender identity to clients of the Western Cape End Hate Alliance: 070707. The campaign relates to the crimes against Millicent Gaika and Des’re Higa and the murder of Zoliswa Nkonyana. We are part of the campaign in our capacity as members of the legal cluster.

Seminars and workshops

During 2011 the WLC attended and hosted a number of seminars and workshops.

We attended a seminar hosted by SWEAT where they formed the South African Sex Workers Alliance. As part of our advocacy strategy we briefed the researchers for the parliamentary committees for Women, Children and People with Disabilities and Justice and

Constitutional Development on the need to decriminalise sex work, and attended a meeting of stakeholders hosted by the Open Society Foundation in relation to decriminalisation. We participated in the national decriminalisation working group. We attended a DNA workshop hosted by REACH at the Saartjie Baartman Centre and then arranged the same workshop for sex workers at SWEAT’s offices. We also attended a meeting hosted by United Nations Population Fund (UNFPA) on sex workers in Durban. In addition, WLC participated in a march for International Sex Worker Rights Day and edited the Memorandum that was handed over to the Premier’s office. The WLC presented at SWEAT’s Open University on sex worker rights. The presentation focused on our monitoring, the SA law reform process and the Swedish model. We drafted a memorandum to Tshwaranang Legal Advocacy Centre on lessons learnt in the sex work project to assist them.

We attended a workshop hosted by Activists Networking against the Exploitation of Children (ANEX) on human trafficking. In addition, we attended a Counter Trafficking Coalition Meeting. We presented at a seminar hosted by the Western Cape Network on Violence Against women on Sex Work and Human Trafficking in South Africa.

We attended the Shukumisa Campaign meeting on submissions in respect of draft National Policy Framework on Sexual Offences, and provided general legal advice and assistance to the Shukumisa Campaign (created in terms of the National Sexual offences Working Group on advocacy and other legal strategies on sexual offences). We presented for Mitchell’s Plain Care Centre for victims of violence on the topic of DV, and attended a seminar on the implementation of DV and sexual offences legislation. We attended an Education and Violence workshop, and the Western Cape Network on Violence Against Women and USAID meeting on addressing GBV as a social issue. To ensure this knowledge reached community level we hosted a workshop for Barmhartigheid and Dients Saam (BADISA) in Elsies River on relationship rights and domestic violence and held 16 days of Activism campaign workshops attended by hundreds of women and community activists in Worcester, Mbekweni, Barcelona, Chatsworth, Beaufort West and Hermanus. The WLC paralegals also assisted the Shukumisa Campaign with monitoring the police stations.

Booklet and manual distribution and development

We researched and wrote the draft booklet: ‘Know Your Rights: Lesbian, Gay, Bisexual, Transgender and Intersex Rights Against Unfair Discrimination’ setting out the legal rights in terms of the Constitution and the Promotion of Equality and Prohibition of Unfair Discrimination Act and Equality Court case procedures.

600 Sexual Offences booklets and 200 Child Sexual Abuse booklets in the WLC “Know Your Rights” series were printed for distribution in different languages.

WLC prepared a Know Your Rights Booklet for sex workers so that they are informed of their legal rights and remedies when they are approached by police officers. The booklet also included information regarding labour rights.

Research

The WLC participated in a consortium that produced a report on the feasibility of victim empowerment legislation for the United Nations Office on Drugs and Crime. We also produced a desktop review of literature in relation to SA’s international, regional and domestic obligations in relation to violence against women, and the research done to date on the effective (or otherwise) implementation thereof. To further the rights of sex workers we drafted the Sex Work Research Report wherein we collated and analysed all the information received from 308 sex workers over a two year period.

Other

- Meeting with investigating officers from the Provincial Inspectorate, which is investigating a complaint that WLC lodged on behalf of sex workers whose rights are regularly abused by the police.
- Investigating the death and alleged sexual harassment and/or rape of Akhona Geveza whilst she was employed and undergoing training as a cadet with Transnet vessel. The WLC is acting on the instructions of the deceased’s parent in conjunction with Masimanyane Women’s Support Centre in the Eastern Cape.
- Submitted a memorandum to the Portfolio Committee when they deliberated on the Domestic Violence Act (DVA). The memorandum contained information on police violations of sex worker rights. We used this meeting to highlight those issues because the SAPS were present. We also attended Parliament for the deliberation on the DV Act and submitted reading material on sex workers for parliamentarians.
- Submissions on the Protection from Harassment Bill
- We conducted training for police officials in Muizenberg on the SOA and the DVA.
- Gave input on Chapter 5 of the Sexual Offences Act at a Provincial women’s dialogue organised by the Eastern Cape Council.
- Drafted and made a submission to the DOJ&CD on the Dangerous Weapons Bill



FOCUS AREA 2: ACCESS TO RESOURCES IN PARTNERSHIPS

The second focus area that the WLC works in is property rights and fair access to resources. The WLC pursues litigation and advocacy that attempts to ensure that women receive a fair share of the resources when their relationships dissolve by death or divorce. This involves ensuring that all partnerships are legally recognised, irrespective of religion and custom.

