



WOMEN'S LEGAL CENTRE

Annual Report  
**2015**



“ We have  
a vision  
of women in South Africa being  
**free from violence  
and empowered**  
to ensure their own reproductive and  
health rights. ”

# Contents

Introduction .....	4
About The WLC .....	4
Acting Director's Letter .....	5
Highlights .....	6
Chairperson's Letter .....	8
Focus Area 1: Gender Based Violence .....	10
Litigation .....	10
Advocacy .....	11
Focus Area 2: Access To Resources In A Relationship .....	12
Litigation .....	12
Advocacy .....	13
Focus Area 3: Access To Land And Housing .....	14
Litigation .....	14
Advocacy .....	14
Focus Area 4: Access To Health .....	16
Litigation .....	16
Advocacy .....	17
Focus Area 5: Sex Work Project .....	18
Additional legal services .....	19
Litigation .....	20
Legal Advice and Help Desks .....	22
Staff, Trustees, Patrons and Funders .....	23
Index .....	24
Statement. of Trustees' Responsibility and Approval .....	25
Report of the Independent Auditors .....	26
Trustees' Report .....	28
Statement of Financial Position .....	29
Income Statement .....	30
Notes to the Financial Statements .....	31
Analysis Of Funds By Funder For The Year Ended 31 December 2015 .....	34



# Introduction

The Women's Legal Centre (WLC) 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, legal support to advocacy campaigns run by other organisations (which fall within the Centre's objectives) and training that ensures that people know and understand the impact of the judgments of the courts on the subject of women's rights.

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

## About The WLC

The Centre has a vision of women in South Africa being 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 equitable environment.

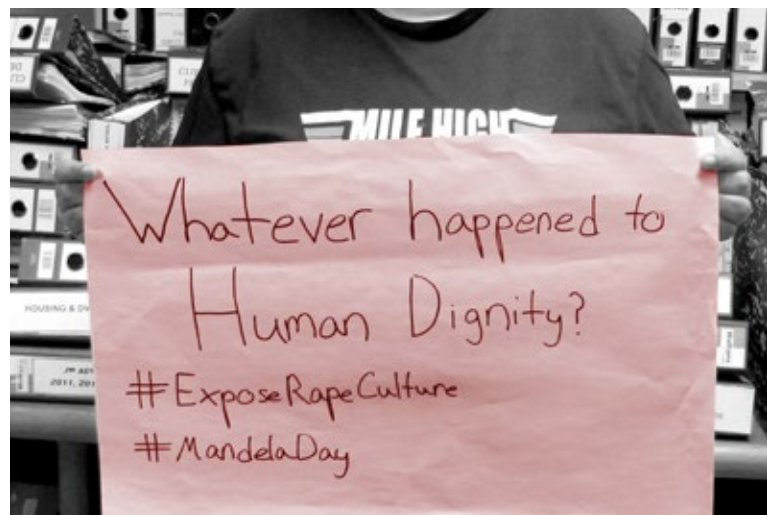
The WLC seeks to achieve its long-term objectives through litigation and related advocacy for law reform. The Centre has identified five strategic areas in which to focus its activities:

- **Fair access to resources:** We will take up cases that ensure that women receive a fair share of the assets on the dissolution of partnerships, whether by death or separation. This involves ensuring that all partnerships are legally recognised, irrespective of religion and custom.
- **Freedom 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 the protection for girl children from abuse in schools.
- **A safe place to stay:** We will take up cases that extend tenure to women in their own right, and prevent loss of tenure on the dissolution of relationships.
- **Access 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.
- **Being well:** We will continue to defend legal challenges to a woman's right to make choices relative to her own reproductive health, and to litigate to ensure that women have access to reproductive health care. We will take on cases related to women's access to healthcare and the interface between HIV/AIDS and our other strategic focus areas.

In order to empower women through knowledge of their rights, the WLC offers free legal advice to them. Wherever possible they are assisted by the Centre or referred to an appropriate institution, NGO or court for assistance. The bulk of the queries we receive involve the dissolution of partnerships, gender based violence and maintenance.

In the long term, we hope to contribute to building capacity in the sector so that it is more effective in advocating for the equality of women. Our advocacy and training work focuses on providing support to other organisations and groups of organisations which advocate the advancement of women's rights in the WLC's focus areas. We assist these organisations by providing legal opinions; drafting and making submissions to parliament; presenting workshops and drafting legislation, regulations and policies. We provide training to ensure the communication and implementation of gains won in court, and as an activity to recover costs.

Finally, working with a view to the transformation of the profession and broader society, we train candidate attorneys to ensure the transformation of the profession, 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.





Since the advent of  
**democracy and  
freedom**  
South Africa has seen many  
**women taking up  
leadership positions**  
in areas previously dominated  
by men.



## Acting Director's Letter

The Women's Legal Centre takes up the call on behalf of all women who are discriminated against in matters of health, fair access to resources and employment, property rights (land and housing), violence against women and vulnerable workers. Sixteen years after its founding, the WLC's work continues because most women in South Africa do not benefit from the gains made towards gender equality.

For the WLC, 2015 would be described as "a year of change", and change is always good. As an organisation, we continue to strive towards obtaining rights for women. To achieve this more effectively, our offices grew in 2015 with the opening of an office in Johannesburg which is fully operational and providing easier access to our services for women.

We have extended our staff complement to service our Legal Advice Unit and our Board has also grown to add dynamic insight and fresh perspectives on achieving the objectives of the organisation.

We are delighted now to be able to offer our candidate attorney programme—which introduces young attorneys to a perspective of the law without gender bias. The programme provides the legal sector with the capacity to handle feminist and human rights litigation and more specifically, a perspective of women's rights in the practice of law.

At the same time, it provides the resources for the WLC to be able to provide access to justice for indigent women. It also allows us to provide legal support to organisations working with women at grassroots level, so that they are able to realise their constitutional rights.

Additionally we provide support to an organisation ISLA, the Initiative for Strategic Litigation in Africa, by acting as their fiscal sponsor.

As one would expect, with change comes challenges. Some of our staff have moved on to seek other opportunities. We appreciate their contribution to the work of the WLC and wish them well in their future endeavours. At the same time, we look forward to innovative approaches and perspective that new staff will bring.

There were many highlights during 2015 but I think it is important to acknowledge that since 1994, great strides have been made to improve the status of women. Since the advent of democracy and freedom South Africa has seen many women taking up leadership positions in areas previously dominated by men. However, the fight for equal rights for women is by no means over. The mere existence of the WLC and our activities—at the forefront of the fight for justice—bears testimony to this.

