



WOMEN'S LEGAL CENTRE

ANNUAL REPORT 2021





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ABOUT THE WOMEN'S LEGAL CENTRE

The Women's Legal Centre (WLC) is an African feminist legal centre that advances women's rights and equality using tools such as litigation, advocacy, education, advice, research and training. The WLC's dedicated team of attorneys, candidate attorneys, paralegals, legal advisors and support staff specialise in feminist litigation. The Centre is based in Cape Town, but works nationally, regionally, and internationally.



WE OFFER FREE LEGAL ADVICE

We offer in-person and telephonic legal advice to women and identify systemic challenges that women face in accessing their rights.

We facilitate a Human Rights Defenders Programme which allows us to access women in communities and facilitate their access to justice.

Through direct legal services provided by our Legal Advice Unit staffed by an attorney and legal advisors, we are able to identify gaps in laws, systemic failures and challenges with implementation which informs our strategic litigation. The bulk of the queries we receive indicate that women continue to face systemic discrimination in their homes and interpersonal relationships.

This is reflected in the high volume of queries related to dissolution of relationships either through death, divorce or separation, violence against women, and personal maintenance.



WE LITIGATE

The WLC has won several precedent-setting cases that have improved women's access to justice in South Africa.

Using strategic litigation (litigation that goes beyond a single case to advance a broader agenda and has an impact on women as a group) has proven to be a key strategy in developing feminist jurisprudence through precedent-setting cases.

We litigate in our own name, in the public interest (such as on behalf of civil society organisations), on behalf of clients, or as a friend of the court (amicus curiae).

Strategic litigation continues to be the tool that has proven effective to advance specific rights or challenge discriminatory laws or policies.



WE EDUCATE

The WLC is committed to training the next generation of Black women lawyers.

In the spirit of transformation and the development of skills for women who are interested in working in the feminist legal space, we have a strong candidate attorney programme.

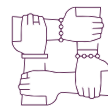
We also utilise local and international interns in order to contribute to the pool of feminist litigators and policy developers. We facilitate legal workshops and create feminist spaces where women can educate themselves on the law and how they can use it as a tool to empower themselves and their communities.



WE ADVOCATE

Our work in this area includes written and oral submissions to the South African Parliament, regional and international human rights treaty bodies, and other relevant organisations.

We also participate in conferences, workshops, and discussions to advance our work on the rights of women. In addition, our media advocacy has proven a valuable tool in spreading our message and amplifying our reach through social and mainstream media.



WE COLLABORATE

We support women's rights organisations and the broader feminist movement with the aim of strengthening women's voices and advancing women's rights.

By providing legal advice to the social justice sector, women's organisations, and civil society networks, nationally, regionally and internationally, we play a role in ensuring that the state and the private sector uphold their responsibilities in terms of the law and women's rights.



The WLC has a vision of women in South Africa who enjoy equal and substantive access to their rights.



OUR CORE OBJECTIVES

- **DEVELOP LAW, POLICY, AND FEMINIST JURISPRUDENCE** based on an intersectional approach with substantive equality as its foundation.
- **DRIVE A FEMINIST AGENDA** which acknowledges the impact that discrimination has on women within their differences in class, race, ethnicity, sexual orientation, gender identity, and disability.
- **EMPOWER WOMEN** across sectors to demand access to their rights.
- **ESTABLISH AND DEVELOP** a cadre of Black feminist lawyers within the legal profession.

THE WLC HAS FIVE FOCUS AREAS

01 | THE RIGHT TO FAVOURABLE AND JUST WORKING CONDITIONS

Our work focusses on the recognition and protection of labour rights for vulnerable and marginalised women workers, in particular the rights of sex workers, farm workers, domestic workers and migrant workers. Despite South Africa's rights-based labour legislation, women continue to face barriers with regards to accessing employment and securing decent working conditions. Our goal in this programme is the recognition and protection of the labour rights of vulnerable and marginalised women workers, in particular, but not limited to farm workers, domestic workers, migrant workers, and sex workers.

02 | THE RIGHT TO LAND, HOUSING AND PROPERTY

We work to ensure that women have an independent right to access land in an equitable and affordable manner, and are provided with tenure security, economic freedom, and a safe, accessible, and healthy place to live. Women, in most cases, are not given legal ownership to land, housing and property, and also encounter challenges in attempting to obtain legal ownership to land. We attend to cases that extend tenure and ownership of land to women in their own right and prevent loss of tenure on the dissolution of relationships (such as divorce or death).

03 | EQUALITY IN RELATIONSHIPS

We focus on the advancement and recognition of women's independent rights within, and on the dissolution of, a relationship, to ensure fair and equitable access to resources and rights. We take cases which promote the diversity of families, and which advance the equal recognition and protection of all relationships in South Africa.

04 | SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

We work towards the realisation of SRHR that enable women's rights to access health services in a manner that is non-coercive, free from violence and all forms of discrimination. Accessing health care can be a complex and confusing task for women which impacts women's ability to make informed and autonomous decisions about their health care. There are also very few accountability mechanisms within the state health care system. We take cases that promote and protect women's right to make choices about their own reproductive health and litigate to ensure that women have access to reproductive health care.

05 | THE RIGHT TO BE FREE FROM VIOLENCE

We work towards an accessible justice system that takes account of, and supports, the particular needs of women impacted by violence, that provides optimal services and protection by the state and private entities, and that reduces secondary victimisation. In South Africa, women face grave violations of their rights to safety and dignity, which impacts negatively on women and society at large. We attend to cases that combat the infringement of these rights and improves the access of women and (girl) children to state protection from violence, particularly sexual and domestic violence.

MESSAGE FROM THE WLC BOARD CHAIRPERSON



In December 2020 I began my journey at the Women's Legal Centre as Board Chairperson; I took on the role during a difficult time, where we and indeed the global community were battling COVID 19.

Despite the many challenges that we encountered at the height of the pandemic, I was inspired and encouraged by the continuous commitment towards advancing women's rights from the WLC team. An example of how even in trying times we were able to respond to the impact of COVID 19 during this time is reflected in the Legal Advice Unit recording an increase in enquiries related to access to courts. In response to this the WLC engaged with stakeholders across civil society and government to ensure that women who needed to access our justice system were able to do so.

This past year at the WLC has truly shown me that society as a whole must engage with and give expression to intersectional feminist values. This also applies to governments, law firms and NGOs. Collectively more has to be done to make sure that we shine a light on not just the discrimination that women face in their everyday lives, but that feminist principles can bring solutions to the challenges and eradicate the barriers of discrimination. I therefore want to encourage more organisations and institutions to be intentional about intersectional feminist solidarity and supporting feminist organisations and movements so as to advance us all.

On 31 December 2021, the Centre and *women in opposite sex domestic partnerships celebrated a victory as the Constitutional Court recognised their right to be recognised as spouses for the purposes of inheritance and to claim spousal maintenance*. This judgment, which relied heavily on our arguments of intersectional feminism and the need for women's lived realities to be present in our legislative framework shows us the importance of feminist litigation as a tool to address discrimination and realise substantive equality for all women. It also illustrates the power of women's voices and experiences and calls for the state to listen, hear and realise the rights of women. Such a victory is one of the many that continues to inspire me as WLC Board Chairperson, working with a team that is intentional about fighting for and advancing women's rights.

The work cannot be done if we do not care for those who do the work. Women have long had their work undervalued and unrecognised and so we must find ways within the social justice sector to not only advance the rights of women, but we need to care for those who are doing that work. I am therefore encouraged by the emphasis on staff. This area is close to my heart, and I have been encouraged by the prioritising of health and wellness activities at WLC, and that some of this has been extended to partners in the sector. It is imperative that we take others with us, and we encourage the donor community to support health and wellness initiatives within our sector.

Ours is a most demanding and trying sector and so we need to all learn mind management skills, because when the mind's health is unmanaged, a person's health is compromised. I look forward to working with the WLC team and our partners towards strengthening our health and wellness, collectively.

During this period we have continued to have transition and change at WLC board level and so I would like to extend my deepest thanks to the former cohort of Trustees who collectively provided leadership to the WLC. I especially want to thank the previous Board Chairperson, Nozizwe Vundla.

Our new cohort of trustees now build forward on the foundations which they laid for us. I would also take this opportunity to introduce the newly appointed Board of Trustees of the Women's Legal Centre Trust to you. They are, Noxolo Silevu, Rebecca Hlabatau, Siphokazi Mthathi, Buhle Lekokotla, Aniekah Gamiet, Deirdre Smythe and Pumla Dineo Gqola. ■

Thulisile Mhlungu

Chairperson of the Women's Legal Centre



CREATING THE FUTURE
IN THE PRESENT -

THE FEMINIST REVOLUTION CONTINUES AND MUST CONTINUE

*Twenty-seven years ago, South Africa's first democratic elections were held.
The promise of a new dawn is one that we will never forget.*

A new democracy birthed the Constitution of the Republic of South Africa, which was approved by the Constitutional Court in 1996 and took effect in 1997.

Our Constitution is one of the most progressive in the world – and women are meant to enjoy freedom in its abundance. The reality of women’s lived experiences is that women do not enjoy this freedom. In fact, violence against women, continues to take place at staggering numbers.

Institutions that are meant to protect and offer women safety often shun them when they seek help. All of this confirms our belief that a lot more collective work needs to be done to advance women’s rights in SA.

As the Women’s Legal Centre we understand that women do not live single issue lives or experience single issue struggles, and so our methodology of applying an intersectional approach across five thematic focus areas helps us to advance women’s rights more holistically. We are both intentional and unapologetic about identifying as feminist and African during a time when the world grows increasingly smaller, and conservatism is on the increase.

Now more than ever the work of the WLC is of critical importance as we make advances to achieving substantive equality while at the same time needing to protect those advances that have already been made.

COVID 19 has highlighted the inequalities across the world in economies, access to health care as well as other socio-economic rights. It has illustrated how our struggles as women are interconnected and that through collective action we can create urgency to develop a post – COVID world that is feminist.

Our collective work with social justice organisations in South Africa meant that we were more responsive and better able to meet the needs of women who require services outside of our expertise.

Collective work in the international arena meant that through our membership in the International Network on Economic Social and Cultural Rights were able to

advocate for the provision of health care and vaccines for those in the global south. Working with women across the Cape Flats in Cape Town, meant that we ensured that they were better able to respond to the needs of women within their communities because they had access to resources and support from the WLC.

As Director of the WLC, my work is also to serve my team, and COVID 19 has taught us that we need to recognise and prioritise our individual as well as collective wellbeing. We recognise that while many in the global North are talking about a post-Covid world or COVID recovery, we in the global South are still faced with the harsh reality of the impact of COVID on our daily lives but also on our economy.

We will continue to feel the impact for some time to come and the pressures of everyday life working in a feminist environment means that we need to be proactive. We have been unapologetic about being a pro-vaccination organisation, having staff engage in workshops and discussions, enabling everyone to make informed decisions about their bodies.

The establishment of a People’s and Culture Committee in the organisation has seen us increasing our mental health and wellness programmes thereby raising awareness around the issues of health and wellbeing, while ensuring that staff feel appreciated and valued for their individual contribution towards the work of the Centre.