LITIGATION

Board of Executors (BOE)

Constitutionality of boys-only testamentary trusts

The WLC acted as amicus curiae at the Western Cape High Court in the BOE case. The aim was to extend the law to prohibit testamentary trusts from excluding girls for educational bursaries. The Court accepted the WLC's arguments that testamentary trusts making provision for educational bursaries that exclude girls discriminate on the basis of sex and gender. While the court has considered this before on the ground of race, it sets a precedent for discrimination on the grounds of sex and gender. The many such trusts that have historically excluded girls (including some very prominent ones) will now be open to girls as well.



Mayelane v Ngwenyama (MvN)

Registration of polygynous customary marriages in accordance with the RCMA

In the case of M v N the Gauteng High Court made an order that where a husband enters into a second customary marriage without applying to court to approve a contract dealing with the patrimonial consequences of the marriages, as provided for in Section 7(6) of the Recognition of Customary Marriages Act (RCMA), then the second marriage is invalid. The RCMA itself is silent on the consequences of failure to register a second marriage. WLC's concern is that invalidating the second marriage would impact negatively on women. Our queries have shown that very few, if any, such contracts have been registered, and the consequence of the ruling would be that these women would then lose the protections the law provides to spouses.

The WLC applied to intervene as a friend of the court in this matter and made submissions that 7(6) of the RCMA must be seen in the context of the RCMA as a whole and the Constitution. Women should not lose the legal rights and protections that were intended by the legislation as a result of the man's failure to register a contract. Section 7(6) gives the ability to register a contract exclusively to the 'husband', and so the wife does not have the power in law to do so. Further, women may not be in a position to negotiate and force a husband to register such a contract. The RCMA should penalise or sanction the husband, but not in a way that creates a hierarchy of wives or takes away the rights of the women involved.

Ngewu

Extension of the Pension Law Amendment Act to government pension funds

The WLC launched an application on behalf of Ms Ngewu in the Cape High Court. She is claiming that her ex husband's pension fund, the Post Office Retirement Fund, is unfairly discriminating against her, on the basis of her gender, by refusing to allow her immediate access to her share of the pension fund interest. The legal framework that compels women to wait until their spouses end their employment before they can have access to their share of the pension interest which accrues to them on date of divorce, impacts negatively on women as they are often adversely affected socially and economically by divorce. The law has been amended in relation to private pension funds in this regard.

The High Court has ruled in the Wiese Matter (Government Employees Pension Fund) that similar provisions are unconstitutional. The latter case is before the Constitutional Court (CC). The WLC applied for direct access to the CC to have the Ngewu case heard jointly with that case.

In its papers to the Constitutional Court, the Post Office Retirement Fund states that it has drafted amendments

to the rules and suggested amendments to the Post Office Act of 1958 to make provision for the 'clean break' principle and has indicated that the amendment is to be considered in the 2012 Parliamentary Programme so that the Act can be amended accordingly.

Muslim Personal Law (MPL) class action

Recognition of marriages conducted under Muslim rites

The DOJ&CD published the Muslim Marriages Bill for comment in December 2010. It was therefore not necessary to proceed with the class action. WLC made submissions by 31 May 2011; however, the DOJ&CD did not release the report on the draft Muslim Marriages Bill as scheduled, in November 2011. On enquiry WLC was advised that DOJ&CD will look at releasing a "re-draft" of the Bill having considered all the submissions received. There has been no indication when this will happen.

In addition to maintaining the pressure on the State to pass legislation, the WLC continues to litigate in relation to aspects of the Bill, in order to obtain rulings that will ensure that women in Muslim marriages have the same remedies as women in civil marriages. These judgments will influence the content of the Bill.

We are dealing with several other matters relating to Muslim marriages:

Rose

We represent *Rose* in a claim that women married in terms of Muslim rites should be able to access their husband's pension in the same way as women married under civil and customary law are able to.

Goolam

During 2011 we applied to intervene as a friend of the court in the matter of *Goolam v Goolam and 3 others*, a case in which the applicant seeks an order recognising her marriage for the purposes of divorce and maintenance. The Plaintiff is claiming that it is unconstitutional that her Muslim marriage is not recognised in law. She is also challenging the administrative process followed, as the divorce was unilaterally invoked by her husband without addressing the consequences of the marriage. The application to intervene has been made. We await a trial date.

Munyu

Customary jurisdiction of the magistrate courts

Athini Munyu entered into a relationship and fell pregnant at 13. She agreed to marry the father of her child when she was 14 years old and he paid damages and

lobola. She then ran away from him, his parents and an exploitative situation. The husband sued for the return of the lobola and Athini (now 17 years old). WLC represented client in the action and it was dismissed with costs. Following this the Plaintiff (husband) applied for a rescission of the judgment in January 2011, which was dismissed with costs. The applicant noted an appeal, but no appeal was lodged. We will monitor this matter.