## Highlights

1. The year started off on a positive note when the High Court in Cape Town handed down judgment in the *Rose* matter. The court held that Ms Rose would be able to make a claim even though her marriage was in accordance with Islamic law which is not legally recognised in South Africa.

This is a ground-breaking judgment recognising a women's right to claim even when polygamous marriages fall under two separate legal systems (civil law and Muslim Personal Law). Although the judgment did not go as far as extending legal recognition to Muslim marriages, the effect of the judgment is that once again, the rights of women on the dissolution of their marriage are acknowledged even though the marriage itself is not legally recognised by South African law.

2. The WLC is forging ahead with its application to challenge the non-recognition of Muslim marriages. The application has sparked significant interest in civil society and affected communities resulting in numerous organisations becoming party to the application which is expected to be heard next year.
3. The WLC's reputation as an organisation having made significant inroads on gender equality through impact litigation was affirmed when the court extended invitations to the Centre to intervene in matters as a friend of the court.

One example is the *Jezile* matter. We received an invitation from the court to apply to intervene as a friend of the court in a criminal appeal where the Appellant sought to appeal his conviction for human trafficking, rape, assault with the intent to do grievous bodily harm and common assault by alleging that he was in a valid customary marriage with the complainant.

In this matter the full court decided unanimously to affirm Mr. Jezile's convictions for human trafficking and rape, but set aside his convictions for assault and simple assault. The court declined to accept Mr Jezile's argument that he was in a customary marriage through Ukuthwala.

The order recognises that men cannot interpret customary law to abduct and rape young women and girls. However, we acknowledge that customary law is part of the South African legal system and can be aligned with our constitutional framework.

4. Gender based violence continues to affect women at alarmingly high levels and the WLC works diligently with stakeholders to address the issue which it regards as a priority.

In the *Naidoo* matter—where the WLC was invited by the court to intervene as a friend of the court—we made valuable submissions to assist the court in its deliberation concerning Ms Naidoo who was suing the Minister of Police and others for damages arising from the negligent and inappropriate handling of her domestic violence matter, which resulted in her unnecessary and unlawful detention, and assault by a police officer.

The judgment handed down by the Supreme Court of Appeal in the *Naidoo* matter, expressed the court's dissatisfaction at both the police and the High Court for the way in which the complainant was treated, as it increased the levels of secondary victimisation she experienced.

5. During 2015 a woman's right to access to health continued to be a challenge. Through the WLC's advocacy programmes, which creates awareness about these rights, the Centre identified the forcible sterilisation of women in some State hospitals. As a result, the WLC launched two cases challenging coerced sterilisation.
6. I am enthusiastic that not only is our physical presence being extended nationally, but we are growing our regional footprint—together with the Centre for Human Rights, University of Pretoria and the Federation of Women Lawyers Kenya, we are joint Applicants in applying to the African Commission to make submissions on the registration of customary marriages in terms of article 6(d) of the African Protocol. The application has been filed and we await a hearing date.

“Through our legal advocacy strategies, we were able to extend legal protection to those women who would not otherwise be protected.”



- 7.** The *decriminalisation of sex work* continues to be high on our agenda. During 2015 we held strategy meetings with key stakeholders to garner support for the decriminalisation of sex work. While striving towards this goal, we continue to assist sex workers to assert their rights.

One of our success stories is one of our clients who worked as a sex worker at a prominent brothel in Cape Town. She was treated unfairly and wages due to her were withheld. She claimed that she had been the victim of constructive dismissal.

We referred the matter to the CCMA for conciliation, the Commissioner made an award in our client's favour accepting the constructive dismissal. Further her employer was instructed to pay financial compensation to her.

- 8.** For our organisation, the power of communication cannot be underestimated. During 2015, we were represented on numerous community and national radio stations covering our projects so as to raise awareness and encourage the engagement of civil society. Through our social media channels including Twitter, Facebook and our website, more than two million people were reached. We are proud that we are able to engage with so many individuals and give them information as this plays a role in changing societal norms and perceptions.

In conclusion, during 2015 the WLC supported many, many vulnerable and marginalised women in South Africa to access their rights. Through our legal advocacy strategies, we were able to extend legal protection to those women who would not otherwise be protected. We will continue to provide capacity to the legal sector in feminist and human rights litigation and more specifically to contribute to a gendered perspective in the practice of law.

## Hoodah Abrahams Fayker



# Chairperson's Letter

The year of 2015 proved a challenging one, however, despite these challenges, as an organisation we proved our resilience and commitment to helping women gain access to the legal system. I am pleased that the WLC has retained its solid reputation in the sector, having continued its successes in precedent-setting litigation.

The judgments handed down in the *Rose*, *Jezile* and *Naidoo* cases show that the WLC is making vital in-roads and that our reputation in achieving gender equality through impact litigation has been affirmed—especially in cases where the court extended its invitations to us to intervene in matters as a friend of the court.

The political environment is proving to be increasingly challenging for women's rights work. Thus, we need to engage government to address these challenges in our justice system. Especially in regards to access to services for vulnerable women, these include healthcare, safety and security, employment protection and tenure. Therefore, the WLC would like see organisations within these sectors and Government drive a collective agenda to ensure these services are freely accessible by women who need it most.

The WLC already works with partners in focus areas such as health and Gender-Based Violence (GBV), and will be focusing on how to strengthen these alliances in the year ahead, especially in the areas of labour and relationship rights.

We are delighted that the WLC has finally yielded to pressure to extend our physical presence by opening an office in Johannesburg. This has required us to appoint new staff in steering the ship of women's rights advancement in the economic hub of South Africa.

In February 2015, the WLC faced the challenge of the resignation of its Director (appointed in 2014). I sincerely thank our Acting Director, Hoodah Abrahams Fayker for taking over the helm of the WLC during this period. Under Hoodah's able leadership, the organisation remained stable and achieved major milestones such as the opening of the Johannesburg office and the expansion of the Sex Workers Project. I would also like to commend her for her unfailing commitment to seeing the recognition of Muslim Marriages a reality in South Africa. Hoodah has worked tirelessly for nearly a decade on

this and I believe that 2016 will prove to be a turning point in this matter.

Furthermore, I extend my gratitude to Jennifer Williams who provided in-house legal counsel—having been a former Director of the organisation—during this period. She ensured that the WLC remained true to its vision and mission.

We need also to acknowledge the extremely dedicated and competent staff members of the WLC. They are passionately committed to ensuring the success of the organisation—even in challenging times. This also extends to the Board of Trustees whom the staff could depend on for support.