We were overjoyed to conclude the 2021 year with a rights affirming feminist judgment from the Constitutional Court in the case of *Bwanya vs Master of the High Court Cape Town and Others CCT 241/20*.

As the WLC we welcomed that the judgment sought to give effect to the values of the Constitution, in that it recognises the continued patriarchal nature of our society which places women in very tenuous power dynamics when negotiating marriage or access to rights in relationships.



During 2020 we saw an increase in reporting of domestic violence and in 2021 we worked hard to advocate and ensure that legislative changes were being effected to ensure that women are safe in their homes and have access to recourse where they are experiencing violence and abuse.

This year also saw us arguing the case for the recognition of Muslim marriages before the Constitutional Court. The long road to recognition commenced when the Centre opened its doors in 1998 and we now await judgment from the Constitutional Court. This case illustrates that women's voices are powerful and that we cannot and will not remain silent in the face of adversity. It also solidifies the importance of our work as the WLC and illustrates how we have continued to place women at the centre of the WLC's work since the beginning.

We continue to build on this approach as we strengthen the work of Human Rights Defenders in communities across the Cape region in helping them to be more responsive to the needs of women in their communities.

Transformation and change have been a part of the WLC story over the past few years and our need to be more reflective of the women that we serve. At Board level there has been a continued process of exploration and development.

We bid farewell to our previous chairperson during this last year and welcomed the appointment of a host of new Trustees from different backgrounds, skills and expertise.

A new Board Chairperson, Thulisile Mhlungu has been elected and her confidence and support for the work of the Centre and its people has already had an impact.

We are grateful to the contributions that members of the Board have all made collectively and individually in providing governance support and oversight but also for allowing us all to collectively envisage our future and realise it in the present.

As the WLC, we are looking forward to strengthening the public interest law sector in South Africa, expanding our networks and partnerships, and building towards collective solidarity both in the country, region and internationally. ■

Seehaam Samaai

Director of the Women's Legal Centre

THE WLC FOCUS AREAS



CHARLENE MAY

01 THE RIGHT TO FAVOURABLE AND JUST WORKING CONDITIONS

The Women's Legal Centre's the Right to Favourable and Just Working Conditions focus area aims to advance the rights of women in the world of work.

The recognition and protection of labour rights for vulnerable and marginalised women workers, in particular the rights of sex workers, farm workers, domestic workers, migrant workers and women who provide care work, are important sectors for this focus area. This is because, despite South Africa's rights-based labour legislation, women continue to face barriers in accessing employment, and to securing decent working conditions.

The core objectives of this focus area are therefore the development of laws and policies to ensure that women's human rights are recognised, protected, promoted, and fulfilled in the workplace; to hold the state and private bodies accountable for violating women's human rights in the world of work; and to engage with national, regional, and international structures to promote the interest of vulnerable groups and to ensure compliance with human rights standards. Through collaboration with partners and strategic organisations we promote the interests of women who work in precarious working conditions. In addition we provide education and training on women's basic labour rights and protections.



CHRISCY BLOUWS

2021 HIGHLIGHTS



HARASSMENT IN THE WORKPLACE

In June 2019 women's rights organisations and activist came together to advocate for the ratification of the International Labour Organisations Convention 190 to eliminate violence and harassment in the world of work. The WLC joined this call for ratification and actively supported the trade union movements in South Africa in their campaign for ratification of the Convention by the South African government.

The Convention 190 was adopted by the International Labour Organisation during its 108th (Centenary) session on 10 June 2019 with the recognition in its preamble, among others, that violence and harassment also affects the quality of public and private services, and may prevent persons, particularly women, from accessing, remaining, and advancing in the labour market. This is particularly important when looking at the various types of work in a South African context as employment differs from urban to rural and formal to informal. Women as a result are affected differently based on where they are situated.

The Women's Legal Centre supports the adoption, ratification, and domestication of C190 as we believe that such ratification is in line with the spirit, purport and ambit of our Constitution and its envisaged progressive realisation of substantive equality for women in the workplace. Women's work forms the backbone of our economy but is often overlooked, undervalued, and underpaid. Black women in particular remain a vulnerable group in society and experience discrimination, harassment, and violence in the workplace. Their vulnerability is compounded due to their race, socio economic circumstance and power disparity in the workplace and C190 is cognisant of this in its purpose and provisions.

C190 seeks to ensure an acknowledgment that many gaps exist in the existing international as well as domestic legal frameworks in respect of the world of work. Within our context in South Africa the C190 also identifies gaps within our framework and the fragmented manner in which discrimination and gender discrimination in particular is addressed. Key to this issue is the understanding and appreciation that violence against women and sexual harassment are different forms and manifestations of discrimination against women and persons of diverse gender and sexual orientation.

2021 HIGHLIGHTS

Through our work with COSATU we provided legal support, analysis and language to ensure that the domestication of the ILO Convention through the Amended Code on Harassment and Sexual Harassment speaks to the lived realities of women in the workplace.

Our focus in 2021 was therefore to ensure that the domestication of the ILO Convention into policy and law would lead to acknowledgment that violence and harassment in the world of work affects a person's psychological, physical and sexual health, dignity, and family and social environment. Further that we ensure that the policies and laws in place realises the vulnerability of women to gender-based violence and harassment in that they are disproportionately affected and that a positive obligation rests on the state as well as employers to ensure a safe and equal work environment.



EDUCATION AND TRAINING

Webinar on C190

We hosted an online roundtable with various stakeholders and partner organisations who provide services to women who work in vulnerable professions and conditions. These stakeholders included organisations from the human rights sector and public interest sector, trade unions and chapter 9 institutions. The roundtable was aimed at creating awareness and education on the provisions of the C190 so that we could create opportunities to develop collaborative strategies on how to engage government regarding the domestication of C190 into our labour laws and to further provide an opportunity for the WLC to identify the current shortcomings in the implementation of our labour laws in ensuring women's safety at work.

International advocacy

We participated in the UN Commission on the Status of Women again this year. Our participation in a side event hosted by the International Network for Economic Social and Cultural Rights, of which we are a member, focused on the intersection of women's care work and loss and damage. It was held virtually on 24 March 2022 and provided WLC with the opportunity to explore and develop an analysis of the intersection between unpaid care work and the impact of global warming on our environment. Our contribution was focused on centring women's care work and how because of discrimination in the manner in which care is valued, the care economy is impacted by loss and damage as a result of global warming and environmental degradation.

CEDAW

The WLC's international advocacy extended to submissions before the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). The WLC, along with its strategic partners the Solidarity Centre, Izwi Domestic Worker Alliance, South African Domestic Worker Union (SADSAWU), Women's Law Centre (WLC), Lawyers for Human Rights (LHR), Department of Criminal Justice and Procedure, Faculty of Law, University of Western Cape, African Diaspora Workers Network (ADWN), made detailed submissions on the discrimination faced by women in the workplace, their lack of access to recourse and the ongoing criminalisation of sex work in South Africa. Our submissions were well received and many of our recommendations made it into the final concluding observations.

VISION AND WAY FORWARD

The Right to Favourable and Just Working Conditions focus area will continue to fight and advance women's rights in places of work. To this end we will focus in 2022 on the adoption and implementation of the Amended Code on Harassment and Sexual Harassment in the workplace. Our work will also extend into litigation where we aim to provide a gender lens to the impact of local government by-laws and their impact on women who live and work on the streets.



CHRISCY BLOUWS

02 THE RIGHT TO LAND HOUSING AND PROPERTY

The Women's Legal Centre's Right to Land, Housing and Property focus area aims to ensure that women have an independent right to access land in an equitable and affordable manner, and are provided with tenure security, economic freedom, and a safe, accessible, and healthy place to live.

Women, in most cases, are not given legal ownership to land, housing, and property, and also encounter issues in attempting to obtain legal ownership with regards to land and tenure. In this focus area we aim to create feminist jurisprudence to extend tenure and ownership of land to women in their own right, and prevent loss of tenure on the dissolution of relationships (such as divorce or separation).

The core objectives of this focus area are to ensure that laws and practices do not discriminate against women's access to land and tenure security; to challenge apartheid land patterns and dispossession that impact on women's rights to land and tenure security; to shape the agenda of national, regional, and international structures to promote the interest of women's rights to land and tenure security; and to ensure compliance with human rights standards.

Furthermore, we collaborate and partner with strategic and relevant organisations to promote the interests of women's rights to land and tenure security.

We also seek to develop the duty of the state to provide emergency housing for victims of domestic violence.



SEEHAAM SAMAAI



CHARLENE MAY

2021 HIGHLIGHTS



ADVOCACY/SUBMISSIONS

The Women's Legal Centre made submissions to the committee on Economic, Social and Cultural Rights on the draft General Comment on Land which seeks to clarify the specific obligations of State parties relating to land and the governance of tenure of land under the International Covenant on Economic, Social and Cultural Right. Our submission focused on the rights of women to access land as we recognise that gender inequality in accessing land is a critical issue which continues to negatively impact on women's ability to live free from poverty, exclusion, and insecure land tenure worldwide. One of our recommendations included that the general comment is extended to ensure that there is an obligation on the State to develop legislative and policy frameworks that are gendered and contain the necessary language to ensure proper implementation, such as intersectionality and substantive equality.

The Women's Legal Centre made submissions on the lived reality of women who experience discrimination and segregation when attempting to access adequate housing and land. The submissions were made to inform the Special Rapporteur's report on Housing which he presented to the General Assembly and the Human Rights Council in 2021. Our submission highlighted that women remain the face of poverty, discrimination, and crime because of their insecure tenure. Where women suffer from violence within the household, they are forced to endure it as they have no alternative accommodation or place of safety to turn to. Women and children have been recognised as a vulnerable group that has suffered discrimination based on their class, gender, and race. This vulnerability is compounded when they live in unsafe and undignified housing with no access to basic services, and as a result, women face grave human rights violations on a daily basis. Our submission further detailed that although South Africa has national and provincial laws in place to deal with access to housing, evictions, and spatial planning, these laws fail to provide substantive equality and protection to Black women who live in poor and marginalised communities.



2021 HIGHLIGHTS



LITIGATION

The Abdullah and The Women's Legal Centre Trust v The City of Cape Town case which we launched during COVID 19 was in Court during this period in order for Directions to be issued by the Equality Court in respect of the further conduct of the matter. The WLCT is the Second Applicant in this matter because of the City Housing Policy of the late 1980's and early 1990's stipulated that women were not considered to be breadwinners of their households, and as a result could not apply for housing. Housing even where women were the applicants were registered to their husbands. The policy particularly impacted on Muslim women harshly because their marriages were not legally recognized and as such they were considered single women. The women that this case addresses are poor, Black and making use of state subsidized housing.

Setting aside this erstwhile City of Cape Town housing Policy as unconstitutional and ensuring that the City puts in place mechanisms to ensure that women are not disadvantaged as a result during transfer is at the core of the work that WLC does in respect of ensuring that women have access to housing and tenure security.