ADVOCACY

Seminars and workshops

The WLC presented on the Muslim Marriages Bill at Miller Du Toit Annual Family Conference, and conducted workshops on Muslim Marriages Bill in Gatesville and Mitchell's Plain. We hosted a Know Your Rights Workshop in Khayelitsha and gave a presentation to Delft community on relationship rights.

Research

We consulted with the Gender Health and Justice Research Unit at UCT in relation to a research project on the intersection between maintenance and domestic violence. We were also involved in a meeting with Department of Religious Studies at UCT whose research was able to bring the stories and experiences of women in Muslim marriages to the DOJ&CD.



Booklet and manual distribution and development

The WLC produced a report on the implementation of the Recognition of Customary Marriages Act, now over ten years since it was passed.

We printed 2100 Relationship Rights booklets in English, Afrikaans and isiXhosa. In addition, the WLC drafted and printed 6950 "Women and Customary Law booklets" for the Know your Rights series in English and isiXhosa. These were well received, and the Magistrate's Office in the Eastern Cape has requested more copies for distribution.

Other

- Participated in Recognition of Muslim Marriages Forum
- Made a submission to DOJ&CD on Muslim Marriages Bill. The submission was endorsed by Masimanyane, Mosaic, and the UCT Law Race and Gender Unit. The

Community Law Centre and Sonke Gender Justice endorsed it with the exception that there should be no opt out clause.

- Paper presented at Muslim Marriages at workshop hosted by the Centre of Contemporary Islam, UCT published in 2011: Muslim Marriages in South Africa: From Constitution to Legislation
- Attended the Human Rights Economic and Social Issues Section (HRESIS) in collaboration with the Women's Rights and Gender Section (WRGS) 2-day consultation on Women and Economic, Social and Cultural Rights (ESCR) that took place from 27-28 October 2011 at Palais des Nations, Geneva.



FOCUS AREA 3: ACCESS TO LAND AND HOUSING

The aim of the WLC's work in this field is to improve women's access to housing where they lack security of tenure as a result of the lack of recognition of their relationships (religious marriages and domestic partnerships), culture and custom; and to develop the duty of the state to provide emergency housing for victims of domestic violence.

LITIGATION

Solarie housing case

Registration of housing in the name of husbands only

In 2010 the Cape High Court (in the *Housing Action / Solarie* case) held that the City of Cape Town's previous policy of allocating houses to men only when the parties were in a religious marriage is discriminatory. We have had a successful meeting with the City legal department. They have advised that they have approximately 22 000 such delayed transfers (a good portion of which are Muslim couples). We have agreed on a way forward that the City,

on receipt of a query from either spouse in a Muslim marriage, will advise the enquirer of the Solarie judgment. The City will tell enquirers that it is no longer allowed to transfer the house into the name of the male spouse of a Muslim marriage but that it must transfer the house into the names of both spouses. It was agreed that a copy of the judgment, with the relevant paragraph flagged will be sent with every transfer to the conveyancers with instructions to include the female spouse. The same information will be provided to all City staff that work with the delayed transfer cases.

Helena Pieters

Rights to security of tenure

In the *Pieters* case the WLC applied for rescission of a divorce order which was granted in the absence of our client, through which she lost her right to the jointly owned house. The WLC sought to develop the duty on the family courts to protect women's right to security of tenure in divorce matters where women (who are married in community of property) are unrepresented and the husband seeks an order that results in the woman losing the jointly-owned house. In April 2011 the court granted the application for rescission





of judgment. The WLC considered the right to housing and the right of access to justice to be factors the court should take into account. In taking on this matter the WLC wanted to establish the principle that presiding officers in divorce matters are required to ensure that unrepresented parties are made fully aware of the implications of an order for the division of community property with respect particularly to the right to adequate housing contained in s26 of the Constitution.

The WLC was successful in that Ms *Pieters* now has an opportunity to claim her right to have her home in the main action. The court recognised the crucial point that her lack of legal representation and her indication that

she intended to defend the case were sufficient grounds to rescind the judgment taken in her absence. The Cape Law Society has appointed a pro bono attorney to represent the client in the main action, as the matter is now a divorce action.

ADVOCACY

- Attended a 'Gender and Land Rights: Contested Boundaries' workshop at UCT.
- Participated in the National Programme of Action in Continuation of Women's Land Rights.
- Printed 600 Inheritance Rights Booklets.
- Printed 400 Housing & Eviction Rights (Afrikaans).

FOCUS AREA 4: EMPLOYMENT RIGHTS

The WLC works to improve the application of the Code of Good Practice on Sexual Harassment in workplaces where the state is the employer, male dominated workplaces, and rural and domestic workplaces. In addition we work to extend the application of the right to fair labour practices to sex workers.

LITIGATION

Radebe

The state's duty of care as an employer to prevent sexual harassment

In 2009 the WLC obtained relief at the Commission for Conciliation Mediation and Arbitration (CCMA) for *Thandiwe Radebe*. She was awarded compensation for constructive dismissal due to the victimisation she experienced at the hands of the Johannesburg Metro Police after she reported being raped by her supervisor.