The Board notes the importance of appointing a Director that is a strong leader as well as a good fit for the Centre and its vision for the future. The recruitment process has started in earnest.

There have also been changes with when some staff members choosing to explore new work opportunities. This has created an opportunity for the WLC to seek new additions to the WLC family who will assist the Centre in striving towards its vision with renewed enthusiasm.

## Basetsana Teboho Molebatsi







“

We would like see organisations  
within our sector and Government

**drive a collective  
agenda** to ensure  
**better access to  
essential services**  
for vulnerable women.

”

# Focus Area 1: Gender Based Violence

Gender based violence work faces high levels of government apathy and intransigence. Thus we are seeking structural remedies in courts, we are considering regional and international strategies as well as revised complaint mechanisms.

According to the Khayelitsha Commission, insufficient specialised services for women and children who are victims of violence and the absence of professional services for victims are only two of the many reasons for not reporting domestic violence.

In 2015 the WLC conducted a study with some of the women it assists and this showed that domestic violence, assault and sexual violence against women remains widespread and under-

reported and that the victims of violence are not effectively supported by public services.

Thus, Women's Legal Centre seeks to empower women by educating them about their rights in relation to gender based violence. We also provide legal advice, litigate in certain cases to ensure state accountability to provide protection against violence, and shape the law with respect to violence against women. Together with our partners, we are working to provide a safe environment for women and girls.

Through our free legal advice service and our Helpdesk based at the Cape Town Family Court 1101 women were given legal advice during 2015.

## Litigation

### Naidoo

In the *Naidoo* matter, Ms Naidoo sued the Minister of Police and others for damages arising from their negligent and inappropriate handling of her domestic violence matter which resulted in her unnecessary and unlawful detention and assault by a police officer.

The WLC applied to be admitted as a friend of the court (*amicus curiae*) in the Supreme Court of Appeal after the High Court had dismissed her claim.

In the SCA judgment the court expressed its dissatisfaction at both the South African Police and the High Court because of the way the matter had been managed; the treatment of the complainant had resulted in increased secondary victimisation Ms Naidoo experienced.

The court relied on the regional and international obligations that South Africa is a signatory to, the South African Constitutional rights afforded to its citizens of equality and be free from all forms of violence, and confirmed the legal duties placed on the police to provide immediate assistance to victims of domestic violence. The court held that victims have the right to lay criminal charges with or without a protection order (in terms of the Domestic Violence Act), and that police treatment of the complainant should not further traumatise her.

### Burger

The WLC was requested by the South Gauteng High Court to file submissions as a friend of the court in relation to the Domestic Violence Act (DVA). The DVA provides that a victim of domestic violence may obtain an interim protection order on affidavit in the absence of the respondent.

The interim order, however, must be served on the respondent and the respondent may come to court on the return date to oppose the order. The court will then decide if it should make the interim order final. The court requested submissions from the WLC on the legal question on which party the onus of proof rests on to prove or disprove the incident(s) of domestic violence and whether the order should or should not be made final. A second question involved the role of presiding officers at the hearing on the return date, whether an inquisitorial approach is applicable.

The WLC argued that the relevant provisions should be viewed in the context of unacceptably high levels of attrition in the criminal justice system, the fact that so many women are alienated by the system and therefore withdraw their cases. The system fails to further protect women who have experienced violence in their private lives, and effectively undermines the ability of the state to meet its constitutional and international obligations to women. The WLC argued that the onus of proof falls on the respondent to show why an order should not be made final on the return date, and that the presiding officer should take an active role in the proceedings (inquisitorial approach).

# Advocacy

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

Some highlights from our work this year include:

- The invitations to intervene as amicus in the *Naidoo* (from the complainant's attorneys) and *Burger* matters (from the court) are indicative of the excellent reputation of the WLC in relation to matters of domestic violence, and the advocacy done in this area. These two cases provided the WLC with the opportunity to highlight the serious problems in the implementation of domestic violence law and policy. The WLC was able to make submissions on the role of the police and the courts in realising women's constitutional rights.
- The following submissions were made:
  - To the South African Law Reform Commission (SALRC) on Witchcraft;
  - To the SALRC in relation to the Issue Paper on the Care of and Contact with Children (Issue Paper 31);
  - On the National Action Plan which is direct response to the Declaration emanating from the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (the Durban Conference), held in 2001.
- We have partnered with the Saartjie Baartman Centre for Women and Children which provides services for the victims of domestic violence to identify a client for a test case on the right to emergency shelter in certain cases. The shelter will collect information on situations where they could not accommodate women in emergency situations, and the WLC will assess the merits of each case to identify the right set of facts for a test case.



Whatever happened to  
Human Dignity?  
#ExposeRapeCulture  
#MandelaDay

“ The  
Women's Legal  
Centre seeks to  
empower women  
by educating them about  
their rights in relation  
to gender based violence. ”





# Focus Area 2: Access To Resources In A Relationship

The Women's Legal Centre seeks to have all relationships recognised before the law, including religious and customary marriages and domestic partnerships. We take up cases to ensure that women receive a fair share of the assets on

dissolution of a partnership, whether by death or separation. We would like to see a situation where all partnerships are legally recognised, irrespective of religion and custom.

## Litigation

### *Ely/Muslim Class action*

The *Ely* case we obtained an order for the State to report to the court on its progress in relation to the passing of legislation for the recognition of Muslim marriages in South Africa. As many courts, have now declared their failure to recognise Muslim marriages is a violation of women's constitutional rights in different contexts—in December 2014, we decided to re-launch the WLC public interest application ("the class action") to challenge the non-recognition of Muslim marriages by the State and link it to the *Ely* matter. This means that when the court considers the State's report-back on progress, it does so simultaneously with an application for an order for the State to be compelled to remedy for all intents and purposes its unconstitutional position with regard to legislation on the recognition of Muslim marriages.

The WLC has filed voluminous papers in reply, addressing these aspects from a Constitutional perspective and setting out the international and regional obligations on the State in relation to women's human rights.

The State has opposed our application. The application has also received interest from civil society and Muslim organisations who have applied to intervene in the proceedings.

The matter was set down for December 2015 by the Cape High Court, in which it would decide on the applications to intervene. However, the judgement was reserved until 2016.

### *Esau*

An action was brought by a woman in a Muslim marriage for a divorce. The Plaintiff seeks similar relief to that of the WLC in the public interest action outlined above.

The WLC was admitted as an amicus in this case and made submissions in relation to the State's regional and international obligations, the impact of the non-recognition of women in Muslim marriages as a class and the appropriate remedy. We await judgment on this matter.