Although the City of Cape Town has defended the continued implementation of the policy, we end off this year in settlement negotiations.

VISION AND WAY FORWARD

The Right to Land, Housing and Property focus area will continue to work collaboratively with other focus areas within the WLC to advance the rights of women in land, property and housing. To this end, we will focus on litigation which creates feminist jurisprudence and advances the independent rights of women to access to adequate housing and land.

03 EQUALITY IN RELATIONSHIPS



CHARLENE MAY



MANDI MUDARIKWA

The Women's Legal Centre's Equality in Relationships focus area aims to advance equal recognition of all interpersonal relationships in South Africa in full recognition of the diversity of persons and families in South Africa.

The core objectives of this focus area are to ensure the legal recognition of all relationships, irrespective of religion, custom, gender identity or sexual orientation. We challenge discriminatory practices and laws that impact on women's access to resources in a relationship.

It is also to ensure the equal application of law and legal obligations arising out of relationships, and to ensure that these are enforced, promoted, and protected in a substantively equal manner. We engage with national, regional, and international structures to promote the interests of women's rights in a relationship, and to ensure compliance with human rights standards.

As well as to collaborate and partner with strategic and relevant organisations to promote women's rights in relationships.



2021 HIGHLIGHTS



BWANYA VS MASTER OF THE HIGH COURT CAPE TOWN AND OTHERS

The highlight for 2021 has undoubtedly been the *Bwanya vs Master of the High Court Cape Town and Others* CCT 241/20 matter, which dealt with the rights of women living in opposite sex domestic partnerships.

The judgment was of historic significance in that it effectively set aside a previous judgment by the Constitutional Court on the Maintenance of Surviving Spouses Act where the Court found that women in opposite sex domestic partnerships did not have any rights to maintenance from their deceased partners estate.

The judgment was handed down by the Constitutional Court on Friday, 31 December 2021. The Applicant in this matter challenged the exclusion of opposite-sex couples from the application of the Intestate Succession Act 81 of 1987 (ISA) which regulates inheritance without a will and the Maintenance of Surviving Spouses Act 27 of 1990 (MSSA) which provides for maintenance for surviving spouses in instances where insufficient provision was made for surviving spouses.

The Women's Legal Centre Trust was admitted as an *amicus curiae* (friend of the Court) to assist the court to fully understand the gender context and, intersectional nature of the discrimination faced by Black women, especially in South Africa who live in opposite sex life partnerships.

The Trust was also permitted to place critical and relevant evidence before the Court based on WLC's experience with clients and the lived realities of women in permanent opposite-sex life partnerships which the Court relied on extensively in its judgment. The Applicant was in a permanent opposite-sex life partnership and her partner died without a will.

2021 HIGHLIGHTS

In terms of the ISA, she could not inherit from her partner because they were not married. She was also not able to claim maintenance in terms of the MSSA because opposite-sex life partners, like the Applicant, were not considered spouses in terms of this law. As a result, the Applicant filed an application challenging the constitutionality of both the ISA and the MSSA for failing to recognise and include opposite-sex life partners who have undertaken reciprocal duties of support for the benefit of inheritance and maintenance respectively. The Applicant filed the application in her own interest but also on behalf of all other women in similar circumstances such as herself. In its decision the Court found in favour of the Applicant (and all other women in similar circumstances) on both issues.

In respect of maintenance for surviving spouses, the Court found that section 2 of the MSSA was unconstitutional as it unfairly discriminated against unmarried couples by limiting its benefits only to married spouses. The court posited that the critical question to be answered within this context is whether the institution of permanent life partnership is, indeed, deserving of constitutional and legal protection.

The Court recognised that permanent life partnerships are widely used in South Africa with at least 3,2 million in such relationship as of 2016. Accordingly, they must be accorded the necessary respect as they are an institution through which many people live, give and receive love in return, form families and enjoy some of life's myriad pleasures with those they love among other things. The Court emphasized that all categories of families in South Africa are deserving of legal protection.

The Women's Legal Centre welcomed this judgement as it was based on the lived reality and experiences of the most vulnerable women in our society. WLC also welcomed that the judgment sought to give effect to the values of the Constitution in that it recognises the continued patriarchal nature of our society which places women in very tenuous power dynamics including in making decisions on whether to get married or not.

In response, the judgment mandates that legislation which is enacted to give effect to the rights in question must do so in a manner that leads to substantive equality. WLC believes that the judgment is a critical step in recognising families formed in permanent life partnerships as deserving of protection and equality which firmly does away with the common trend of 'othering' those who are different from what is perceived to be the norm.

The WLC believes in and celebrates difference in identities, in families, in communities and in all spaces, as it is the cornerstone of our democracy which must be celebrated and protected.

There are three other matters in this focus area that are pending litigation. These matters will be reported on in the next annual report:

- **SAHRC v Beloftebos** – which deals with refusal of services (a wedding venue) to lesbian women to conclude their marriage;
- **Tywetywe v The Minister of Home Affairs** – which deals with the gendered burden on women to register customary marriages;
- **Ntsenge v Ntsenge** – which deals with the redistribution of assets flowing from an error which occurred at divorce



ADVOCACY/SUBMISSIONS

We engaged extensively on the law reform processes underway through both the South African Law Reform Commission as well as the Department of Home Affairs. The Law Reform Commission is undertaking a public participation process on their Discussion Paper on a Single Marriage Statute as well as the Department of Home Affairs engaging on public consultation process on their Green Paper on Marriages in South Africa.

The WLC made submissions on their own behalf based on our experience in litigation and consultation with women. We also made submissions in respect of both processes in partnership with Triangle Project so as to ensure that both processes took into account persons with diverse sexual orientation and gender identity.

2021 HIGHLIGHTS



EQUALITY IN RELATIONSHIPS – COMMUNICATIONS AND MEDIA

WLC attorneys Charlene May and Mandi Mudarikwa on *Why customary marriage registration matters in South Africa*: The Women's Legal Centre (WLC) strongly believes that if we want women in South Africa to enjoy the full benefit of legal protection in their personal relationships, we must make it easier for them to register customary marriages and ensure that existing relationship-related rights are also practically extended to all customary marriages.

Read the full Op-Ed here:



Mandi Mudarikwa, Charlene May and Qiqa Nkomo on the apex court judgment enables opposite-sex life partners to inherit intestate.

Read the full Op-Ed here:



WLC Director, Seehaam Samaai speaking on the Recognition of Muslim Marriages.

Watch the full statement here:



EDUCATION AND TRAINING

During this period under review, we participated in a number of online webinars with the South African Women in Dialogue, in which we presented the work we are doing on the recognition of Muslim marriages as part of a series of discussions on marriage law reform. We also engaged with the Department of Home Affairs on their consultation process on Marriages in South Africa as part of the release of their Green Paper on Marriages. In order to prepare the Human Rights Defenders to engage with the Department of Home Affairs on the same issue we facilitated a training session with them on the law reform process and assisted in developing key issues that they wanted to raise with the Department.

As part of the University of Stellenbosch's conference on Customary Law and Transformation we delivered a paper on the need for a transformative approach to the recognition of customary marriages under the current legal framework which we argued discriminates against women. We also reached University law students in giving lectures to law students at the University of Pretoria as well as the University of Cape Town on strategic litigation and how, through our feminist litigation strategy, we are advancing women's rights in relationships.

VISION AND WAY FORWARD

The South African government is in the process of reviewing our family laws in efforts to bring it in line with its Constitutional obligations. Much of this law reform has been necessitated because of cases that WLC has initiated or contributed to as amicus. The South African Law Reform Commission is in the process of developing a Single Marriage Statute and the Department of Home Affairs has released a Green Paper on Marriages in South Africa. In the coming months the WLC will be engaging with these processes to protect the gains and advances that have been made and to ensure that the constitutional rights of all are protected in these processes.



04

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS



KHULISO MANAGA



MANDI MUDARIKWA



CHARLENE MAY



AMANDA STEMELE

The Women's Legal Centre's Sexual Reproductive Health And Rights focus area aims to see the realisation of SRHR that enables women's rights to access health services in a manner that is non-coercive, free from violence and all forms of discrimination.

The core objectives of this focus area are to ensure that women have access to information and services to make informed decisions in relation to their sexual and reproductive health and rights; to hold the state and private entities accountable for the implementation of sexual and reproductive health rights; to challenge all discriminatory laws, policies, and practices, which interfere with women's rights to autonomous decision-making around issues of sexuality and reproduction; and to engage with strategic partners to promote and create awareness of women's right to make autonomous decisions in relation to SRHR.

2021 HIGHLIGHTS

**LITIGATION**

The judgement in the case of *Voice of the Unborn Baby v Minister of Home* is currently pending having been heard before the Constitutional Court on 4 November 2021. This case was filed by the non-profit organisation Voice of the Unborn Baby NPC and supported by the Catholic Archdiocese of Durban.

The Applicants argued that the Births and Deaths Registration Act should be declared unconstitutional on the basis that the Act is a violation of the rights to dignity, equality, privacy, and freedom of religion for not allowing the option of burial where a fetus dies before the 26th week of pregnancy. This is because, under the current law, one may only bury a fetus where pregnancy loss occurred at or after 26 weeks.

The Women's Legal Centre Trust and SRJC joined the case as friends of the Court. This was to ensure that the Court understood the current landscape of abortion service provision, particularly, the lack of timely information about abortion and services.

As the WLC we put forward arguments of how forced / compelled fetal burial will further marginalise and endanger the lives of women seeking abortion services. The concern arose because the case brought by the Applicants does not distinguish between cases of pregnancy loss by natural causes (miscarriages and stillbirths), and voluntary terminations of pregnancies. The voluntary termination of a pregnancy implicates constitutional rights and international law obligations.

Abortion Access in South Africa currently:

1. South Africa's Choice of Termination of Pregnancy Act (CTOPA) was enacted 25 years ago. It aims to repeal restrictive and inaccessible abortion laws and promote reproductive rights and freedom of choice for women in South Africa.
2. The CTOPA entrenches the right of women and girls to access abortion services on request up until the 12th week of pregnancy. From 12 to 20 weeks, abortion is allowed in certain circumstances. This includes if continuing the pregnancy would significantly affect the pregnant woman's social or economic circumstances.
3. After the 20th week of pregnancy, abortion needs to be approved by a medical practitioner. It is only approved if the continued pregnancy would endanger the woman's life, result in severe malformation of the fetus, or would pose a risk of injury to the fetus.

Causes for concern when discussing fetal burial:

Fetal burial has, in some instances, been contextualised in a manner that ascribes personhood to a fetus. This is done through (1) the weaponised language, and (2) deliberately ascribing individual rights outside those accrued in preserving the interests of a fetus on condition that there is live birth (as done in the Law of Succession, for example).

Ascribing personhood to a fetus bestows human rights to fetuses, and linguistically and practically creates antagonism between the pregnant person and the fetus, even if she plans not to terminate the pregnancy.