The WLC now seeks to develop the law of civil damages by claiming for the damages she suffered as a result of the employer's failure to prevent the victimization, and

to inform her or involve her in the process relating to her complaint. This claim was launched in the Gauteng High Court in May 2010. The claim is opposed and we are in the process of discovery and trial preparation.

Mmamadi

Holding the SAPS liable for damages

The WLC seeks to obtain an order holding the South African Police Services vicariously liable for damages flowing from the rape and sexual assault perpetrated against the client by a Station Commissioner of the South African Police Service. The order will expose the abuse of power and sexism and sexual violence in male dominated state departments. A summons has been issued.

ADVOCACY

- Drafted an article on domestic workers and sexual harassment for publication
- Attended a workshop hosted by the Department of Labour on the proposed amendments to the labour legislation
- Provided Caleb, a Stellenbosch community-based organisation, with an electronic copy of the Afrikaans Sexual Harassment booklet and Justice's PEPUDA booklet for a workshop



FOCUS AREA 5: ACCESS TO HEALTH

We work to ensure improved access to health care for women, to set due diligence standards for the State in relation to screening for cervical cancer, preventing forced sterilizations, and access to hospitals for child birth. We will continue to defend challenges to reproductive rights as they arise.

LITIGATION

Forced sterilisation cases

Forced sterilisation of refugees and HIV positive women

The WLC is involved in damages claims, and a potential public interest suit, to hold the state responsible for sterilization of women in the public health system without their informed consent. Her Rights Initiative and HEARD: Evidence For Impact In Health And HIV together with University of Kwa-Zulu Natal Department of Health Sciences have produced a research project documenting forced sterilisations in KZN and Gauteng.

This research forms the basis of a three-year strategy to tackle the practice of forced sterilisation. Over the three year period evidence-based advocacy will be done and individual damages claims will be pursued, in order to build up a body of case law that lays accountability for the practice at the feet of the State. Ultimately, if the

individual cases together with rigorous advocacy do not result in positive change, the public interest suit will be launched.

Sithole

Client was sterilised in circumstances where she did not provide her full and informed consent. We have taken instructions, and obtained an opinion on the prospects of success. Notice has been given to the Chris Hani Baragwanath hospital and the MEC for Health that we will be instituting proceedings in 2012.

Sitamile

Rosette Sitamile is a refugee from Congo (DRC) who was sterilized without her consent at Karl Bremmer hospital. We hope to obtain an order setting out the due diligence requirements for consent in relation to sterilizations in order to prevent coerced sterilizations from taking place. Pleadings were finalised in the matter in 2011 and we will now apply for a trial date.

Marie Stopes

Requiring the state to provide licenses to support services

The Provincial Department of Health raised the approval of building plans as a reason not to grant the clinic a license, threatening the clinic's ability to offer termination of pregnancies that the state itself cannot provide. The WLC will represent Marie Stopes if negotiations to resolve the impasse are unsuccessful.



ADVOCACY

We are working with Her Rights Initiative (HRI), an HIV positive, feminist women's organisation to record data on the manner in which the lack of policy intervention leads to inadequate resource allocation to cervical cancer in HIV service provision in the public sector, which in turn harms the health of HIV positive women. The WLC assisted with a formal complaint to the Commission for Gender Equality setting out the illegality of using hysterectomy as a first preventative measure or option for HIV positive women who have cervical cancer (which is a very common opportunistic disease for women living with HIV). The letter also addressed the issue of inaccessibility of adequate preventative health care measures in public hospitals for these groups of women.

The WLC produced a memorandum for the Wits and SANAC meeting with the Minister of Health on sex workers and HIV.

Seminars and workshops

The WLC attended the University of the Western Cape GBV & HIV Research Symposium. We were also invited to a consultation hosted by the Desmond Tutu Foundation and presented on the rights of sex workers and HIV in terms of the National Strategic Plan. We attended a symposium titled, "Third Symposium on HIV, Law and Human Rights: Litigation for Change", which was hosted by the Canadian Legal Network. We presented on WLC's paralegal model in the sex work project at a symposium in Denmark titled, "Lawyering on the margins." We presented on forced sterilisations at Conference on African Charter for Human and People's Rights in Kenya and presented at a workshop on Women's health and legal rights.

The WLC attended a consultation hosted by The Human Rights Economic and Social Issues Section (HRESIS) in collaboration with the Women's Rights and Gender Section (WRGS) on **Women and Economic, Social and Cultural Rights** (ESCR) on 27-28 October 2011 at Palais des Nations, Geneva. This consultation represents a rare opportunity to bring together key actors working on women's ESCR from (i) the UN treaty bodies and (ii) the UN special procedures, (iii) civil society, (iv) UN agencies, and (v) from within OHCHR.