### *Matodzi Ramuhovhi*

The applicant is seeking an order declaring Section 7(1) of the Recognition of Customary Marriages Act (RCMA) unconstitutional in relation to polygamous customary marriages.

Section 7 originally provided that marriages in existence before the RCMA came into effect would be regulated by customary law. The effect was to deny women in monogamous marriages the application of the community of property regime imported by the RCMA and women in polygamous marriages the protection provided by the RCMA in relation to property. In the case of *Gumede* the Constitutional Court (CC) declared section 7 unconstitutional insofar as it related to monogamous customary marriages.

In this case the applicants wanted the court to declare section 7(1) unconstitutional in relation to polygamous marriages and declare polygamous marriages to be in community of property automatically.

The WLC has been admitted as a friend of the court. We will make submissions that Section 7(1) vis à vis polygamous marriages is indeed unconstitutional. The matter is complicated by the fact that the parties to the polygamous marriage are deceased and so customary law of inheritance is also relevant. The WLC will argue that substantive equality requires the court to take a more nuanced approach to the appropriate remedy. The automatic application of community of property is both unworkable and may be unjust in the context of polygamous marriages.



## Advocacy

The advocacy work we do in this focus area plays a pivotal role in our litigation strategy, especially in regards to the Recognition of Muslim Marriages. It has become critical for us to mobilise as much support as possible by those affected as well as creating awareness with the public. In addition to this during 2015 we achieved the following:

- Together with The Centre for Human Rights, University of Pretoria and the Federation of Women Lawyers Kenya, the WLC has been identified as one of three applicants to apply to the African Commission to make submissions on the registration of customary marriages in terms of article 6(d) of the African Protocol. The application has been filed and we await a hearing date.
- The South African Law Reform Commission released a report recommending a wide variety of reforms to family law. The WLC made submissions in relation to customary marriages, maintenance, unrecognised relationships, the minimum age for marriage, harmful cultural practices and the proprietary consequences of marriage.
- In August 2015, WLC Acting Director, Hoodah Abrahams Fayker attended the Law and Leadership Summer Programme in Washington, D.C. This was hosted by KARAMAH, an organisation of Muslim Lawyers for Human Rights based in Washington.

KARAMAH's LLSP is specifically designed to provide training that addresses the unique challenges facing Muslim women today, while at the same time, emphasising an individual's talents and the opportunities available to participants. Courses on Islamic Jurisprudence, Leadership, and Conflict Resolution provide participants with the fundamental understanding and essential skills needed to lead themselves, their peers, and the movements they are passionate about.

### *Kekana*

The Applicant is the daughter of the senior traditional leader of the Ama Ndebele-A-Lebelo Traditional Community. She was refused the right to take up the leadership position. The Community Elders submit that only a male child can become the successor. The WLC has applied to intervene as a friend of the court to make submissions on the constitutional infringements arising from male primogeniture.

This is a good opportunity for the WLC to intervene to develop the customs and traditions of the community to be in line with the Constitution. Our application as a friend of the court was granted on 13 October 2014.

The Applicant is taking the matter on review.

### *Saffer*

A divorced mother applied for exemption from school fees and was declined because she did not provide her ex-husband's financial information. She is challenging the interpretation and application of the statutory and regulatory framework for exemption from the liability of parents of learners in fee-charging public schools to pay school fees. The WLC was admitted as an amicus curiae on 26 February 2015.

The WLC filed its written heads of argument in which it made submissions on the impact of the fee exemption scheme on women and children in support of a finding that it violates women's rights to equality, dignity and freedom from violence and children's rights to equality and dignity.

# Focus Area 3: Access To Land And Housing

The Women's Legal Centre takes up cases that extend tenure to women and we work to prevent loss of tenure on the dissolution of partnerships, especially relationships not recognised by the State. We focus our efforts on ensuring that

women have a safe place to stay and seek to develop the duty of the State to provide emergency housing for the victims of domestic violence.

## Litigation

### *Jan Klaase and Elsie Klaase v Jozia Johannes van der Merwe & Other*

A woman who had worked on a farm for many years as a seasonal worker was evicted from her home on the farm, when her husband was dismissed by the farmer. She contested the eviction on the basis that she should also have a right to occupy the home because she also worked on the farm. The case was unsuccessful at the Magistrate and Land Claims court hearings, where the existing restrictive interpretation of the Extension of Security of Tenure Act (ESTA) was applied. This excludes spouses of "occupiers" as they derive their rights from the main occupant (the employee). The evicted couple sought leave to appeal from the Supreme Court of Appeal (SCA) but were refused. They then sought leave to appeal to the Constitutional Court (CC). The WLC applied to be admitted as an amicus curiae on behalf of the Women on Farms Project and was successful in this.

The hearing took place on 3 September 2015. The WLC argued that women are more likely to be employed as seasonal workers and men as permanent workers in the rural economy, that houses are usually allocated to the permanent worker and that the effect is that women bear the brunt of evictions indirectly when the main occupier is dismissed or dies. Our submission on behalf of the Women on Farms Project was that a proper interpretation of ESTA, which considers this context and the constitutional rights of women to equality, dignity and housing, would include women in the protection provided to occupiers by ESTA—intended to protect vulnerable groups from arbitrary evictions. Judgement was reserved.

## Advocacy

For 2015 our advocacy strategy centred on partnership and we were part of the following initiatives:

- We endorsed the submissions by civil society for the implementation of the Western Cape Housing Policy on Special Needs for Women who experience domestic violence.

- We are part of the Alliance for Rural Democracy (headed by the UCT Law, Race and Gender Unit), which opposes the passing of the proposed Traditional Courts Bill. Although there was overwhelming criticism of the Bill at the national hearings hosted by the National Council of Provinces, the committee has adopted a report on the hearings that excludes most of the submissions made as "irrelevant". The Bill was processed further in 2015.





“

The Women's Legal Centre  
takes up cases that extend tenure to women and we  
work to **prevent loss of tenure** on  
the **dissolution of partnerships**,  
especially relationships not recognised by the State.

”

# Focus Area 4: Access To Health

We focus on defending the gains made in regards to a woman's right to accessing adequate reproductive healthcare, which is continuously being challenged. The Centre also seeks to develop a jurisprudence in South Africa around this right so

that women are able to make informed decisions regarding their reproductive health.

