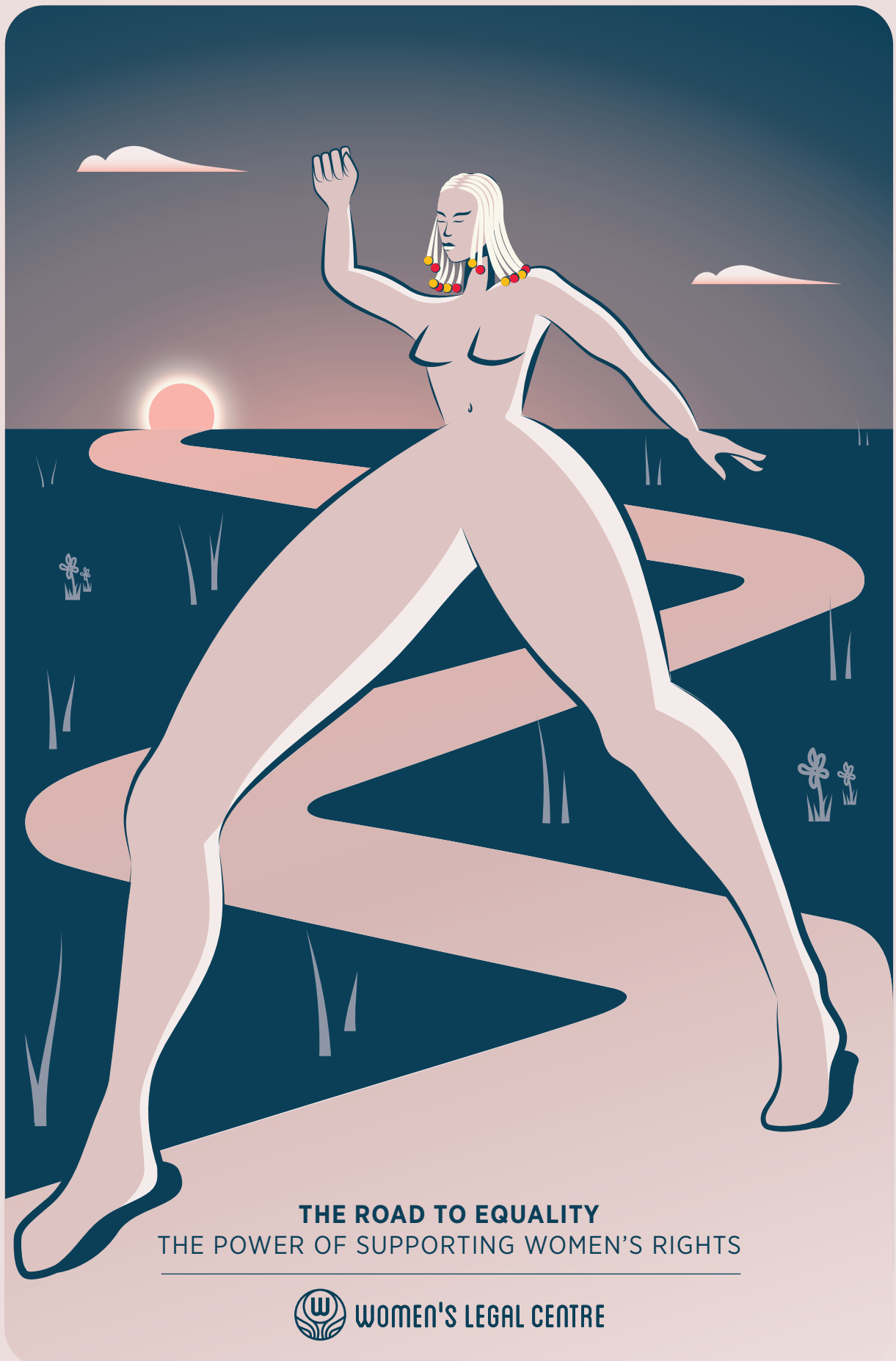


# ANNUAL REPORT 2023



**THE ROAD TO EQUALITY**  
THE POWER OF SUPPORTING WOMEN'S RIGHTS



WOMEN'S LEGAL CENTRE



## WOMEN'S LEGAL CENTRE

According to the UN Women's most recent report, at the current rate of progress, it will take 286 years for the world to achieve gender equality.