The aim of the consultation is two-fold:

- (1) Day One and the first session of Day Two: To identify the key economic and social challenges facing women today
- (2) Day Two: To map the substantive issues where there is a need for conceptual clarity, better coherence or practical guidance and develop a strategy to advance such issues at the international level and identify opportunities for collaboration.

Research

We submitted editorial comments on the HIV/Aids Practitioners Guide for the Health Systems Trust. The WLC participated in a research report titled, "Condoms as Evidence" that will be used at the International Aids Conference.

We provided input into the Desmond Tutu Foundation's "Key Populations, Key Responses: A gap analysis for Key Populations and HIV in South Africa recommendations for the National Strategic Plan for HIV/AIDS, STIs and TB (2012–2016)" and into the Desmond Tutu Foundation's training manual titled "Sex Workers, An Introductory Manual for Health Care Workers in South Africa".

Booklet and manual distribution and development

We printed 400 Termination of Pregnancy booklets in English and 321 in IsiXhosa.



FREE LEGAL ADVICE

The WLC provides free legal advice for many women each year, via face to face sessions and via telephonic enquiries. Many women seek advice for themselves, and sometimes they seek advice for friends and family. The WLC primarily assists by referring those women to the appropriate services and agencies for further assistance. If their query has a public interest component, the WLC assesses whether to pursue it. At the beginning of 2011 the WLC began providing free legal advice at an additional site in Khayelitsha, working from the Rape Crisis Cape Town Trust offices. In addition, we began providing legal advice and advocacy support in the Eastern Cape, with an attorney based at the offices of Masimanyane Women's Support Centre. The attorney there has provided legal support to paralegals, indirectly reaching 1441 women in the first six months. The Khayelitsha office handled 191 legal advice queries. This is in addition to the WLC legal advice office which received 1676 queries.

During 2011, we dealt with the following duty queries:

NATURE OF QUERIES	NUMBER OF QUERIES
ABORTION	2
ABUSE	29
ACCESS	70
BIGAMY	1
CHILD ABUSE	6
CIVIL CLAIMS	43
CRIMINAL	29
CUSTOMARY MARRIAGE	39
DAMAGES	23
DEBT	26
DEFAMATION	4
DISCRIMINATION	2
DIVORCE	344
DOMESTIC PARTNERSHIP	58
DOMESTIC VIOLENCE	107
ESTATES	98
EVICTIONS	53
FAMILY	61
GENERAL	28

NATURE OF QUERIES	NUMBER OF QUERIES
HEALTH	40
HIV	5
HOUSING	89
LABOUR	107
LAND	31
MAINTENANCE	126
MUSLIM PERSONAL LAW	123
PENSION FUNDS	43
POSSIBLE NETWORK	11
RAPE	15
RESEARCH	15
SEXUAL HARASSMENT	11
SEX WORK CLINIC	228
TOTAL	1867
GRAND TOTAL	1867

We also conducted a number of legal advice workshops, and set up tables at various events. These include:

- A presentation on domestic violence at Thusong Centre Mitchells Plain for 38 people
- A presentation on domestic violence, relationship rights, and deceased estates at The Hague Hall in Delft for 22 people
- A presentation on relationship rights, deceased estates, maintenance and housing at Delft Central Sports field for 30 people
- Presentations on: domestic violence, relationship rights, deceased estates, housing, maintenance for the Community of Chatworth in Malmesbury for 16 participants
- A presentation in Khayelitsha on the Women's Legal Centre and relationship rights
- A presentation on the Sexual offences, relationship rights, Domestic Violence, deceased estates for 54 people from BADISA in Elsies River
- A presentation on relationship rights and deceased estates, domestic violence for 48 people from FAMSA Khayelitsha
- A free legal advice stand at the Artscape in Cape Town
- A presentation on Domestic Violence for refugees and immigrants at the University of Cape Town
- Various 16 Days of Activism workshops and presentations in Hermanus, Malmesbury, Barcelona and Beaufort West, and a police refresher training on the DVA and SOA.

SUPPORT TO OTHER NGOS LOCALLY, REGIONALLY AND INTERNATIONALLY

The WLC provides support and legal advice to organisations who work to advance women's rights. This support takes various forms and in 2011 saw the WLC working with a wide range of local and regional NGOs, businesses and government departments.

In 2011, we also produced a number of documents, analyses and position papers for various governmental departments including the office of the President. Examples included a feminist analysis of the State of the Nation address which was widely circulated amongst parliamentary committee members, researchers and partner organisations. We also supported other organisations by endorsing their calls for developmental change including: Endorsing the Lesbian and Gay Equality Project letter to the Minister of International Relations and Co-operation on call for withdrawal of South African government's opposition to, and for the full endorsement of, the joint statement on sexual orientation and gender identity at the United Nations Human Rights Council, and endorsing the letter addressed to the President of South Africa in relation to the Open Government partnership published in the Mail and Guardian.