## Litigation

### *Forced sterilisation*

The WLC partnered with Her Right Initiative (HRI) and the International Community of Women living with HIV Southern African (ICWSA) in relation to preventing HIV positive women from being sterilised without their consent. This follows the HRI's research into the occurrence of coercive sterilisations in three provinces. The WLC prepared a complaint on behalf of HRI, ICWSA and 48 victims. The complaint was lodged on 20 March 2015 with the Commission for Gender Equality (CGE). The complaint calls upon the CGE to investigate the prevalence of coercive sterilisation in public hospitals and proposes certain remedial actions, including law reform that should be undertaken. In addition, the complaint requests the CGE to intervene to provide redress for the women who were sterilised (and participated in the research) because their damage claims have prescribed.

The CGE has accepted the complaint and is currently investigating the issues raised in it. We will continue to monitor the progress of the CGE's investigation. The complaint attracted both national and international media attention.

In June and July this year, the WLC instituted two damage claims against public hospitals on behalf of women who are HIV positive, and were sterilised without their informed consent. Both women allege that the sterilisations relate to their HIV status.

### *Mthethwa and Ndebele v MEC of Health*

In these matters the WLC instituted two damages claims against the MEC for Health in KZN for coercing the clients into being sterilised. The cases will form part of a broader public interest strategy highlighting the challenges in the health system relating to regulations and policy on informed consent in coerced sterilisation.





## Advocacy

Much of our work in Access to Health is focused on partnerships and bringing about change at a policy level but we also focus on education especially in regards to healthcare workers, emphasising the right women have in terms of access to health and their bodies. During 2015 our advocacy initiatives included:

- We represented Her Rights Initiative (HRI) at a meeting with the representative of the Minister of Health to present research on the prevalence of coerced sterilisations. The Department has requested proof that the practice is still occurring, as many of the cases had prescribed. The possibility of compensation for the women whose cases have prescribed was also mooted. The WLC and HRI are following up in relation to later cases and compensation.
- We contributed a clause on forced sterilisation to the National Contraception Policy and Clinical Guidelines, making it clear that coercive sterilisation is against the law.
- We represented HRI at the Commission for Gender Equality in relation to its research report detailing the practice of coerced sterilisation of HIV positive women. The Commission undertook to assist our advocacy efforts to end this practice. We are also assisting HRI to prepare a complaint to the Commission on the prevention and

treatment of cervical cancer in HIV positive girls and women.

- We made oral submissions to the South African Human Rights Commission hearings on sanitation, raising the disproportionate burden that poor sanitation places on women and the attendant risk to their health and physical safety.
- We provided training on the constitutional right to health for "human rights and health" medical students at the University of Cape Town.
- We are a member of the Expert Group of the SA National AIDS Council Women's Sector Focus Group. --We provide legal support for Amanitare Sexual Rights Network for Women's Health.
- We are providing legal support to Marie Stopes South Africa in ridding the streets of Cape Town of illegal abortion advertising. We have consulted a range of stakeholders, and have called on the mayor of Cape Town to convene a joint stakeholder meeting with a view to formulating a coordinated response to the illegal practice.



# Focus Area 5: Sex Work Project

The Sex Work Project works to ensure that sex workers are treated with dignity, and are granted the same rights under the Constitution as anyone else. We ensure their protection from mistreatment by employers, law enforcement officers, and others. Our strategic impact litigation is aimed at holding the State accountable for the human rights abuses experienced by sex workers.

In addition, we provide individual legal assistance to sex workers through our Legal Aid Clinic. This has become a crucial element of this project because of the criminalisation of sex work. These workers are made vulnerable on a whole number of fronts, such as gender, race, class, health and education.

The criminalisation of sex work is ineffective as a deterrent, and this leads to the increased abuse of sex workers, and an inefficient allocation of the State's resources in the fight against crime. Thus, sex workers are stigmatised in civil society—which has a negative impact on their ability to access everyday services and enjoy family life—and undermines any interventions to fight the spread of HIV.

Legal services are therefore an essential component of any effective human rights response to challenging the criminalisation of sex work. Legal services enable sex workers to claim and enforce their rights.

The following are the 5 pillars of the core legal services that form part of our legal assistance model:

## 1. Legal Advice

We provide free legal advice to sex workers. We make ourselves available to host legal clinics in all creative spaces. A creative space is an activity hosted by our partner organisations. It is a safe space for sex workers to meet and discuss the issues that they face.

We also provide legal advice to sex workers on an outreach basis and through our 24-hour paralegal service Helpline. If we are unable to assist, or the issue falls outside our mandate, we refer the sex worker to a partner organisation.

## 2. Legal representation

We aim to provide strategic impact litigation that is in the best interests of sex workers. During our project, we became aware that sex workers needed assistance with their day-to-day legal problems, such as representation in court at criminal trials, bail applications and contesting fines. Thus, we have expanded our legal services to aid with court representations when it enhances or expands our strategic impact litigation.

## 3. Strategic impact litigation

Our litigation strategy approach is piecemeal: we aim to challenge all the human rights abuses experienced by sex workers at different courts to develop a legal jurisprudence on the human rights for sex workers.

Our aim is to go back to the Constitutional Court, with a body of evidence obtained from sex workers and the legal precedent which will give persuasive value to our arguments for the decriminalisation of sex work.

## 4. Advocating for decriminalisation of sex work

In addition to litigation, we have been involved in advocacy activities to create awareness of the impact of laws on sex workers. Our legal advocacy activities include submissions to Parliament on legislation impacting on sex workers, and letters of complaint to human rights bodies, government and other stakeholders.

Our advocacy activities extend to the training of paralegals, sex workers and partner organisations on legal rights and remedies. Furthermore, we are working towards creating a national network of partners to provide legal assistance to sex workers.

## 5. The role of paralegals

An integral component of our legal model is community-based paralegals. At the beginning of our project, we employed an attorney to provide legal assistance and carry out relevant activities. We soon realised that sex workers did not trust anyone in the justice system including lawyers. In addition, the only time we were accessing sex workers was at weekly creative space sessions, and not many sex workers attended these. Thus, we did not have full access to the sex worker communities. We decided to train some current or former sex workers as paralegals. We felt that it was important for the paralegals to be from the sex worker community, because of the trust issues that we had experienced previously.

The work of our paralegals falls within the ambit of our entire legal services model. The activities are carried out using the paralegals—an attorney supervises and trains them to interact with the sex workers.

## Additional legal services

The core legal services covered by our Legal Aid Clinic are supported by additional legal services such as legal and human rights education, legal research, monitoring, of law reform and advocacy activities. These activities have the potential to increase the uptake and social impact, of the legal service programme significantly. These services include:

Educating sex workers about their legal and human rights. This is essential to ensure that the sex workers who access legal services are aware of their rights so that they can identify when these have been infringed.