*Help us change this.*



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# 01

## **ABOUT THE WOMEN'S LEGAL CENTRE**

The Women's Legal Centre (WLC) is a prominent African feminist legal organisation that will soon celebrate its 25th year as a non-profit organisation, made possible by the generosity of its funders and partners. Committed to advancing women's rights and equality, the WLC employs a comprehensive approach encompassing litigation, advocacy, education, legal advice, research, and training. Its dedicated team of attorneys, candidate attorneys, paralegals, and support staff specialise in feminist litigation, utilising strategic legal interventions to effect systemic change. Based in Cape Town, the WLC's impact extends nationally, regionally, and internationally, fostering collaboration and driving progress in the pursuit of equality for women.

# Our Focus Areas

## EQUALITY IN RELATIONSHIPS

We are dedicated to advancing and recognising women's independent rights within relationships. We also believe that women should have equal access to resources and rights both during a relationship and in the event of its dissolution. Our mission is clear: to advocate for fair access, equal rights, and lasting empowerment for women in all stages of their relationships.

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### OUR LEGAL EXPERTS

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***Charlene May:***  
Attorney, Head of  
Programmes



***Khensani Motileni:***  
Attorney



***Senamile Madlala:***  
Junior Associate

## WOMEN'S RIGHT TO WORK IN JUST AND FAVOURABLE CONDITIONS

Our focus lies in advocating for the recognition and protection of labour rights, with a special emphasis on women who work in precarious conditions, such as domestic workers, migrant workers, farm workers and sex workers.

Despite existing labour laws in South Africa, women continue to face barriers with regards to accessing employment and securing decent working conditions, making our mission even more crucial.

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### OUR LEGAL EXPERTS

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***Chriscy Blouws:***  
Attorney



***Charlene May:***  
Attorney, Head of  
Programmes



***Andrea-Joy Jantjies:***  
Junior Associate

## WOMEN'S RIGHT TO BE FREE FROM VIOLENCE

At the WLC, we stand firm in our commitment to address violence against women through litigation, law reform, advocacy, protection, and access to justice. In South Africa, women face grave violations of their rights to safety, dignity and privacy which impacts negatively on women and society at large. We take action to combat these infringements, focussing on improving access to state protection from violence, particularly sexual and domestic violence, for women and (girl) children. Our goal is to establish an accessible justice system that acknowledges and supports the unique needs of women affected by violence. We strive for optimal service and protection provided by both the state and private entities, aiming to reduce secondary victimisation.

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### OUR LEGAL EXPERTS



**Bronwyn Pithey:** Advocate



**Andrea-Joy Jantjies:** Junior Associate



**Chriscy Blouws:** Attorney

## SEXUAL AND REPRODUCTIVE HEALTH RIGHTS

We understand that navigating the healthcare system can be daunting for women, hindering their ability to make autonomous choices about their physical and mental well-being. Furthermore, there is a lack of accountability mechanisms within the state healthcare system. We take on cases that champion women's rights to make reproductive choices and advocate for non-coercive, violence-free, and discrimination-free access to reproductive healthcare.

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### OUR LEGAL EXPERTS



**Khuliso Managa:**  
Attorney



**Charlene May:**  
Attorney, Head of  
Programmes



**Khensani Motileni:**  
Attorney



**Senamile Madlala:**  
Junior Associate

## WOMEN'S RIGHTS TO HOUSING, LAND AND PROPERTY

We believe that women should have independent and equal access to land without facing the risk of losing their rights at the time of the dissolution of their relationship with their partner. Unfortunately, women often face significant barriers in obtaining legal ownership and tenure rights. We address these challenges by taking on cases that seek to extend land ownership and tenure security to women in their own right. Additionally, we strive to prevent loss of tenure during critical life transitions such as divorce or separation, or death of a partner or spouse. Our mission is to ensure that women are provided with secure tenure, economic freedom, and a safe, accessible, and healthy place to call home.