Examples of this include the following:

1. In some instances, we have observed references to a fetus as a person whose dignity must be protected.
2. Granting what resembles parental rights to those contributing to the products of conception. This often includes the referral of a fetus as a baby and those who were involved in contributing to the conception of the fetus as parents with parental responsibility despite many laws only considering a person as a parent once the fetus is subsequently born alive.
3. The 'right to bury' itself seems to be stemming from the status accorded to fetuses within this context, the personhood aspect. In this case, the first and second applicants seek confirmation of a declarator to the effect that in the event of pregnancy loss (other than stillbirth where there is a compulsory burial), the 'parent' or 'parents' have the right to bury the fetal remains if they elect to do so. This right is derived directly from the understanding of a fetus as a person. This has been referred to as the burial right by the first applicant.

2021 HIGHLIGHTS

The language that is used to entrench this idea of personhood includes the following:

1. The fetus as a baby and by inference a child with all the rights applicable in law, in our South African context, as a child in terms of the Children's Act 38 of 2005;
2. By extension, the application by the first applicant refers to the persons contributing to the products of conception as 'parents;'
3. The second applicant's papers too adopt a similar approach as can be ascertained in some of the definitions they rely on in paragraph 4 of their founding affidavit. Specifically, their papers refer to parents, child, and pregnant women as mothers.
4. Ascribing personhood to a fetus through rights and language pits the pregnant woman and her fetus as competing rights holders. It facilitates concepts such as abortion amounting to killing.
5. This creates a substantial emotional burden for women, stigmatises their decisions to control their bodies and severely compromises the rights of women seeking abortion and broadly the constitutional rights described above.

In our view, fetal burial in the current framework of abortion would invariably impact women's ability to seek and access these services without fear, stigma, discrimination, and marginalisation. Regardless of it being an option or not, fetal burial would be made a condition for receiving abortion services.

This would put more women in danger as they seek assistance from unsafe providers without this requirement. This will devastate women's ability to access safe and legal abortion, without being hindered or coerced. Ultimately, it would violate their rights to make decisions concerning access to reproductive health care.

This shrinking space does not end with fetal burial:

Women in South Africa continue to face serious barriers in access to safe and legal abortion services despite having one of the most progressive abortion laws in the world. In the near three years since joining this matter, the context of abortion service provision remains unchanged and severely inaccessible for those who require the service. Women continue to face issues of:

- Stigma and discrimination when seeking the service at various points of access at health facilities, from security guards to front-desk staff to the medical practitioners providing direct access to the service;
- Lack of open and accessible information about where to access abortion services in South Africa;
- Poor supplies of reproductive health commodities and regular stock-outs of contraception and medical abortion drugs; and
- Limited numbers of doctors, nurses and midwives trained and willing to provide the service together with limited numbers of facilities designated to offer the service.

The current context of the COVID-19 pandemic has also not improved the experiences of women. A recent 2021 report recorded that there was an overall increase in South Africa's mortality and morbidity rates and that due to limited access to services, terminations of pregnancies had decreased by 17%.

It is also important to point out here that this data was based on official and recorded information and not on the clandestine abortion procedures that still continue unbridled.

Women, therefore, continue to be disproportionately affected by the challenges faced by our health system specifically in accessing sexual and reproductive health services.

They are also disproportionately suffering the burdens of COVID-19 on the healthcare system. We are accordingly eagerly waiting for the Constitutional Court decision in the Voice of the Unborn Baby matter, and we hope it will provide much needed clarity on the issue of fetal burial.

2021 HIGHLIGHTS



APPLICATION FOR REVIEW AND DECLARATORS: TT & BM V MINISTER OF SOCIAL DEVELOPMENT AND OTHERS

In both the above cases, our clients (the biological mothers) chose to keep the pregnancy, birth, and adoption process of their children private from their immediate family members, and more particularly their parents.

During both adoption applications, the Department of Social Development ("DSD") intervened to investigate the adoption process to some degree. In both cases DSD was fully aware that clients did not want the pregnancy, birth, and adoption of their children to be made known to their (the clients') parents.

The entire adoption process is meant to be confidential in nature to protect the privacy of all concerned. In both cases, DSD threatened to inform the clients' parents of the pregnancy, birth, and adoption of the children in clear violation of their own confidentiality and privacy processes. In the case of TT, DSD informed the client's parents and sought to have the child placed in their foster care without any regard for the client's decision-making authority.

The WLC has therefore assisted the Applicants in this matter seeking to review the conduct of DSD and its employees, and to review and set aside the first Respondents Practice Guidelines on National Adoption which, based on the experience of our clients, are clearly inconsistent with our Constitutional framework and the Children's Act 38 of 2005.

The harmful behavior of DSD extended to disregarding the informed proper consent given by both Applicants, questioning the sincerity of their decisions, and approaching/intending to approach their families to disclose information regarding their pregnancies and the proposed adoptions.

In challenging the conduct of DSD and its employees, the WLC illustrated the importance of the Applicants' sexual and reproductive health rights in respect of their choice to carry their pregnancy to term and to opt not to become parents, but rather place the children for adoption. These informed decisions are rooted in their constitutional rights to privacy, bodily and psychological integrity, and autonomy.

We are also seeking relief against the DSD and its employees for their refusal to recommend the adoptions of our client's children in terms of its obligations set out in s239(1)(d) of the Children's Act, which provides that an application for adoption of a child must be accompanied by a letter by the provincial heads of social development recommending the adoption of the child.

This application was launched in March 2020 and is opposed by the Department of Social Development. Much of this year was spent exchanging pleadings and engaging the DSD on the further conduct of this matter.

We hope that the matter will be heard in 2022 so that closure can be brought to this chapter in the lives of the young women concerned, as well as ensuring that the children's formal adoption processes which has been delayed can be finalized.



PUBLICATIONS

We are working with Wits University to develop and draft a Gap Analysis that documents the current status of abortion access in South Africa. This will be an important advocacy tool but will more critically be aimed at highlighting the dire need for intervention in several sections of the abortion sector.

2021 HIGHLIGHTS



EDUCATION AND TRAINING

Regardless of the liberal provisions of the law, South Africa is grappling with new and old threats to abortion access.

- Information about abortion services remains scarce
- Access continues to be stigmatised and discriminated against
- Stock-outs of contraception and medical abortion drugs are common
- Limited facilities are designated to offer abortion services
- Limited numbers of doctors, nurses, and midwives are trained and willing to provide abortions.
- The COVID-19 pandemic has also worsened the experiences of women. They are disproportionately suffering the burdens of COVID-19 on the healthcare system.

The WLC's Sexual Reproductive Health and Rights focus area has produced information booklets, aimed at providing women with information on where to access abortion facilities in South Africa. These information booklets are available on the WLC website and have been shared on various social media platforms and we are currently working on distributing abortion information to our communities and networks.

The abortion facility guides assist women in finding their nearest abortion facilities and detail the necessary information needed to allow women to access safe and legal abortions. The publication is titled Know Your Abortion Facilities and is unique to each of the nine provinces, detailing both first and second-trimester abortion providers.



SEXUAL REPRODUCTIVE HEALTH AND RIGHTS – MEDIA AND COMMUNICATIONS

Mandi Mudarikwa writes about the current threats to legal and safe abortions

Read the full Op-Ed here:



VISION AND WAY FORWARD

The SRHR focus area at the WLC will continue to work with various stakeholders to advocate, educate and litigate matters related to SRHR in South Africa. We are developing litigation that seeks to strategically address religious refusals to offer abortion and challenge refusals to offer timely and responsive information on abortion. We are researching more about how pregnancy crisis centers are operating, where they are operating, how they are funded, and how they interact with the state.

Alongside this, we are looking at other illegal actors in the sector and determining how best to respond to these threats. We are monitoring and evaluating the state's responsibility to provide access to safe and legal abortion services. We are working to create a database of accessible and useful information on SRHR and everything a woman needs to know to both access and protect her right to reproductive health care. Lastly, we look forward to connecting with SRHR networks to further the work we do.



BRONWYN PITHEY

05

THE RIGHT TO BE FREE FROM VIOLENCE

In South Africa, women face grave violations of their rights to safety and dignity, which impacts negatively on women and society at large.

The Women's Legal Centre attends to cases that combats the infringement of these rights and improves the access of women and (girl) children to state protection from violence, particularly sexual and domestic violence. The WLC's Right to Be Free From Violence focus area seeks to create an accessible justice system that takes account of, and supports, the particular needs of women impacted by violence, and that provides optimal services and protection by the state and private entities, and reduces secondary victimisation.



CHRISCY BLOUWS

The core objectives of this focus area are to ensure that there is a legislative framework to address violence against women that is compliant with international and constitutional obligations; to ensure that the state has implementation plans in place to action legal frameworks and policies; to hold the state and private entities accountable for the implementation of laws and policies and for the development of due diligence standards relating to violence against women; and to engage with strategic partners to promote and create awareness of women's rights to make autonomous decisions in the context of violence.



2021 HIGHLIGHTS



LITIGATION

JUDGEMENTS

QWELANE // SAHRC 2021 JDR 1752 (CC)

WLC intervening as amicus curiae - Hate and misogynistic speech; constitutional challenge to Promotion of Equality and Prevention of Unfair Discrimination Act

- Judgement was handed down on 30 July 2021 which confirmed that sections 10(b) and 10(c) of the *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000* ("PEPUDA") as constitutional
- WLC made submissions on the impact of misogynistic speech on women and the justifiable limitations on the right to freedom of expression
- This case in an important acknowledgement of the State's constitutional duty to protect women from violence in all forms, including the regulation of, harmful, hateful and often violent misogynistic speech.

2021 HIGHLIGHTS

CITY OF CAPE TOWN // SAHRC CITY OF CAPE TOWN (WESTERN CAPE HIGH COURT, CASE NUMBER 5633/2020)

WLC intervening as amicus curiae - Rights of human rights monitors under the Disaster Management Act 57 of 2002; WLC highlighted the need for the protection of women from violence held in shelters under the Disaster Management Act during Covid19 lockdown.

- Judgement handed down on 17 March 2021
- The High Court recognised the rights of independent Human Rights Commission monitors to perform their oversight duties.

UNIVERSITY OF CAPE TOWN UNIVERSITY STUDENT DISCIPLINARY TRIBUNAL (COMPLAINANT REPRESENTED BY WLC) 18/0017/HC

- WLC argued for and was successful in establishing the right to separate legal representation for Complainants in sexual offences matters before the University Student Disciplinary Tribunal. This nature and extent of this right has been included into UCT's Policy on Sexual Offences. The WLC represented the complainant at the disciplinary hearing.
- The Respondent was found guilty by the Disciplinary Tribunal of breaching RCS 3.1 and RCS 4.2 of the university's Rules (any criminal offence; and an act of sexual assault or rape by a student)
- The Respondent's degrees and qualifications attained from the University of Cape Town were revoked, he is further barred from future registration at the University of Cape Town, and his academic transcript endorsed with the guilty finding.

The revocation and barring of future registration at UCT was suspended on condition that the Respondent complete of 300 hours of community service facilitated by the UCT Office of Inclusivity and Change.

The Tribunal ordered that the Respondent conduct talks, whether in person or online, with the university community on rape culture at South African university campuses.