- Educating lawyers, paralegals, government, prosecutors, police, media, health care workers, employers, trade unions and other groups about human rights, the law, and the effective provision of services.
- Researching trends, including the monitoring and documentation of human rights violations.
- Advocacy and campaigning on policy and law reform issues, for changes to practices, and for increased resources. This may include drafting model laws and providing input for law reform processes.



“The criminalisation of sex work is ineffective as a deterrent, and this leads to the increased abuse of sex workers.”

## Litigation

Police harassment and assault are daily realities for sex workers and this is a direct result of the criminalisation of sex work and non-recognition of sex worker rights.

Sex worker's vulnerability to violence increases due to their criminal status which exacerbates the already widespread gender-based violence in South Africa. The current legal framework forces sex workers to the margins of South African society, where they are easy targets for abuse at the hands of police and clients. Criminalisation is an expression of stigma against sex workers, and this stigma is fuelled by the police.

The WLC with their partners have been lobbying for decriminalisation of sex work for many years because it has been shown that decriminalisation is the most effective method for remedying the injustices against sex workers.

The extent of human rights abuse suffered by sex workers in South Africa is alarming and demands immediate attention. Research has shown high-levels of abuse by police – almost all sex workers report experiencing some form of abuse at the hands of the police.

Notwithstanding the criminalisation of sex work – sex workers do have a right to equality, to freedom, to security of a person, to human dignity, and the right to due process.

However, the current reality is that sex workers fear laying charges against police due to the challenges within the criminal justice system. Thus, the WLC has taken on strategic cases against the police to address police abuse of sex workers and to ensure a reform of the current criminal justice system in the treatment of sex workers.

### Police brutality of sex workers

In 2015 we continued to litigate on police brutality cases. In the case of *Foxy Ndlovu and Five Others v Minister for Safety and Security*, Western Cape High Court; *Nomathemba Joyce Mali v Minister of Safety and Security*, Bellville Regional Court; and *Wendy Lupuwana and 2 others vs Minister of Safety and Security*, damages claims were brought against the Minister of Police for unlawful arrest, detention and police brutality. Various claims against police in Belville have been consolidated and we are envisaging to finalise these in 2016.

Municipal police have also been harassing sex workers notwithstanding the SWEAT interdict preventing police officers from arresting sex workers within specified areas as well as not bringing them before a court of law. This practice has been ongoing and various matters have been documented, and the WLC has been liaising with different government structures to address the abuse.

We have also been monitoring criminal cases where sex workers have been raped, sexually assaulted, or murdered. In one of these cases a sex worker was arrested and the police officer asked her for oral sex in exchange for release. Because of our representations to the National Director of Public Prosecutions (NDPP), the Regional Director of Public Prosecutions (RDPP) has decided to commence with criminal prosecution against the police officer for rape of a sex worker. Our client is pleased with this and we have arranged for her to meet with the relevant officials to prepared for trial. The trial is set to commence in March 2016.





## Promoting Labour Rights of Sex Workers

Due to the *Kylie* case, sex workers who work in brothels have the same rights as any another employee, this includes decent working conditions and fair treatment. In 2009 the WLC assisted *Kylie* to bring a claim against her former employer for unfair dismissal with the Commission for Conciliation Mediation and Arbitration (CCMA) and the Labour Court. The Labour Appeal Court confirmed that sex workers are employees for the purposes of the remedies in the Labour Relations Act which means that sex workers will be able to challenge exploitation in the workplace, unfair working conditions and unfair dismissal. However, notwithstanding this groundbreaking decision, sex workers are still working under deplorable working conditions and the WLC has been assisting sex workers to enforce their labour rights.

During the current period the WLC assisted three sex workers who were all unlawfully dismissed and we settled more than R60 000 worth of damages claims.

*Patricia* was constructively dismissed from the brothel where she worked after the manager refused to accept the valid medical certificate she provided for being absent from work. She was fined excessive amounts and treated in an unfair and unreasonable manner, which made her continued work at the brothel unbearable.

*Candice* worked a sex worker at a prominent brothel in Cape Town. She was treated unfairly and expected to work without receiving the wages due to her, she was also constructively dismissed for trying to assert her rights.

*Faye* is a sex worker who was dismissed from a brothel in Cape Town. She approached the WLC for legal assistance and she requested us to refer her matter to the CCMA. On the instance of the Commissioner, the parties explored a settlement of the matter.

## Promoting Equality

Sex workers have also been discriminated against due to stigma, prejudice and stereotypes. During the current year WLC assisted a transgender female with crim injuria charges and bringing a case before the Equality Court. *Gita* experienced unlawful, intentional and serious impairment of her dignity by a bar in Sea Point. She was refused entrance by the bouncer and manager because she is a transgender female and wore feminine clothes, while the bouncer argued that she is male. She explained that she is a woman and was then asked by the bouncers to lift her skirt to prove this. This incident took place in front of the patrons of the bar. The matter is currently under review.

## Addressing the Constitutionality of Certain Provisions in the Sexual Offences Act

In *S v Muller* our client was arrested and charged in terms of Section 19 of the Sexual Offences Act for soliciting. She was arrested after an entrapment operation in terms of Section 252A of the Criminal Procedure Act. We applied for bail on behalf of our client and she was released. We also made oral and written representations to the Senior Prosecutor of the Bellville Magistrates' Court to have the charges withdrawn, but they were unsuccessful. Our client has pleaded not guilty to the charges and the trial will commence in April 2016.

## Challenge the constitutionality of the Municipal By-laws.

The WLC consulted with counsel in relation to a class action challenging the constitutionality of the use of municipal by-laws to arrest sex workers. To overcome the challenge of sourcing and maintaining contact with many clients for such a class action, we plan to find at least one client per by-law that we would like to challenge. These include: loitering, soliciting or importuning any person for the purposes of prostitution, performing a sexual act, and creating a nuisance. To date we have perused all the questionnaires in 2014 and 2015 and have identified and consulted with three clients.

## Partnerships

We would like to highlight the following achievements in regards to partners that we have engaged to assist us in our work:

1. Engagement and relationship with the Deputy Minister of Police on the matter of decriminalisation of sex work: While we are fully aware that the Minister will always act in his own interests, we believe our engagements assisted us in preparing for the release of the SALRC report which will recommend total de-criminalisation of sex work.
2. Legal Partners Meeting: Our partners have instituted a Legal Partners Meeting, which we feel assists us to coordinate our legal interventions and efforts to maintain contact with clients. It has also assisted in planning and preparing for advocacy activities.
3. Global Fund: We have built good working relationships with the Global Fund sub-recipients and have received several invitations to attend their Creative Spaces and present on issues.
4. Bowman Gilfillan: We are particularly pleased with the partnership that we have now forged with Pro Bono Bowman Gilfillan this means that we can assist and reach out to more sex workers.