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### OUR LEGAL EXPERTS

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***Chriscy Blouws:***  
Attorney



***Senamile Madlala***  
Junior Associate



***Khensani Motileni:***  
Attorney



***Charlene May:***  
Attorney, Head of  
Programmes

# 02



# A MESSAGE FROM OUR TEAM

This past year has been a powerful reminder of the importance of solidarity and collective action. From rural communities to international platforms, the Women's Legal Centre has stood alongside women to demand substantive equality and justice. We are inspired by the strength of the women we serve and honoured to advance their rights through our work in South Africa and beyond.

In March 2023, our participation at the United Nations Commission on the Status of Women reinforced the global relevance of our work. Engaging in dialogues with feminists worldwide, we shared insights and lessons from our journey and strengthened our resolve to bring about real change. We returned invigorated, ready to address the persistent challenges women face at home.

Through litigation, advocacy, and education, we have driven change on the ground. Our team has been active in Parliament, advocating for law reforms and representing women in Domestic Violence and Maintenance Courts. Our work has identified critical gaps in policy and implementation, bringing to light the systemic barriers that women encounter when seeking their rights. Our collaboration with government and civil society partners helped deliver legislation aimed at creating a more responsive justice system for survivors of violence, and our partnerships with community-based organisations have ensured that these rights are accessible and meaningful in women's lives.

This year, our Sexual and Reproductive Health Rights team continued to prioritise critical issues such as women's right to bodily autonomy and reproductive justice. Our guide on accessing termination of pregnancy services met an urgent need for rights-based information, empowering women to make informed decisions about their health in a safe, supportive environment. With more women facing barriers to accessing essential information and services, we remain committed to bridging this gap through education, outreach, and strategic advocacy.

Our work at WLC spans across five core focus areas, each essential to shaping the lived reality of women in South Africa and grounded in care and shared purpose. We strive to meet the growing demand for our expertise, and we are grateful for the unwavering support of our funders, partners, and allies who make it possible. Every investment in the Women's Legal Centre is an investment in a future where every woman and girl can live free from discrimination and violence.

We hope our efforts and impact in this report inspire you to continue on this journey with us, as we work together towards a society rooted in justice, dignity, and equality for all women.

— The Women's Legal Centre Team

# 03

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# MEET OUR TEAM

## LEGAL TEAM



**Seehaam Samaai:** Director



**Bronwyn Pithey:** Advocate



**Charlene May:** Attorney,  
Head of Programmes.



**Amanda Stemele:**  
Advocate, Head of Legal  
Advice Unit.



**Chriscy Blouws:**  
Attorney



**Khensani Motileni:**  
Attorney



**Khuliso Managa:**  
Attorney



**Senamile Madlala:**  
Junior Associate



**Andrea-Joy Jantjies:**  
Junior Associate



**Sheila Matroos:**  
Paralegal



**Busiwe Nkoloza:**  
Paralegal



**Aretha Louw:**  
Litigation Secretary



## SUPPORT TEAM



**Annette Brooks:**  
Finance Officer



**Ruth Davis:**  
Office Administrator



**Nwabisa Ntshibelo:**  
Receptionist



**Estelle Malgas:**  
Office Assistant

## BOARD OF TRUSTEES



**Thulisile Mhlungu:**  
Board Chairperson



**Pumla Dineo Gqola**  
Trustee



**Buhle Lekokotla**  
Trustee



**Anieka Gamiet**  
Trustee



**Jameelah Omar**  
Trustee



**Siphokazi Mthathi**  
Trustee



**Deirdre Smythe**  
Trustee



**Rebecca Hlabatau**  
Trustee



**Noxolo Silevu**  
Trustee



**Chantal Naidoo**  
Trustee

# 04

## EQUALITY IN RELATIONSHIPS

### Litigation

#### **CHALLENGING DISCRIMINATION: DEFENDING WOMEN'S RIGHTS IN DOMESTIC PARTNERSHIPS**

W v H

##### **Case Overview:**

The Women's Legal Centre Trust intervened in the EW v VH appeal as amicus curiae. The appeal concerned the Applicant's (EW) intention to claim "spousal maintenance" from the Respondent (VH) after the termination of their opposite-sex life partnership. The case was heard in the Western Cape High Court in January 2023 on a semi-urgent basis, where the applicant sought "interim maintenance" pending the outcome of action proceedings seeking a final order akin to "spousal maintenance."