WLC on behalf of the Complainant are of the opinion that this condition of suspension is inappropriate, irrational and should be set aside. We will make submissions at the Appeal Tribunal as the Respondent has appealed both the guilty finding and sanction. The appeal will be heard in 2022.

CURRENT CASES**SOCIAL JUSTICE COALITION AND ANOTHER // SAPS AND OTHERS 2019 (4) SA 82 (WCC) – WLC INTERVENING AS AMICUS CURIAE; NOW BEFORE CONSTITUTIONAL COURT CCT 121/21**

Equitable distribution of police resources with the use of the South African Police Services formula (THRR) which was found to be unfairly discriminatory by the Western Cape High Court in 2018 on the grounds of race and class.

- WLC made submissions as to why the THRR must consider and give sufficient weight to the nature and extent of violent crimes committed against women in the allocation of police resources
- The matter is set down for 03 February 2022 in the Constitutional Court.

2021 HIGHLIGHTS

AR // AN AND THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (KWA-ZULA NATAL LOCAL DIVISION DURBAN, CASE NUMBER D8481/2020)

Challenge to the Prescription Act 68 of 1969

- WLC continues to represent our client AR in this case which challenges the constitutional validity of section 10, 11 and 12 of the Prescription Act (as amended) to the extent that they apply to debts based on the commission of an alleged sexual offence.
- The Minister of Justice and Correctional Services has been joined to the case, and the constitutional and factual issues have been separated for hearing.

'ATTRITION AND RIGHT TO REASONS IN SEXUAL OFFENCES' MATTER

WLC continues to represent a number of sexual offences complainants who have approached the WLC for assistance to address the discontinuation of the investigation and /or prosecution of their cases.

We are doing so by directly engaging with the South African Police Service and the National Prosecuting Authority, requesting detailed written reasons from these criminal justice role players, explaining why they are not proceeding with the case.

The provision of reasons empowers complainants to potentially make use of alternative legal remedies to achieve justice for the sexual violence they have experienced, and is an accountability mechanism placed on the police and prosecution in the pursuance of their administrative actions and decisions.

PETERS // MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (WESTERN CAPE HIGH COURT)

- One of WLC's Human Right Defenders, Ms Caroline Peters was served with an interim protection order against her in terms of the Protection from Harassment Act 17 of 2011 in November 2021 in favour of a man accused of rape. Ms Peters, as part of her work as a human rights defender, was providing support and assistance to a rape complainant from her community by accompanying her to court for the appearance of the accused rapist. In his application for an interim protection order the accused rapist alleged that Ms Peters had contravened section 154(2)(b) of the Criminal Procedure Act by, inter alia, taking photographs of him appearing at court on the rape charge on 5 November 2021 and posting them on Facebook, as well as posting photographs on Facebook of his name on the court roll which reflected the details of the alleged sexual offence for which he has been charged. In addition to the application for an interim protection order against Ms Peters, he laid criminal charges against Ms Peters for contravening section 154(2)(b) of the Criminal Procedure Act.
- Section 154(2)(b) of the Criminal Procedure Act prohibits the publication of any information related to a charge of sexual offence before the accused has pleaded to the charge. The accused in this matter had not yet pleaded in court when Ms Peters published information on the accused (his name and the charge of rape for which is accused).
- While Ms Peters complied with all aspects of the interim protection order, she, represented by the WLC, opposed the interim protection order in court and was successful in having the application dismissed by the magistrate's court.
- However, the criminal charges in terms of section 154(2)(b) of the Criminal Procedure Act remain pending against Ms Peters. WLC is legally representing her in bringing an High Court application challenging the constitutionality of these sections in the Criminal Procedure Act which prohibit the publication of information relating to the charge of any sexual offence as contemplated in section 153(3) of the Criminal Procedure Act from the date on which the offence was committed before the appearance of the accused in court, or at any stage after such appearance but before the accused has pleaded to the charge.



2021 HIGHLIGHTS



NAMING OF PERPETRATORS

DS VS AP WESTERN CAPE HIGH COURT

Our client, the appellant in this matter before the Western Cape High Court, was raped on 6 July 2015 by her ex-boyfriend. She later spoke to her immediate friends and family about this experience, sought help from a counsellor, and posted about her experience in a closed, private, and anonymous social media platform group in which she named him as her rapist. She did this as a way to warn others, and to seek healing, community and support from other women who had similar experiences of sexual violence.

The posts were intended to remain private and not for public distribution. Without our client's consent or permission, someone in the private group made her posts public on various social media platforms. In response to this, her ex-boyfriend applied for a protection order against her in terms of the Protection from Harassment Act, arguing that she was harassing him by speaking about him to others through her identifying him as a rapist, and that this had caused him harm. The Magistrates Court granted the protection order against our client which stated that our client was "not allowed to tell anyone, in any manner, that he had raped her".

Given the devastating and chilling effect this order had on our client and women in similar positions, we represented her in appealing the decision to the Western Cape High Court and sought at an order that overturns the decision by the Magistrate. The appeal is based on the fact that the order gags our client from speaking about her own experience of sexual violence and that such an order cannot stand especially within the context of violence against women in South Africa.



2021 HIGHLIGHTS

M BOOYSEN V J DOLLEY-MAJOR (CASE NO: 5043/2021) MB V JD (5043/2021) WESTERN CAPE HIGH COURT

This case concerned a final interdict order being sought by MB against JD. This interdict order sought to restrain JD from indirectly or directly posting about MB publicly or on social media until the internal tribunal process was completed by the Anglican Church.

JD had accused MB of raping her in 2002 and started publicly posting these allegations on social media around 2016. MB sought urgent protection from the courts in March 2021 on the basis that her posts were defamatory and caused damage to his good name, reputation and standing in the community.

JD had stated that she was posting on social media to speak out against rape and to provide a community and a space of healing for all women who had survived rape. She decided to speak publicly after her attempts to seek justice through the criminal justice system and church processes had failed, and she was not believed. The Court found that MB did not meet the requirements for a final interdict due to the fact that the social media posts had been published and had been in the public domain since 2016. There was thus no basis for MB to approach the court seeking urgent interdictory relief.

The Court found that MB had withheld relevant information in order to justify the urgency in bringing this interdict application. The Court also found that in this present case, the Respondent (JD) had shown a defence for any defamatory claims. The WLC joined the matter as amicus curiae, which is a friend of the court, making submissions to bring a specific feminist lens and gendered context to the case.

2021 HIGHLIGHTS

In its capacity as a friend of the court, the WLC focused on the high levels of sexual violence against women in South Africa and on how the low rate of prosecution of sexual offences has contributed to women's insecurity and lack of trust in the criminal justice system and courts. By joining the matter as a friend of the court, the WLC sought to highlight how the victimization and silencing of victims of violence by the institutional processes and the criminal justice system is one of the reasons why women resort to speaking publicly.

The judgement recognised that the matter needed to be heard within a specific context as brought by the WLC. In its judgement, the court quoted from the WLC's written and oral submissions, which highlighted how the context of rape in South Africa, the structural impunity, the culture of silencing, and the isolation which victims suffer, all mean that the online publication of acts of violence against women and the identification of their perpetrators are reasonable acts. The judgement concluded that a claim of defamation is therefore unsustainable in these circumstances.



SUBMISSIONS

- **The 3 Department of Justice 'GBV' (Gender Based Violence) Bills:** The WLC made extensive submissions related to amendments to the Domestic Violence Act, the Criminal Law (Sexual Offences and Related Matters) Amendment Act and the Criminal Procedure Act to the National Council of Provinces
- Submissions made to the SADC Parliamentary Forum on the **Draft SADC Model Law on Gender Based Violence**



WLC ADVOCATE BRONWYN PITHEY IN THIS PERIOD WAS A PANELLIST IN THESE EVENTS:

- Cliffe Dekker Hofmeyr seminar on **constitutionality of Prescription Act** together with CDH's Pro Bono Unit attorney Brigitta Mangale (19 August 2021, attended by approximately 100 people)
- Tygerberg campus of Stellenbosch University's Faculty of Medicine and Health Sciences (FMHS) webinar, aimed at all students and staff titled 'Our campus. Our culture' (August 2021, attended by over 100 people)
- **Wits University webinar:** No Foreplay: Unpacking the Legal Judgement on the **Coko v State judgement** (October 2021, attended by over 80 people)
- Workshop hosted by COSATU in which we made presentations on the **Domestic Violence Amendment Bill;** and merging the issues of violence that women experience within a labour context in the workplace and to bring together stakeholders from labour and violence sectors.



THE RIGHT TO BE FREE FROM VIOLENCE – COMMUNICATIONS AND MEDIA

WLC Advocate Bronwyn Pithey was interviewed on CapeTalk radio by Pippa Hudson to speak on the Public Naming Case: Booysen vs Dolly.

Advocate Pithey highlighted that women speaking out on social media is about trying to find community, warning other women about perpetrators, and being heard. They are finding solace and healing through public naming.

Listen to the full conversation here:



2021 HIGHLIGHTS

WLC attorney, Chricy Blouws, appeared on *The Womxn Show* with Lenina Rasool to highlight the Public Naming Case: *Booyesen vs Dolly* and to speak about our feminist principles in relation to why women speak about their perpetrators publicly and their lived reality context in South Africa. This discussion further focused on how perpetrators use the legal system to gag survivors from naming them publicly.

WLC fights against a gag order that forced a 31-year-old woman not to talk about her alleged rape experience to anyone.

WLC is expected to appeal the decision.

Bronwyn Pithey speaks on *The Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill* which lifts the prescription bar on the prosecution of all sexual offences, but still retains a time limitation for the institution of civil (damages) claims in sexual offences.

Bronwyn Pithey speaks on the *Booyesen vs Dolly* case and the right to free speech with considering the right of an accused to be considered innocent until proven guilty.

Read the full article here:



Listen to the full conversation here:



Listen to the full conversation here:



VISION AND WAY FORWARD

The continued focus of the Right to be Free from Violence programme for 2022 is to realise our core objectives. We intend to participate as amicus curiae in the upcoming Supreme Court of Appeal matter of DPP v Coko, arguing for a broad feminist application of the criminal law to *dolus* (intention) and consent in rape cases, as well as continue our current litigation cases in challenging the constitutionality of certain laws which unfairly discriminate against women (the Prescription Act and the Criminal Procedure Act), ensuring that adequate resources are allocated for the specialised policing of both domestic and sexual violence offences, challenging the unacceptably high rates of attrition in reported sexual offences cases, and protecting women who publicly speak out against their perpetrators.

We will continue to conduct strategic litigation which seeks to create feminist jurisprudence which recognises the rights of women to speak freely about their perpetrators. We will also be closely monitoring and participating in the finalising and implementation of the 3 “GBV Bills” together with both civil society and government partners. We look forward to our continued work with partners both nationally, on the African continent, and internationally in sharing ideas, strategies, and legal interventions to hold governments and private entities accountable in both the prevention and response to violence against women.

THE LEGAL ADVICE UNIT

The Legal Advice Unit (LAU) is led by Advocate Amanda Stemele with support from two legal advisors Busiwe Nkoloza and Sheila Matroos.