We presented on the Gender Equality Green Paper for civil society, and participated in the task team to drive the process and host the legal subcommittee on the green paper. The WLC has done an audit of all the existing laws



dealing with gender equality (including GBV, health and the criminalization of sex work). In addition, we provided legal support to Gender Dynamix in their interaction with the Minister of Home Affairs regarding identity books. We also participated in the DOJ&CD Access to Justice Week by providing free legal advice at their Athlone advice office and their Khayelitsha advice office.

We assisted with updating manuals, providing research and writing assistance, and training with organisations including: CALS, Tshwaranang Legal Advocacy Centre, the Black Sash, and Womankind International. We also reviewed an article for Gender Links, and wrote an article for the Aids Legal Network's publication.

We conducted training, in partnership with Masimanyane, at Mafuna (Mangaung), Galeshwewa (Kimberley), Zeerust (North West), Ratunda (Heidelberg), Vlaklaagte (Mpumalanga) in conjunction with Masimanyane Women's Support Centre on CEDAW and its Optional Protocol.

To contribute towards the transformation of the profession, we also lectured candidate attorneys at Edward Nathan Sonnenburg on aspects of gender law and conducted various sessions with paralegals at Mqanduli Advice Centre on the Sexual Offences Act and National Credit Act, and made submissions on the appointment of the new Chief Justice of South Africa.

The WLC office hosted a number of delegations of students and lawyers from all over the world. We provided an opinion for InterRights UK on gender stereotyping and sentencing, and wrote a report on South Africa's due diligence compliance to the Special Rapporteur on Violence Against Women.



INTERACTION WITH THE MEDIA

The WLC has established itself as a source of information and expertise on women's rights in South Africa. A consequence of this has been numerous media interviews, articles, and requests for comment from the WLC ensuring that the public's knowledge of women's rights in terms of the law has been enhanced.

Our articles and opinions have appeared in the ASWA sex work and health report, Die Beeld, Die Burger, Business Day, Business Live, the Cape Argus, the Cape Flats News, the Cape Times, the Citizen, the Daily Voice, Drum Magazine, the Financial Times, The Herald, IOL News, the Jet Club Magazine, Kuier Magazine, Legal Brief, the Mail and Guardian (print and online), Media Conference, On Islam Net, the Pink Tongue, Politics Web, the Post, SangoNet, Die Son, The Sowetan Live, The Star, the Sunday Independent, the Sunday Times, the Sunday Tribune, TimesLive, and the Weekend Argus.

We have also appeared several times on radio including stations such as Radio Sibonele, SAFM, East Coast Radio, Voice of the Cape, SA Talk, Cape Talk, Bush Radio, Radio 706, and Heart FM.

We were interviewed by CNN on the issue of Corrective Rape in South Africa and by BBC live on the proposed appointment of the Chief Justice. We appeared on International Press TV and SABC 2 Fokus on the topic

of the Muslim Marriages Bill, and on SABC 2 regarding workers day. We appeared on Final verdict (SABC 2) on the topics of maintenance and African Customary law. We appeared again on BBC Africa for an interview on Violence Against Women.



STAFF

Jennifer Williams – Director
 Mushahida Adhikari – Attorney (resigned February 2011)
 Hoodah Abrahams Fayker – Attorney
 Stacey- Leigh Manoek – Attorney
 Cherith Sanger – Attorney (Resigned May 2011)
 Sanja Bornman – Attorney (commenced 2011)
 Jody-Lee Fredericks – Legal advisor
 Nomhle Magwaza – Administrator
 Ingrid Johnson – Litigation secretary
 Aretha Louw – Litigation secretary
 Nwabisa Ntshibelo – Receptionist
 Estelle Malgas – Office assistant

TRUSTEES

Shaamela Cassiem
 Shereen Mills (chairperson)
 Teboho Makhalemele
 Alison Tilley
 Mary Vilakazi (registered in 2011)

PATRONS

Yasmin Carrim
 Lebo Molepe
 Justice K O 'Regan

FUNDERS

Ford Foundation
 Finnish Embassy
 Foundation for Human Rights
 Heinrich Böll Stiftung
 Hivos
 National Lotteries Fund
 Open Society Foundations
 Sigrid Rausing Trust
 Womankind



WOMEN'S LEGAL CENTRE TRUST
ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2011
(Registration Number IT 3486/98)

Women's Legal Centre Trust
 (Registration Number IT 3486/98)
 Annual Financial Statements for the year ended 31 December, 2011

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Statement of Trustees' Responsibility and Approval	27
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Trustees' Report	29
Balance Sheet	30
Income Statement	31 - 32
Notes to the Annual Financial Statements	33 - 34
The following supplementary information do not form part of the financial statements and is unaudited:	
Annexure - Analysis of Funds by Funder	35
General Information	
Country of registration and domicile	South Africa
Registered Office	7th Floor Constitution House 124 Adderly Street Cape Town 8001
Postal address	P O Box 5356 Cape Town 8000
Bankers	Standard Bank
Auditors	Solace and Associates
Trust registration number	IT 3486/98

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2011


Statement of Trustees' Responsibility and Approval

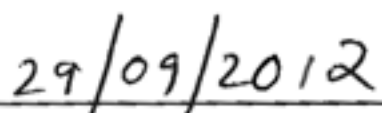
The trustees are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information. The auditors are responsible for the fair presentation of the financial statements.