##### **Legal Dispute:**

The applicant sought a declaratory order to extend the common law duty of support to allow maintenance claims by partners in unmarried domestic partnerships, similar to spouses. The respondent contested this, denying the existence of a common law duty of support applicable to spouses on marriage termination. He argued that the matter required a trial for a court to evaluate the evidence. The High Court admitted the Centre as amicus curiae in January 2022. In March 2023, the High Court handed down a majority judgment with Judges Cloete and Slingers in agreement with the applicant, and Judge Wille dissenting.

## Outcome and Impact:

The majority judgment focused on three central issues: whether the applicant is entitled to final relief, whether the development of common law is required, and whether the applicant should succeed in her claim for interim maintenance. The minority judgment, diverging from the majority approach, emphasised the obligation of the Court to address discrimination in constitutional rights infringements. Despite the Centre's efforts to address discrimination in family law, the applicant indicated in October 2023 that she was not in a position to proceed with the matter any further, which was a disappointing conclusion.

## RECOGNITION FOR ALL IN MARRIAGE:

### WLCT v The President Post Judgment Implementation

We have spent this year engaging in the law reform processes mandated by the Court order. The Department of Home Affairs released a Marriages Bill which sought to comply with the order that new laws be adopted to recognise Muslim marriages. The Draft Bill seeks to create one statute in respect of the recognition and regulation of all marriages in South Africa including Muslim marriages. We provided written input into the content of the Bill which is problematic in its forward thinking without dealing with existing Muslim marriages. In addition to the Marriages Bill the Department of Justice released the Divorce Amendment Bill, which seeks to amend the Divorce Act to ensure that Muslim women have access to Divorce Courts. We made written and oral submissions to the Portfolio Committee on

## Objective Sought:

The State's failure to recognise domestic partnerships and provide legal remedies upon their termination discriminates against women on various intersecting grounds. Factors like gender, race, economic status, culture, and religion all affect the degree to which a particular woman will experience the effects of, and respond to the non-recognition of their domestic partnership. The Centre aims to address this discrimination to ensure equal recognition and protection of all interpersonal relationships.

Justice on the content of the Bill welcoming its introduction and emphasising the importance of treating Muslim women the same as other women in law. We are in the process of finalising submissions to the SALRC in their efforts to redevelop the matrimonial framework of marriage. We are concerned that the process lacks cohesion, with discrepancies between the SALRC's

We are concerned that the process lacks cohesion, with discrepancies between the SALRC's Discussion Paper and the draft Marriage Bill prepared by the Home Affairs legislative drafters. These inconsistencies create contradictions in key areas. The process is both time-consuming and resource-intensive, and we intend to raise the issue with the SALRC, emphasising the need for better alignment with existing government plans.

# Advocacy

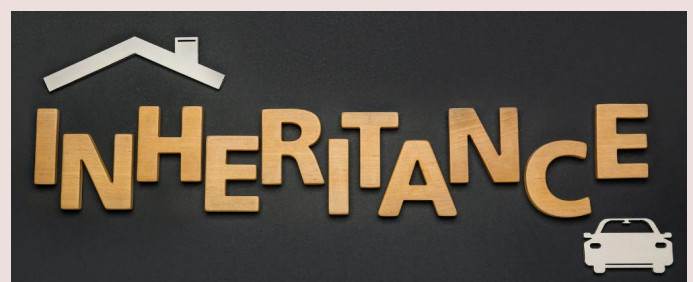
## BEYOND MARRIAGE: WOMEN'S RIGHTS TO INHERITANCE AND MAINTENANCE IN DOMESTIC PARTNERSHIPS

### Jane Bwanya v The Master of the High Court Post

**Judgement Implementation** Jane Bwanya's case exposed a major injustice. After her partner's death, she was denied inheritance and support, facing eviction. Her case, representing millions of South Africans in Domestic Partnerships, reached the Constitutional Court, which found the Intestate Succession Act and Maintenance of Surviving Spouses Act unconstitutional for not recognising partners in Domestic Partnerships with maintenance duties.