AMANDA STEMELE



BUSIWE NKOLOZA



SHEILA MATROOS

IN 2020 THE LAU REPORTED THAT DURING THE HEIGHT OF LOCKDOWN THE WLC SAW AN INCREASE IN CASES RELATED TO WOMEN'S FRUSTRATION IN ACCESSING COURTS.

This was the case especially in community based Magistrates' Courts which deal with issues of family law such as divorce, domestic violence and harassment, and maintenance. This negative trend has continued in 2021, where we again experienced either a lack of physical access to Courts or a lack of services being rendered to women. We also continued to receive legal queries outside of our focus areas which perhaps is an indication of broader service delivery issues in respect of affordable or free legal services in communities.

THE LAU FULFILS ITS OBJECTIVES BY BEING THE DIRECT LINK BETWEEN THE CENTRE AND WOMEN IN OUR COMMUNITIES.

The LAU has a national footprint and received queries daily from women throughout South Africa, either telephonically, in person, or through email. The LAU also works closely with women groups at community level, social and feminist movements, community-based advice offices, and activists.

The LAU uses various tools to achieve its objectives:

- Direct legal advice for matters related to WLC focus areas
- Movement building and capacity strengthening
- Supporting of community-based advocacy
- Education and training activities
- Strategic advocacy related to access to justice and strategic litigation related to access to justice.





TRAINING AND WORKSHOPS

With the relaxation of COVID 19 restrictions the WLC through the LAU was able to return to physically engaging with communities again. The LAU conducted and attended a number of workshops and training during this period. The workshops were either open to the public to attend in person or were facilitated on virtual platforms.

- **14 April 2021**
Impact that Lockdown had on women, including GBV – SRHR
- **23 June 2021**
Relationship Rights / Maintenance
- **29 September 2021**
Refugees Rights – Women’s Right to Work (Which all three workshops in total targeted more than 90 women)
- **30 November 2021**
Education and Training with Human Rights Defenders.



LAU STATISTIC ANALYSIS

As indicated above, the lack of access to Magistrates’ Courts and family law services meant that the LAU consulted with 728 women regarding issues of divorce, maintenance, child care and contact, and spousal maintenance.

It is important to note that the LAU is not a generalised law clinic and although we provide women with basic advice, so much more is needed to ensure women have access to functioning courts and legal representation in these areas of law.

Because we recognise that women’s struggles are often interconnected, we have to acknowledge that during this period we consulted with 130 women on issues of domestic violence, which as we know is far too often linked to women’s ability to obtain a protection order and have a safe place to call home.

An increase in evictions and access to housing cases of 166 is an indicator that women’s access to housing and secure tenure is of concern especially where it is coupled with violence in the home.

Women continue to be at risk of violence in their communities and so the 131 women with whom we consulted on cases related to sexual violence such as sexual assault and rape is but a small sample of women’s lived experience and reality. This is so not only in communities, but also the workplace where we dealt with 18 queries of women experiencing challenges relating to sexual harassment.

Over the past year we assisted close to 2 000 women through the LAU.

HUMAN RIGHTS DEFENDERS

As part of the LAU we have ensured our presence in communities through the continuation of our Human Rights Defenders Programme.

THE PROGRAMME WAS LAUNCHED DURING 2020 AT THE HEIGHT OF THE COVID 19 RESTRICTIONS WHEN FEMINIST ACTIVISTS FROM DIFFERENT COMMUNITIES APPROACHED THE WLC FOR SUPPORT.

Our efforts to work more closely with women at community level was formalised in 2021 with the WLC providing strategic support, funding and capacity strengthening to women who are activists within their communities. These feminist activists are often the first entry point to the justice system for many women in their communities and provide assistance in different forms to women. As we seek to prioritise the strengthening of grassroots community human rights defenders' voices we have ensured that they have access to legal education and training, legal advice and guidance, but also a platform where they can jointly share experiences, learn and share lessons and create a grassroots movement of strong feminist activists.



Human Rights Defenders hosting a training outdoors for women in their community on violence against women.



Human Rights Defenders gathering in support of one another and in solidarity to oppose bail in a rape case being heard.



In December 2021, the human rights defenders received certification as commissioners of oath.

VISION AND WAY FORWARD

For the period under review the Legal Advice Unit has received close to 2000 enquiries. We will continue to build on this, by working with relevant stakeholders and continue to advance the rights of women in every way we can. The LAU, through its interventions, will identify systemic failures in the justice system and institutions that are set up for the purpose of providing women with legal recourse. In doing its work the LAU has since facilitated exposure and training to young feminist activists. The LAU will also during 2022 ensure that there is an effective referral system in place within the WLC so that women who need a referral to appropriate structures are able to do so.

COMMUNICATIONS AND MARKETING

The Women’s Legal Centre’s social media platforms have continued to grow during 2021.



Facebook is WLC’s best performing platform with **15 000 FOLLOWERS**



7000 FOLLOWERS



1400 FOLLOWERS



1000 FOLLOWERS



30 SUBSCRIBERS

Our social media platforms in particular have over the past year been used to highlight information related to judgments and raising awareness on legislation relevant to the rights of women.

We were able to communicate the Centre initiatives, advocacy campaigns and share interviews on our digital platforms. Currently the WLC is on Facebook, Twitter, Instagram, LinkedIn, YouTube, and WhatsApp.

These platforms allow the WLC to connect with clients, share information, engage with other organisations, host online events, and interact with various audiences. Media and Communications has become a tool to not only make the WLC more visible, but also an effective tool in the education and advocacy space for the WLC.



INTERVIEWS AND DISCUSSIONS

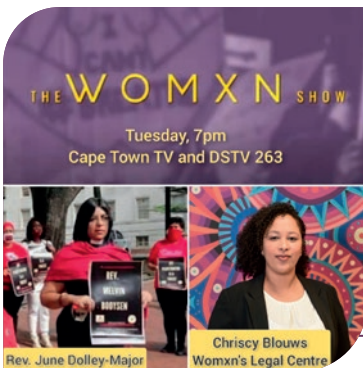


BRONWYN PITHEY

WLC ADVOCATE BRONWYN PITHEY WAS INTERVIEWED ON CAPETALK RADIO IN JANUARY 2021 on The Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill which lifts the prescription bar on the prosecution of all sexual offences, but still retains a time limitation for the institution of civil (damages) claims in sexual offences.

IN AUGUST 2021, WLC ADVOCATE BRONWYN PITHEY WAS INTERVIEWED ON CAPETALK RADIO, where she had a conversation with Pippa Hudson and spoke on the landmark case *Booyesen vs Dolley*.

IN AUGUST 2021, WLC ADVOCATE BRONWYN PITHEY WAS INTERVIEWED ON CAPETALK RADIO WHERE SHE DISCUSSED THE BOOYSEN VS DOLLEY. "The landmark case known as *Booyesen vs Dolley* could have far-reaching consequences for South African women in particular, as it balances the right to free speech with the right of an accused to be considered innocent until proven guilty. The Women's Legal Centre has been given permission to join the case as an *amicus curiae* or friend of the court."



IN SEPTEMBER 2021, WLC ATTORNEY CHRISCY BLOUWS WAS INTERVIEWED ON THE WOMXN SHOW, where she highlighted the public naming case of *Booyesen vs Dolley*. The discussion focused on perpetrators using the legal system to gag victims from naming them publicly.

Photo credit: The Womxn Show

IN AUGUST 2021, WLC DIRECTOR, SEEHAAM SAMAII WAS INTERVIEWED ON THE WOMXN SHOW, where she spoke about Muslim women marriages. Muslim women have sought recognition of their marriages for over twenty years.

Photo credit: The Womxn Show



IN AUGUST 2021, THE IOL NEWS AGENCY WROTE ABOUT THE MUSLIM MARRIAGES CASE. "Our case is not about denying anyone their faith, we are not seeking an amendment of the Qur'an, but that we have only sought to place before court the ongoing discrimination and vulnerability that Muslim women find themselves in. The WLC cannot provide each and every woman with legal representation. This desperate need requires State intervention and remedy."



CHARLENE MAY



MANDI MUDARIKWA

IN AUGUST 2021, WLC ATTORNEYS CHARLENE MAY AND MANDI MUDARIKWA WROTE AN OP-ED THAT WAS PUBLISHED IN THE MAIL&GUARDIAN ON WHY CUSTOMARY MARRIAGE REGISTRATION MATTERS IN SOUTH AFRICA.

“The WLC welcomes the government’s acknowledgement that the current marriage regime, including the Recognition of Customary Marriages Act, is problematic and gives rise to prejudice and discrimination. However, as the centre has detailed in its written submissions on the green paper on marriages, it is imperative that new laws on marriage and its registration recognise non-conventional relationships, promote diversity in families and avoid disadvantaging women who may not easily be able to negotiate the registration of a marriage with a spouse”.

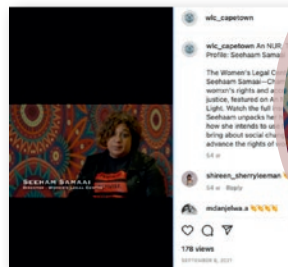


CHRISCY BLOUWS

IN OCTOBER 2021, THE IOL NEWS AGENCY WROTE ABOUT THE GAG ORDER THAT FORCED A 31-YEAR-OLD WOMAN NOT TO TALK ABOUT HER ALLEGED RAPE EXPERIENCE TO ANYONE.

WLC attorney Chriscy Blouws was interviewed. “We want to understand to what extent a court is allowed to make this type of order and there is no evidence of the man being harassed by the client. We are hoping that the high court in making its determination will do so within the context of this second pandemic, which is GBV in the country,” she [Blouws] said.

THE WOMEN’S LEGAL CENTRE DIRECTOR, SEEHAAM SAMAAI — CHAMPION FOR WOMEN’S RIGHTS AND ACCESS TO JUSTICE, was featured on a television show An NUR, The Light. Seehaam unpacked her history and how she intends to use the law to bring about social change and advance the rights of women.



SEEHAAM SAMAAI



MANDI MUDARIKWA

WLC ATTORNEY MANDI MUDARIKWA WROTE FOR THE GIRLSGLOBE.ORG on the current threats to legal and safe abortions.



NATIONAL WILLS WEEK WEBINAR

The Women’s Legal Centre, Law Society of South Africa, the Department of Justice and Constitutional Development, South African Women in Dialogue & The South African Women Lawyers Association hosted the National Wills Week Webinar. The Women’s Legal Centre (WLC) and Department of Justice and Constitutional Development (DOJCD) hosted an interactive, participant-driven discussion webinar on the roles and responsibilities of members of the Justice Crime Prevention Cluster relating to the implementation of the Domestic Violence Act.

WLC DIRECTOR, SEEHAAM SAMAAI DELIVERED A VIDEO STATEMENT ON MUSLIM MARRIAGES. She reiterated that this case has been a long road for the WLC.



THE WOMEN’S LEGAL CENTRE AND THE LEGAL RESOURCES CENTRE WROTE A JOINT STATEMENT ON THE GLOBAL GAG RULE.