# Legal Advice and Help Desks

The WLC offers free legal advice at our offices in Cape Town and Johannesburg during office hours through face to face consultations or by telephone. The Helpdesk based at the Cape Town Family court is held twice a week in the mornings. Additionally, we assist:

- Weekly in Khayelitsha
- Through our social media
- By email

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

We also identify trends through our legal advice work which could lead to strategic litigation. The duty query statistics are reflected in the form below:

Nature Of Queries	Totals
Access	13
Abuse (child)	16
Abuse (verbal and emotional)	1
Civil claim	33
Criminal	81
Custody	44
Customary marriage	20
Damages	19
Debt	16
Defamation	3
Discrimination	9
Divorce	210
Domestic partnership	16
Domestic violence	64
Education	5
Estates	35
Evictions	47
Family law	16
General	35
Health	6
HIV	4
Housing/land	79
Labour law	25
Maintenance	88
Muslim personal law	57
Pension funds	9
Queries from NGO's	1
Queries from students, researchers	1
Refugees	4
Sexual harassment	10
Sex work	394
Sexual offences (rape)	16
Wills and Estates	12
<b>Total</b>	<b>1264</b>

# Staff, Trustees, Patrons and Funders

## Directors

---

Shireen Motara Director until February 2015  
Hoodah Abrahams-Fayker Attorney and Acting director from March 2015

## Legal Staff

---

Stacey-Leigh Manoek	Attorney	Busiwe Nkoloza	Paralegal and Legal Advisor
Sanja Bornman	Attorney	Teboho Mashota	Paralegal
Jeanne Bodenstein	Attorney	Ncumisa Sonandi	Paralegal
Mosima Kekana	Attorney	Elma Geswindt	Paralegal
Jody-Lee Fredericks	Attorney	Lisa Gladile	Paralegal
Mamello Matthews	Candidate Attorney	Veronica Ringane	Paralegal
Welekazi Cina-Khatswha	Candidate Attorney	Noxolo Katikati	Paralegal
Lelethu Mgedezi	Legal Advisor (Volunteer)	Eunice April	Paralegal

## Support Staff

---

Ingrid Johnson	Litigation Secretary	Estelle Malgas	Office Assistant
Aretha Louw	Litigation Secretary	Inga Solomons	Communications
Nwabisa Ntshibelo	Receptionist	Sihle Nsibande	Receptionist/Secretary
Charmaine Groep	Administrator		

## Trustees

---

Basetsana Teboho Molebatsi (Chairperson)	Penny Parenzee
Shereen Mills	Kholeka Zama
Nicole Fritz	Michelle Huber
Nokukhanya Ntuli	Nasreen Rajab Budlender

## Patrons

---

Yasmin Carrim  
Lebogang Molepe  
Happy Masondo

## Funders

---

Ford Foundation	Wallace Foundation
Heinrich Böll Stiftung	1st for Women Foundation
Open Society Foundation	Anglo American Chairman's Fund
Sigrid Rausing Trust	





## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### Index

### Pages

Statement of Trustees' Responsibility and Approval	1
Report of the Independent Auditor	2-3
Trustees' Report	4
Balance Sheet	5
Income Statement	6-7
Notes to the Annual Financial Statements	8-9
The following supplementary information do not form part of the financial statements and is unaudited:	
Annexure 1 - Analysis of Funds by Funder	10

## General Information

Country of registration and domicile	South Africa
Registered Office	7th Floor Constitution House 124 Adderly Street Cape Town 8 001
Postal address	PO Box 5356 Cape Town 8000
Bankers	Standard Bank
Auditors	Solace and Associates Incorporated
Trust registration number	IT 3486/98
NPO registration number	032-685NPO
PBO and Section 18A	930 007 242

## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### 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

2 - 09 - 2016  
Date

  
Trustee

13 - 09 - 2016  
Date



**SOLACE**

AUDIT | ACCOUNTING | CONSULTING

Bringing you peace of mind...

Solace & Associates Incorporated  
Registered Auditors (Practice number: 930780)  
Chartered Accountants (S.A)

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 2015, a summary of significant accounting policies and other explanatory notes, as set out on pages 4 to 9.

### 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 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 2015 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 10 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 Inc. CA (SA)  
PER: G Cronje  
Registered Auditor

Cape Town  
Date: 17 June 2016



## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### Trustees' Report

---

The Trustees have pleasure in submitting the annual financial statements of the Trust for the year ended 31 December 2015.

#### 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  
M. Crystal  
N. Rajab  
N. Ntuli (Appointed: 15 January 2015, resigned: 23 October 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 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### Statement of Financial Position

	NOTES	2015 R	2014 R
<b>ASSETS</b>			
Current assets		12 382 618	8 888 425
Deposits		123 990	82 906
Trade and other receivables		32 311	89 322
SARS - VAT receivable		77 375	103 420
Cash and cash equivalents	2	12 148 943	8 612 777
Total assets		<u>12 382 618</u>	<u>8 888 425</u>
<b>CAPITAL AND LIABILITIES</b>			
Capital and reserves		8 281 203	6 126 212
Initial donation		100	100
Retained funding	3	8 281 103	6 126 112
Current liabilities		4 101 415	2 762 213
Trade and other payables		212 981	186 061
SARS - VAT provision		22 023	39 775
Litigation Fund - Trust Account		1 842	14 594
ISLA funds	4	3 741 573	2 379 975
Leave provision		122 996	141 808
Total capital and liabilities		<u>12 382 618</u>	<u>8 888 425</u>



## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### Income Statement

	NOTES	2015 R	2014 R
<b>INCOME</b>		<b>10 220 861</b>	<b>7 151 499</b>
Donations and grants	5	9 468 048	6 309 824
Cost recoveries		119 411	30 000
Fees received		13 045	50 808
Fiscal sponsorship fees		187 001	381 170
Interest received		422 608	379 662
Other income		10 748	35
<b>EXPENDITURE</b>		<b>8 065 869</b>	<b>7 220 168</b>
Employment costs	6	4 468 769	4 470 412
Operational costs	7	1 928 985	1 306 669
Litigation costs		945 676	791 103
Information costs		283 374	291 326
Legal advice, advocacy and training costs		439 065	360 658
<b>NET SURPLUS / (DEFICIT)</b>		<b>2 154 991</b>	<b>(68 669)</b>
<b>OPENING RETAINED FUNDING</b>		<b>6 126 112</b>	<b>6 194 781</b>
<b>CLOSING RETAINED FUNDING</b>		<b>8 281 103</b>	<b>6 126 112</b>

## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### 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 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

	2015 R	2014 R
Current accounts	16 749	183 736
Trust bank account	2 342	15 094
Investment accounts - on call deposits	12 125 284	8 410 634
Petty cash	4 568	3 313
	<u>12 148 943</u>	<u>8 612 777</u>

The investments accounts include unquoted gilts in the ABIL Income portfolio with a book value of R291,351 and a market value of R262,216. The curator is currently in the process an exchange offer switching investor claims in the old bank to the new restructured one with a minimum resultant 90% anticipated recovery rate.