We knew that the court order in the Bwanya case regarding the ISSA and MSSA would expire after 18 months. It was crucial to inform women that as of the end of June 2023, they could claim from their deceased partner's estate.

We ran an advocacy campaign aimed to educate women, especially those in Domestic Partnerships, about their new rights under the amended Intestate Succession Act (ISSA) and Maintenance of Surviving Spouses Act (MSSA). Recognising the complexity of these changes, we used various media platforms to ensure that everyone could



understand and access the information.

Central to our communication strategy were our social media platforms, serving as the primary channel for disseminating information. Through engaging posts and content, we comprehensively outlined the effects of the amendments for women in Domestic Partners, breaking down complex legal jargon into easily understandable concepts.

Additionally, we conducted a television interview to delve deeper into the amendments, providing further clarity and insight. Furthermore, we created a comprehensive



information sheet, available on our website, to further assist women in understanding their rights under the amended Acts.

Through these concerted efforts, we aimed to empower women in Domestic Partnerships with knowledge of their rights, facilitating informed decision-making and ensuring equitable access to legal protections.

Scan here for the info sheet



## 01. WHAT AM I ENTITLED TO IF OR WHEN MY PARTNER DIES, AND WE WERE IN A DOMESTIC PARTNERSHIP?

If your partner in a Domestic Partnership passes away, you have rights under two important laws.

**The Intestate Succession Act:**  
This law deals with what happens when someone dies without a valid Will. It now recognises someone in a Domestic Partnership as a spouse for inheritance purposes. Meaning, you may inherit their *estate*.

**The Maintenance of Surviving Spouses Act:**  
This law ensures financial support for a spouse who wasn't provided for in a valid Will. It has been extended to include people in Domestic Partnerships who have a reciprocal duty to support each other. Meaning, you may be taken care of financially.

\* This only applies once the deceased debt has been paid.



## 02. IS MY DOMESTIC PARTNERSHIP LEGALLY RECOGNISED IN SOUTH AFRICAN LAW?

**No:** Domestic Partnerships aren't legally recognised like marriages or civil unions in South Africa. So, if the partnership ends due to problems, there's no automatic right to share assets or get maintenance. But, if you have a written agreement, you might secure these rights.

**Yes:** Courts do acknowledge that you may have *some* rights and benefits like inheriting or claiming maintenance, if your partner dies.



## 03. DOES IT MATTER WHY I AM IN A DOMESTIC PARTNERSHIP AS OPPOSED TO A MARRIAGE (CIVIL CUSTOMARY/RELIGIOUS) OR CIVIL UNION?

It does not matter what type of relationship you have, because you have the right to choose the type of relationship you want to be in. Society's stereotypes which enforces traditional forms of marriages shouldn't limit your choices. Legal recognition is essential for fairness.



## 09

AMENDMENTS TO THE MAINTENANCE OF SURVIVING SPOUSES ACT

### MAINTENANCE OF SURVIVING SPOUSES ACT (MSSA)

The Maintenance of Surviving Spouse's Act makes sure that if a spouse isn't provided for in a Will, they still get support. It helps them maintain their lifestyle as it was when their spouse was alive, so they don't face financial problems.



## 10

### AMENDMENTS TO THE MSSA:

The Courts changed the meaning of 'spouse' in the MSSA. Now, it also means the surviving partner in a Domestic Partnership, where both partners agreed to support each other, and the surviving partner didn't get a fair share of the deceased partner's estate in the Will to ensure they don't face financial problems.



## 11

### AMENDMENTS CONTINUED...

- "Spouse" for the purposes of this Act shall include a person in a Domestic Partnership in which the partners undertook reciprocal duties of support.
- "Marriage" for the purposes of this Act shall include a Domestic Partnership in which the partners undertook reciprocal duties of support.