“On 28 January 2021, President Biden signed a Presidential Memorandum rescinding the expanded Global Gag Rule, also known as the Mexico City Policy, that was reinstated by President Trump in 2017. The Global Gag Rule (GGR) is a policy that prohibits foreign NGOs receiving certain categories of health assistance funding from the United States (US) from performing or promoting abortion services. The adoption and implementation of the GGR had and continues to have serious implications for many women and other vulnerable groups. Fundamentally, the policy has blocked access to abortion and comprehensive reproductive health rights of women. The harm did not just stop with this – a wide variety of other health services were impacted too.”



WOMEN'S LEGAL CENTRE

WOMEN'S LEGAL CENTRE TRUST

ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2021

(REGISTRATION NUMBER IT 3486/98)

Audited Financial Statements
Professional designation: CA (SA)

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2021

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Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2021

General Information

Country of Incorporation and Domicile	South Africa
Registration Number	IT 3486/98
Nature of Business and Principal Activities	The trust has its main object to advance women's rights by conducting constitutional litigation and advocacy on gender issues.
Trustees	S. Mthathi (Appointed 22 April 2021) B. Lekokotla (Appointed 22 April 2021) A. Garniet (Appointed 22 April 2021) D Smythe (Appointed 22 April 2021) P Gqola (Appointed 22 April 2021) T Mhlungu (Chairperson) (Appointed 22 April 2021) N Silevu (Appointed 7 June 2021) R Hlabatau (Appointed 7 June 2021) C. Zama (Resigned 24 October 2019)
Director	S. Samaai
Registered Office	5 St Georges St Georges Mall Cape Town 8000
Business Address	5 St Georges St Georges Mall Cape Town 8000
Postal Address	5 St Georges St Georges Mall Cape Town 8000
Bankers	Standard Bank
SARS Reference Number PBO and Section 18A Tax number	930007242
Independent Auditor	Solace and Associates Incorporated 14 Franz Square Allenby Estate Retreat 7945

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2021

Trustees' Responsibilities and Approval

The trustees are required to maintain adequate accounting records and are responsible for the content and integrity of the annual financial statements and related financial information included in this report. It is their responsibility to ensure that the annual financial statements satisfy the financial reporting standards with regards to form and content and present fairly the statement of financial position, results of operations and business of the trust, and explain the transactions and financial position of the business of the trust at the end of the financial year. The annual financial statements are based upon appropriate accounting policies consistently applied throughout the trust and supported by reasonable and prudent judgements and estimates.

The trustees acknowledge that they are ultimately responsible for the system of internal financial control established by the trust and place considerable importance on maintaining a strong control environment. To enable the trustees to meet these responsibilities, the trustees set standards for internal control aimed at reducing the risk of error or loss in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the trust and all employees are required to maintain the highest ethical standards in ensuring the trust's business is conducted in a manner that in all reasonable circumstances is above reproach.

The focus of risk management in the trust is on identifying, assessing, managing and monitoring all known forms of risk across the trust. While operating risk cannot be fully eliminated, the trust endeavours to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

The trustees are of the opinion, based on the information and explanations given by management, that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or loss. The going-concern basis has been adopted in preparing the financial statements. Based on forecasts and available cash resources the trustees have no reason to believe that the trust will not be a going concern in the foreseeable future. The financial statements support the viability of the trust.

The annual financial statements have been audited by the independent auditing firm, Solace and Associates Incorporated, who have been given unrestricted access to all financial records and related data, including minutes of all meetings of the beneficiary, the trustees and committees of the trustees. The trustees believe that all representations made to the independent auditor during the audit were valid and appropriate. The external auditor's unqualified audit report is presented on pages 6 to 7.

The annual financial statements set out on pages 8 to 18, and the supplementary information set out on page 19 which have been prepared on the going concern basis, were approved by the trustees and were signed on 26 August 2022 on their behalf by:



Thulisile Mhlungu (Chairperson)



Seehaam Samaai (Director)



Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2021

Trustees' Report

The trustees present their report for the year ended 31 December 2021.

1. Review of activities

Main business and operations

The trust has its main object to advance women's rights by conducting constitutional litigation and advocacy on gender issues. There were no major changes herein during the year.

The operating results and statement of financial position of the trust are fully set out in the attached financial statements and do not in our opinion require any further comment.

2. Objective of the trust

The primary object of the trust is to advance women's rights by conducting constitutional litigation and advocacy on gender issues.

3. Going concern

The annual financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

Since 31 December 2019, the spread of the COVID-19 virus has severely impacted most economies around the globe. In many countries, businesses are being forced to cease or limit operations for long or indefinite periods of time. Measures taken to contain the spread of the virus, including travel bans, quarantines, social distancing and closures of non-essential services have triggered significant disruptions to businesses worldwide, resulting in an economic lockdown. The trust is dependent on grants and donations for its continued existence. Despite the change in the economic environment, the trust has been assured of the continued support of its funders, especially as the purpose for its existence still remains very relevant.

The trustees therefore believe that the trust has adequate financial resources to continue in operation for the foreseeable future and accordingly the annual financial statements have been prepared on a going concern basis.

4. Events after reporting date

All events subsequent to the date of the annual financial statements and for which the applicable financial reporting framework requires adjustment or disclosure have been adjusted or disclosed.

The trustees are not aware of any matter or circumstance arising since the end of the financial year to the date of this report that could have a material effect on 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 2021

Trustees' Report

5. Trustees

The trustees of the trust during the year and up to the date of this report are as follows:

S. Mthathi (Appointed 22 April 2021)
B. Lekokotla (Appointed 22 April 2021)
A. Gamiet (Appointed 22 April 2021)
D Smythe (Appointed 22 April 2021)
P Gqola (Appointed 22 April 2021)
T Mhlungu (Chairperson) (Appointed 22 April 2021)
N Silevu (Appointed 7 June 2021)
R Hlabatau (Appointed 7 June 2021)
N. Vundla (Resigned 12 January 2021)

6. Independent Auditors

Solace and Associates Incorporated were the independent auditors for the year under review.



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

Independent Auditor's Report

To the Trustees of Women's Legal Centre Trust

Opinion

We have audited the financial statements of Women's Legal Centre Trust set out on pages 8 to 18, which comprise the statement of financial position as at 31 December 2021, and the statement of comprehensive income, the statement of changes in trust funds and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements of Women's Legal Centre Trust for the year ended 31 December 2021 are prepared, in all material respects, in accordance with the basis of accounting described in note 2 to the financial statements.

Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the trust in accordance with the Independent Regulatory Board for Auditors' Code of Professional Conduct for Registered Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa. We have fulfilled our other ethical responsibilities in accordance with the IRBA Code and in accordance with other ethical requirements applicable to performing audits in South Africa. The IRBA Code is consistent with the corresponding sections of the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards). We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of the Trustees for the Financial Statements

The trustees are responsible for the preparation of the financial statements in accordance with the basis of accounting described in note 2 to the financial statements, and for such internal control as the trustees determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the trustees are responsible for assessing the trust's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the trustees either intend to liquidate the trust or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 trust's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the trustees.
- Conclude on the appropriateness of the trustees' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the trust's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the trust to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the trustees regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Solace and Associates Incorporated

26 August 2022



Per: G Cronje
CA(SA), RA
Chartered Accountant (SA)

14 Franz Square
Allenby Estate
Retreat
7945



Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Statement of Financial Position

Figures in R	Notes	2021	2020
Assets			
Current assets			
Trade and other receivables	4	919,967	722,589
Investment accounts - on call deposits	5	5,045,974	4,875,255
Cash and cash equivalents	6	602,320	2,084,331
Total current assets		6,568,261	7,682,175
Total assets		6,568,261	7,682,175
Reserves and liabilities			
Reserves			
Accumulated surplus	7	5,021,135	4,942,595
Liabilities			
Current liabilities			
Provisions	8	111,485	170,247
Trade and other payables	9	485,641	173,062
Deferred income	10	950,000	2,396,271
Total current liabilities		1,547,126	2,739,580
Total reserves and liabilities		6,568,261	7,682,175

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Statement of Comprehensive Income

Figures in R	Notes	2021	2020
Revenue	13	15,567,049	13,250,246
Other income	14	142,702	9,317
Administrative expenses	15	(2,040,410)	(2,419,276)
Programme expenses	16	(13,792,560)	(11,116,623)
Deficit from operating activities		(123,219)	(276,336)
Interest received		201,759	281,852
Surplus for the year		78,540	5,516



Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Statement of Changes in Trust Funds

Figures in R	Accumulated surplus	Total
Balance at 1 January 2020	4,937,079	4,937,079
Changes in reserves		
Surplus for the year	5,516	5,516
Total comprehensive income for the year	5,516	5,516
Balance at 31 December 2020	4,942,595	4,942,595
Balance at 1 January 2021	4,942,595	4,942,595
Changes in reserves		
Surplus for the year	78,540	78,540
Total comprehensive income for the year	78,540	78,540
Balance at 31 December 2021	5,021,135	5,021,135

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Statement of Cash Flows

Figures in R

	Note	2021	2020
Cash flows used in operations			
Surplus for the year		78,540	5,516
Adjustments to reconcile surplus			
Adjustments for finance income		(201,759)	(281,852)
Adjustments for increase in trade accounts receivable		(241,173)	(15,725)
Adjustments for decrease / (increase) in other operating receivables		43,795	(443,672)
Adjustments for increase / (decrease) in trade accounts payable		2	(2)
Adjustments for increase in other operating payables		312,577	10,879
Adjustments for decrease in deferred income		(1,446,271)	(145,889)
Adjustments for provisions		(58,762)	(187,116)
Total adjustments to reconcile surplus		(1,591,591)	(1,063,377)
Net cash flows used in operations		(1,513,051)	(1,057,861)
Interest received		201,759	281,852
Net cash flows used in operating activities		(1,311,292)	(776,009)
Cash flows used in investing activities			
Purchase of other financial assets		(170,719)	(257,204)
Cash flows used in investing activities		(170,719)	(257,204)
Net decrease in cash and cash equivalents		(1,482,011)	(1,033,213)
Cash and cash equivalents at beginning of the year		2,084,331	3,117,544
Cash and cash equivalents at end of the year	6	602,320	2,084,331



Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Accounting Policies

1. General information

Women's Legal Centre Trust ('the trust') has its main object to advance women's rights by conducting constitutional litigation and advocacy on gender issues.

The trust is registered with the Master of the High Court and domiciled in South Africa. The address of its registered office is 5 St Georges, St Georges Mall, Cape Town, 8000.

2. Basis of preparation and summary of significant accounting policies

The financial statements of Women's Legal Centre Trust have been prepared in accordance with the basis of accounting set out below. The financial statements have been prepared under the historical cost convention. They are presented in South African Rand.

The preparation of financial statements in conformity with the basis of accounting described below requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the trust's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are disclosed in note 3.

The principal accounting policies applied in the preparation of these annual financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

2.1 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 asset register is maintained and is available for inspection.

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised within 'other gains / (losses)' in the statement of comprehensive income.