#### 3. RETAINED FUNDING ANALYSED BY FUNDER

Anglo American Chairmans Fund	190 000	300 000
Ford Foundation	38 995	-
Open Society Foundation (SA)	450 239	53 864
OSI / SW	926 508	-
Sigrid Rausing Trust	1 344 356	1 022 069
General Funds	5 331 005	4 750 279
	<u>8 281 103</u>	<u>6 126 212</u>

## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### Notes to the Financial Statements (Continued...)

	2015 R	2014 R Restated
4. ISLA Funds		
Grants received	3 452 742	3 811 702
Interest received	36 450	-
Less:	2 127 594	1 431 727
Fiscal sponsorship fees	187 001	381 170
Salaries and recruitment costs	732 403	410 553
Office operating costs	458 085	69 926
Establishment costs	76 049	362 422
Programme costs	674 056	207 656
Funds carried forward from prior year	2 379 975	-
Funds held by Women's Legal Centre on behalf of ISLA	3 741 573	2 379 975
The Trust accepted funds and provided fiscal sponsorship towards the establishment of the Initiative Strategic Litigation Africa (ISLA) project, prior to its incorporation as separate legal entity in 2015.		
5. GRANTS AND DONATIONS		
Anglo American Chairmans Fund	-	300 000
First for Women Foundation	300 000	200 000
Ford Foundation	1 621 606	1 454 708
Foundation for Human Rights	-	165 667
Henrich Bohl Stichtung	362 946	379 276
Open Society Foundation(SA)	1 602 389	1 875 210
Open Society Institute	3 196 177	-
Other donations	2 180	19 555
Sigrid Rausing Trust	1 580 730	1 280 572
Wallace Foundation	802 020	634 836
	9 468 048	6 309 824
6. EMPLOYMENT COSTS		
Salaries and benefits	4 357 930	4 299 115
Supervision and recruitment	110 839	171 297
	4 468 769	4 470 412
7. OPERATIONAL COSTS		
Office running costs	1 297 787	833 264
Accounting fees	378 231	225 171
Audit fees	42 583	27 550
Bank charges	39 983	29 778
Penalties and interest	6 729	6 212
Consulting fees	12 496	33 697
Governance costs	82 136	82 703
New items purchased	47 995	35 975
Other support costs	21 045	32 319
	1 928 985	1 306 669

## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### Notes to the Financial Statements (Continued...)

---

#### 8. 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.

#### 9. COMPARATIVE FIGURES

The comparative figures have been reclassified where considered appropriate.



## Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December, 2015

### ANALYSIS OF FUNDS BY FUNDER FOR THE YEAR ENDED 31 DECEMBER 2015

	Total	Sigrid Rausing Trust	Ford Foundation	Wallace Foundation	Open Society Institute	Open Society Foundation SA	Heinrich Bohl Foundation	First for Women Foundation	Anglo American Chairmans Fund	General funds
<b>INCOME</b>	<b>10 220 861</b>	<b>1 580 730</b>	<b>1 621 606</b>	<b>802 020</b>	<b>3 196 177</b>	<b>1 602 389</b>	<b>362 946</b>	<b>300 000</b>	<b>0</b>	<b>754 993</b>
Donations and grants	9 468 048	1 580 730	1 621 606	802 020	3 196 177	1 602 389	362 946	300 000	0	2 180
ISLA (Dreilinden & Wellspring)	187 001									187 001
Interest received	422 608									422 608
Cost recovery	119 411									119 411
Fees	13 045									13 045
Other income	10 748									10 748
<b>EXPENDITURE</b>	<b>8 065 869</b>	<b>1 258 442</b>	<b>1 582 611</b>	<b>802 020</b>	<b>2 269 669</b>	<b>1 206 015</b>	<b>362 946</b>	<b>300 000</b>	<b>110 000</b>	<b>174 166</b>
Employment costs	4 468 769	423 730	800 000	450 000	1 726 922	532 453	277 994	200 000	45 000	12 670
Litigation costs	945 676	55 556	440 605	96 620	31 794	255 100	46 202	19 799	0	0
Legal advice, advocacy & training	439 065	17 225	36 899	0	313 751	48 010	1 250	21 930	0	0
Information costs	283 374	0	111 103	0	6 400	93 342	0	8 271	65 000	-742
Operational costs	1 928 985	761 931	194 004	255 400	190 802	277 110	37 500	50 000	0	162 238
<b>NET SURPLUS / (DEFICIT)</b>	<b>2 154 991</b>	<b>322 288</b>	<b>38 995</b>	<b>0</b>	<b>926 508</b>	<b>396 374</b>	<b>0</b>	<b>0</b>	<b>(110 000)</b>	<b>580 826</b>
<b>OPENING RETAINED FUNDING</b>	<b>6 126 112</b>	<b>1 022 068</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>53 865</b>	<b>0</b>	<b>0</b>	<b>300 000</b>	<b>4 750 179</b>
<b>CLOSING RETAINED FUNDING</b>	<b>8 281 103</b>	<b>1 344 356</b>	<b>38 995</b>	<b>0</b>	<b>926 508</b>	<b>450 239</b>	<b>0</b>	<b>0</b>	<b>190 000</b>	<b>5 331 005</b>

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



“

We will continue to **provide capacity**  
to the legal sector in **feminist and**  
**human rights litigation** and more  
specifically to contribute to a **gendered**  
**perspective in the practice**  
**of law.**

”



**Cape Town**  
7th Floor Constitution House  
124 Adderley Str.  
(Cnr of Church Str.)  
+27 (0) 21 424 5660

**Johannesburg**  
9th Floor  
112 Main Street  
+27 (0) 11 339 1099



**WOMEN'S LEGAL CENTRE**