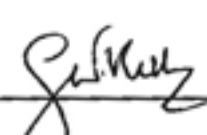
The trustees are also responsible for the trust's systems of internal financial control. These are designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and 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.

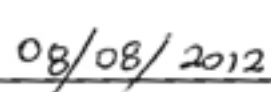
The financial statements have been prepared on the going concern basis, since the trustees have reason to believe that the Trust has adequate resources in place to continue in operation for the foreseeable future.

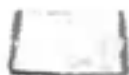
The annual financial statements which appear on pages 4-10 were approved by the trustees and are signed on their behalf by:


Trustee


Date


Trustee


Date


SOLACE

AUDIT | ACCOUNTING | CONSULTING

Bringing you peace of mind...

Solace & Associates
 Registered Auditors (Practice number: 930780)
 Chartered Accountants (S.A)
 Reg. No. 2008/102301/23
 14 Franz Square, Allenby Estate, Retreat 7945
 +27 (0)21 702 2238
 +27 (0)21 702 2238

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 2011, a summary of significant accounting policies and other explanatory notes, as set out on pages 4 to 10.

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' judgement, 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.

Opinion

In our opinion, the annual financial statements present fairly, in all material respects, the financial position of the Trust as at 31 December 2011, and its financial for the year then ended in accordance with the generally accepted accounting practice.

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 annexure set out in page 11 do 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 content is therefore not part of our audit opinion.

Solace & Associates CA (SA)
 Registered Auditors

Cape Town

Date: 7 May 2012

Women's Legal Centre Trust

Annual Financial Statements for the year ended 31 December 2011

Trustees' Report

The Trustees have pleasure in submitting the annual financial statements of the Trust for the year ended 31 December 2011.

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:

S. Mills (Chairperson)
A. Tilley
S. Cassiem
T. Makhalemele
M. Vilakazi (Appointed : 07 March 2011)

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 3486/98)
 Annual Financial Statements for the year ended 31 December, 2011

Balance Sheet

	NOTES	2011 R	2010 R
ASSETS			
Current assets		6,148,672	5,460,549
Deposits		61,023	61,023
Prepayments		-	33,213
Other receivables		1,600	10,708
SARS - VAT receivable		74,793	76,984
Cash and cash equivalents	2	6,011,256	5,278,621
Total assets		6,148,672	5,460,549
CAPITAL AND LIABILITIES			
Capital and reserves		5,774,601	5,182,328
Initial donation		100	100
Retained funding	3	5,774,501	5,182,228
Current liabilities		374,071	278,222
Trade and other payables		143,859	63,778
SARS - VAT provision		60,063	68,029
Litigation Fund - Trust Account		13,237	12,889
Leave provision		156,912	133,526
Total capital and liabilities		6,148,672	5,460,549

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2011

Income Statement

	NOTES	2011 R	2010 R
INCOME		5,361,571	4,953,048
Donations and grants	4	5,016,495	3,773,453
Cost recovery		61,528	102,422
Interest received		282,647	277,460
Other income	5	902	799,713
EXPENDITURE		4,769,298	4,543,887
Employment costs		2,858,068	2,906,646
Salaries & benefits		2,666,580	2,693,152
Contributions		83,363	74,444
Other employment costs		11,926	-
Supervision		55,454	75,650
Recruitment costs		40,445	-
Consultancies		300	63,400
Litigation costs		524,260	570,731
Advocacy & training		210,981	97,274
Information costs		277,553	196,080
Newsletter and annual report		30,058	42,882
Law books & subscriptions		22,529	12,016
Material development		163,294	95,655
Resource centre		2,910	5,074
Volunteer costs		1,993	1,093
Distribution costs		4,385	5,353
Website design and maintenance		9,982	5,968
Internet/computer support		42,402	28,039
Governance costs		35,796	46,889
Trust costs		24,567	34,650
AGM		11,229	12,239

Women's Legal Centre Trust
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 Annual Financial Statements for the year ended 31 December, 2011

Income Statement (Continued..)

	NOTES	2011 R	2010 R
Administrative costs		568,712	514,316
Bank charges		20,725	16,564
Equipment rental and maintenance		64,724	45,126
Insurance		13,966	14,438
Interest paid		977	188
Rental of offices and parking bays		375,800	342,489
Stationery and postage		17,020	20,076
Sundries		14,467	10,053
Supplies		4,847	6,586
Telephone and fax		56,187	58,795
Audit and accounting		155,634	166,014
Audit fees		33,057	30,070
Accounting fees		122,576	135,943
Travel costs			350
Organisational and staff development		40,231	5,875
External evaluation		40,000	13,851
Capital expenditure		58,063	25,863
Computers & office equipment		31,840	9,800
Furniture & fittings		16,688	14,456
Equipment		9,535	1,607
NET SURPLUS OR (DEFICIT)		592,273	409,161
OPENING RETAINED FUNDING		5,182,228	4,773,067
CLOSING RETAINED FUNDING		5,774,501	5,182,228

Women's Legal Centre Trust
(Registration Number IT 3486/98)
Women's Legal Centre Trust

Annual Financial Statements for the year ended 31 December, 2011

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 are prepared in accordance with generally accepted accounting practise. These statements are 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 to be incurred in the next financial year in terms of the funding contract.