2.2 Financial instruments

Trade and other receivables

Trade receivables are recognised initially at the transaction price. They are subsequently measured at amortised cost using the effective interest method, less provision for impairment. A provision for impairment of trade receivables is established when there is objective evidence that the trust will not be able to collect all amounts due according to the original terms of the receivables.

Trade and other receivables are classified as debt instruments and loan commitments at amortised cost.

Cash and cash equivalents

Cash and cash equivalents includes cash on hand, demand deposits and other short-term highly liquid investments with original maturities of three months or less. Bank overdrafts are shown in current liabilities on the statement of financial position.

Trade and other payables

Trade payables are recognised initially at the transaction price and subsequently measured at amortised cost using the effective interest method.

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Accounting Policies

Basis of preparation and summary of significant accounting policies continued...

2.3 Leases

Definition

A lease is an agreement whereby the lessor conveys to the lessee in return for a payment or series of payments the right to use an asset for an agreed period of time. A finance lease is a lease that transfers substantially all the risks and rewards incidental to ownership of an asset. Title may or may not eventually be transferred. An operating lease is a lease other than a finance lease.

Classification

A lease is classified as a finance lease when it transfers substantially all the risks and rewards incidental to ownership. A lease is classified as an operating lease when it does not transfer substantially all the risks and rewards incidental to ownership.

2.4 Provisions

Provisions for restructuring costs and legal claims are recognised when: the trust has a present legal or constructive obligation as a result of past events; it is probable that a transfer of economic benefits will be required to settle the obligation; and the amount can be reliably estimated. Restructuring provisions comprise lease termination penalties and employee termination payments. Provisions are not recognised for future operating losses.

Provisions are measured at the present value of the amount expected to be required to settle the obligation using a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to passage of time is recognised as interest expense.

2.5 Revenue

Revenue is measured at the fair value of the consideration received or receivable. Revenue is shown net of value-added tax, returns, rebates and discounts.

Revenue from services rendered

When the outcome of a transaction involving the rendering of services can be estimated reliably, revenue associated with the transaction is recognised by reference to the stage of completion of the transaction at the end of the reporting period. The outcome of a transaction can be estimated reliably when all the following conditions are satisfied:

- the amount of revenue can be measured reliably; and
- it is probable that the economic benefits associated with the transaction will flow to the entity; and
- the stage of completion of the transaction at the end of the reporting period can be measured reliably; and
- the costs incurred for the transaction and the costs to complete the transaction can be measured reliably.

When the outcome of transactions involving the rendering of services cannot be estimated reliably, revenue is recognised only to the extent of the expenses recognised that are recoverable.

Revenue from grants and donations

Revenue from donations and grants are recognised when it is receivable. Income from grants is brought to account in the period it relates too. Grant income received where the performance conditions have not been met is therefore excluded from income in the current year and the deferred amount is accounted for as a current liability. All other income is brought into account when received.

Interest income is recognised using the effective interest method.



Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Accounting Policies

3. Critical accounting estimates and judgements

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

The trust makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are addressed below.

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Notes to the Financial Statements

Figures in R

2021

2020

4. Trade and other receivables

Trade and other receivables comprise:

Trade receivables	256,898	16,526
Deposits	200,265	200,265
Grants due	380,000	372,472
Value added tax	82,804	134,127
	<u>919,967</u>	<u>723,390</u>

5. Investment accounts - on call deposits

Investment accounts - on call deposits comprise the following balances

Nedbank private wealth	<u>5,045,974</u>	<u>4,875,255</u>
------------------------	------------------	------------------

6. Cash and cash equivalents

6.1 Cash and cash equivalents included in current assets:

Cash		
Cash on hand	2,057	1,142
Balances with banks	600,263	2,083,189
	<u>602,320</u>	<u>2,084,331</u>

6.2 Net cash and cash equivalents

Current assets	<u>602,320</u>	<u>2,084,331</u>
----------------	----------------	------------------

7. Accumulated surplus

Accumulated surplus

Accumulated surplus at the beginning of the year	4,942,595	4,937,079
Surplus for the year	78,540	5,516
Accumulated surplus at the end of the year	<u>5,021,135</u>	<u>4,942,595</u>

8. Provisions

8.1 Provisions comprise:

Leave provision	<u>111,485</u>	<u>170,247</u>
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Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Notes to the Financial Statements

Figures in R

2021

2020

Provisions continued...

8.2 Provisions for employee benefits

	Leave pay provision	Total
Balance at 1 January 2021	170,247	170,247
Movement for the year	(58,762)	(58,762)
Total changes	(58,762)	(58,762)
Balance at 31 December 2021	111,485	111,485
Balance at 1 January 2020	357,363	357,363
Other changes	(187,116)	(187,116)
Total changes	(187,116)	(187,116)
Balance at 31 December 2020	170,247	170,247

9. Trade and other payables

Trade and other payables comprise:

Accrued liabilities	38,481	153,367
Credit card	3,913	20,496
SARS liability	443,247	-
Total trade and other payables	485,641	173,863

10. Deferred income

Deferred income comprise:

African Women's Development Fund	50,000	1,877
Open Society Foundation	400,000	897,968
The Raith Foundation	500,000	595,069
	950,000	2,396,272

11. Taxation

The organisation is partially exempt from income tax under section 10(1)(cN) as read with section 30 of the Income Tax Act, subject to conditions in the Act. As a result, no provision has been made for taxation in the current year.

12. Comparative figures

The comparative figures have been reclassified where considered appropriate.

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Notes to the Financial Statements

Figures in R

2021

2020

13. Revenue

Revenue comprises:

	2021	2020
Grants and donations received	15,567,049	13,250,246
African Women's Development Fund	372,051	407,380
The Elma South Africa Foundation	2,292,528	1,872,472
Ford Foundation	4,141,998	3,363,770
Foundation for Human Rights	-	39,675
Heinrich Böll Stiftung (HBS)	333,361	248,054
National Development Agency (NDA)	300,000	-
Open Society Foundation(SA) 03812	1,577,968	1,335,401
Wallace Global Fund	1,114,188	1,737,124
RAITH Foundation	1,612,715	1,350,586
Comic Relief	-	280,055
Legal Aid South Africa	148,450	-
Safe Abortion Action Fund (SAAF)	1,027,448	195,796
Luminate	-	132,522
Constitutionalism Fund	1,999,915	2,000,000
Probono	583,604	-
Centre for Health Change	-	271,591
Other donations	62,823	15,820

14. Other income

Other income comprises:

Sundry income	142,702	9,317
---------------	---------	-------

15. Administrative expenses

Administrative expenses comprise:

Accounting fees	356,654	183,561
Human rights defenders	-	5
Cyber crime investigation	-	64,650
Hire - Equipment	196,513	193,372
Auditors remuneration - Fees	45,500	42,900
Bank charges	56,019	45,265
Computer Equipment	116,601	256,646
Insurance	68,846	56,019
Office supplies and cleaning	37,460	50,694
Rental	992,973	702,256
Trustee expenses	66,334	91,261
Relocation and renovation costs	4,390	638,067
Telecommunication	99,120	94,580
Total administrative expenses	2,040,410	2,419,276



Women's Legal Centre Trust

(Registration Number IT 3486/98)

Financial Statements for the year ended 31 December 2021

Notes to the Financial Statements

Figures in R

2021

2020

16. Programme expenses

Other programme expenses comprise:

Advocacy and stakeholder engagement	913,152	370,323
Counselling experts and coordination	321,979	-
Employee benefit expenses	10,286,541	7,970,016
General expenses	17,771	-
Human Rights Defenders	553,742	-
Law books and subscriptions	84,161	29,645
Litigation costs	645,390	1,037,113
Media and marketing	95,198	892,562
Printing and stationery	101,705	68,276
Property related expenses	-	145,818
Publication and distribution	280,352	69,980
Repairs and maintenance	-	9,762
Strategic planning	117,343	18,843
Training	-	97,713
Website, network and computer expenses	375,226	406,572
Total other expenses	13,792,560	11,116,623

17. Going concern

The annual financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

Women's Legal Centre Trust

(Registration Number IT 3486/98)

Annual Financial Statements for the year ended 31 December 2021

Detailed Income Statement

Figures in R

	Notes	2021	2020
Revenue			
Grants and donations	13	15,567,049	13,250,246
Interest received		201,759	281,852
Other income	14		
Sundry income		142,702	9,317
Administrative expenses	15		
Accounting fees		(356,654)	(183,561)
Auditors remuneration - Fees		(45,500)	(42,900)
Bank charges		(56,019)	(45,265)
Computer Equipment		(116,601)	(256,646)
Cyber crime investigation		-	(64,650)
Hire - Equipment		(196,513)	(193,372)
Human rights defenders		-	(5)
Insurance		(68,846)	(56,019)
Office supplies and cleaning		(36,501)	(50,694)
Relocation and renovation costs		(4,390)	(638,067)
Rental		(992,973)	(702,256)
Telecommunication		(99,120)	(94,580)
Trustee expenses		(66,334)	(91,261)
		(2,039,451)	(2,419,276)
Programme expenses	16		
Advocacy and stakeholder engagement		(913,152)	(370,323)
Counselling experts and coordination		(321,979)	-
Employee costs - salaries		(10,286,541)	(7,970,016)
Furniture, fittings and renovations		-	(117,718)
Human Rights Defenders		(553,742)	-
Law books and subscriptions		(84,161)	(29,645)
Law Society Fees		-	(28,100)
Litigation costs		(645,390)	(1,037,113)
Media and marketing		(95,198)	(892,562)
Office supplies and cleaning		(18,729)	-
Printing and stationery		(101,705)	(68,276)
Publication and distribution		(280,352)	(69,980)
Repairs and maintenance		-	(9,762)
Strategic planning		(117,343)	(18,843)
Training		-	(97,713)
Website, network and computer expenses		(375,226)	(406,572)
		(13,793,518)	(11,116,623)
Surplus for the year		78,541	5,516



THE WLC TEAM



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Director of the
Women's Legal Centre

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Advocate



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CHARLENE MAY
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Litigation Secretary

SUPPORT STAFF



FEZEKISA MAKELENI
Personal Assistant to
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RUTH DAVIS
Office Administrator



ESTELLE MALGAS
Office Assistant



NWABISA NTSHIBELO
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FUNDERS AND DONORS

The Women's Legal Centre would like to thank our funders and donors for their continued support and contribution to the Centre.

- African Women's Development Fund
- Association for Women's Rights In Development (AWID)
- The Elma South Africa Foundation
- Ford Foundation
- Heinrich Boll Stiftung
- National Development Agency (NDA)
- Open Society Foundation (SA)
- Wallace Global Fund
- RAITH Foundation
- Legal Aid South Africa
- Safe Abortion Action Fund (SAAF)
- Constitutionalism Fund
- ProBono.org
- Other Donations

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Bronwyn Pithey

EDITORIAL COORDINATOR

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ACKNOWLEDGEMENTS

Mandi Mudarikwa
Annette Brooks
Aretha Louw
Caroline Peters

PHOTOGRAPHS

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DESIGN AND LAYOUT

Fortaleza Agency