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.

2. CASH AND CASH EQUIVALENTS

	2011 R	2010 R
Current accounts	216,934	37,145
Trust bank account	13,737	13,389
Investment accounts	5,780,077	5,227,322
Petty cash	508	765
	<u>6,011,256</u>	<u>5,278,621</u>

Notes to the Financial Statements (Continued..)

3. RETAINED FUNDING

Ford Foundation	-	41,553
Finnish Embassy	109,685	-
Foundation for Human Rights	-	(83,435)
Heinrich Böll Stiftung	17,946	-
HIVOS	-	13,140
National Lotteries Fund	-	308,333
OSF MPL	26,050	-
Open Society Foundation	-	80,061
OSISA	75,784	-
Sigrid Rausing Trust	885,448	535,765
Womankind	140,403	-
General Funds	4,519,185	4,286,811
	<u>5,774,501</u>	<u>5,182,228</u>

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4. GRANTS AND DONATIONS

Claude Leon Foundation	150,000	150,000
Finnish Embassy	513,685	139,440
Ford Foundation	553,564	558,870
Foundation for Human Rights	228,910	-
Heinrich Böll Stiftung	340,435	164,931
HIVOS	603,609	275,784
NDTF	0	870,000
Open Society Foundation for South Africa	905,849	633,849
Other donations	2,700	199
Sigrid Rausing Trust	896,755	535,765
Wallace Global Fund	403,190	444,615
Womankind	417,798	-
	<u>5,016,495</u>	<u>3,773,453</u>

5. OTHER INCOME

Gruber Prize	-	(2,460)
Other Income	902	-
VAT refund	-	802,173
	<u>902</u>	<u>799,713</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.

WOMEN'S LEGAL CENTRE TRUST

ANALYSIS OF FUNDS BY FUNDER FOR THE YEAR ENDED 31 DECEMBER 2011

	Total	Charles Leon Foundation	DFID MDG Project	Ford Foundation	French Embassy	Foundation for Human Rights	Harwich Book Sticking	HNOS Foundation	National Lottery Fund (2)	OSF MP	OSF	Open Society Foundation \$14,000	OSISA	Signif Raising Trust	Wallace Global Fund	Wormwood	General Funds
Income	5,514,377	194,435	87,145	563,484	613,345	228,815	340,435	493,435	0	37,895	372,895	233,345	242,335	494,745	493,435	334,835	347,777
Donations and grants	5,514,465	195,000	87,145	563,484	613,345	228,815	340,435	493,435	0	37,895	372,895	233,345	242,335	494,745	493,435	334,835	347,777
Interest received	252,847																2,752
Cost recovery	61,536																253,847
Other income	902																61,536
EXPENDITURE	4,749,299	194,435	87,145	576,117	464,550	148,475	322,485	418,745	598,335	11,455	372,895	343,815	194,715	547,875	493,435	148,295	115,485
Employment costs	2,856,071	165,000	47,857	348,713	355,035	96,335	148,575	375,155	41,841	11,455	276,000	279,155	155,235	278,695	265,000	148,335	82,365
Legal costs	254,260			151,235	10,000	15,000	15,000	15,000	175,000		38,000	36,274	15,335	85,365	45,000		15,735
Accountancy & banking	315,975			5,315	1,000	4,315	77,265	15,715	42,271		22,000	33,755	34,485			12,245	2,752
Information costs	277,265		36,445	15,605		24,415	88,535	60,335									12,000
Operational & admin costs	798,143	0	8,695	16,484	48,000	17,815	17,815	17,815	77,835		48,000	32,875	11,805	278,035	75,185	28,471	3,022
Staff development / training	40,271							13,665	38,635								
Marketing & Evaluation / External evaluation	40,300				40,300												
Capital expenditure	56,253			17,480										26,223			
NET FUND BALANCE (DEFICIT)	832,273	-	0	141,335	158,735	83,335	17,945	113,695	(258,335)	26,445	-	(60,861)	15,745	248,885	0	146,265	232,370
OPENING BALANCE (FUNDING)	3,483,335	0	0	41,635	0	131,435	0	13,145	348,335	0	0	34,461	0	555,745	0	0	4,396,411
CLOSING RETAINED FUNDING	5,714,351	0	0	0	158,735	0	17,945	0	89,000	26,445	0	15,745	0	804,625	0	146,265	4,628,781

The supplementary information presented does not form part of the financial statements and is unaudited.