# Challenging Harmful Stereotypes on Who is Deserving of Recognition & the Right to Family - Senamile Madlala, Junior Associate

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Discrimination experienced by women in domestic partnerships continue as women have no right to claim maintenance at the termination of a domestic partnership. The Women's Legal Centre was admitted as amicus curiae in the case of *EW v VH*, in which the applicant ("EW") sought the right to claim interim maintenance from the respondent ("VH") following the termination of their opposite-sex life partnership and pending the outcome of action proceedings that she had instituted against him. Because there is no statutory right that enables her to claim maintenance EW asked the High Court to develop the common law to allow for her to claim maintenance.

In her application she makes out a case that they were factually a family, lived as a married couple and was treated as such by members of their immediate family, friends and even co-workers. They celebrated publicly their commitment to each other and the reciprocal bond of care and support in a ceremony in Bali. Children were born of the relationship and where he undertook work outside of the home, she worked in the home caring for the children and the family. This she submitted made their relationship akin to that of a married couple and that she should be entitled to the same right to claim maintenance as a wife would be at the end of a marriage.

VH of course opposed the relief she sought arguing that the relationship was not the same as a marriage, and that she was incorrect in assuming that there was a common law duty of support that applied to spouses on the termination of marriage. Therefore, there was nothing capable of the "extension" she sought. He emphasised that at no point was there any official contract in which a duty to maintain her arose and there was therefore no point

at which they agreed to reciprocal maintenance obligations either while the relationship persisted or after its termination.

Drawing from our work in the *Jane Bwanya v The Master of the High Court* case and the stories of hundreds of women left destitute after domestic partnerships, we argued that the State's failure to recognise permanent life partnerships and provide legal remedies to address their financial consequences was discriminatory against women in these relationships. Discrimination presents in various intersecting grounds including gender, race, economic status, culture, and religion, which all affect the degree to which a particular woman will experience the effects of and respond to the non-recognition of their permanent life partnership.

The Centre believes that it is critically important to address the discrimination present in our family law to ensure equal recognition and protection of all forms of interpersonal relationships. Our evidence before the Court showed many women are left homeless and destitute and without any recourse when relationships terminate as a result of an irretrievable breakdown and that, unlike in cases of marriage, women are unable to bring maintenance applications in terms of the Divorce Act or any other legislation. The Centre argued that the intersecting grounds of discrimination required the Court to look beyond legal technicalities and to view these technicalities as the exact systemic barriers that women experience as discriminatory. We argued that the Court had the opportunity to fulfill its Constitutional duty by advancing and developing the law.



The majority of the Court however opted against dealing with the discrimination arguments presented and instead relied on technical procedural grounds to dismiss the matter. While the majority acknowledged the potential for discrimination, they chose not to thoroughly examine the facts, merely stating that they were not persuaded that the relationship between the parties resembled a marriage. They concluded that cohabiting for an extended period and having children together did not necessarily constitute a family. This case we believe was a lost opportunity for the Court to embrace its constitutional obligation to develop the law when discrimination is present.

Instead, the majority opted to engage in discriminatory analysis themselves by commenting on what it believes a family worthy of legal recognition was. The case illustrates how much work still needs to be done in our Courts to advance the rights of women. It illustrates how deeply entrenched patriarchal views of women and their circumstances are and that the work being done by the WLC is of critical importance to change the lived realities of women.

# 05

## WOMENS RIGHT TO WORK IN JUST & FAVOURABLE CONDITIONS

### Litigation

#### **DECRIMINALISATION DEFERRED: THE STRUGGLE FOR THE DECRIMINALISATION OF SEX WORK IN SOUTH AFRICA CONTINUES**

##### CRIMINAL LAW BILL WITHDRAWN

##### **Summary:**

The proposed Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2022 was published by the Department of Justice for public comment in January 2023.

The Women's Legal Centre submitted commentary on the Amendment Bill, which was based on years of work with sex workers, emphasising the historical discrimination and lived realities of sex workers.

##### **Historical Context:**

The criminalisation of sex work in South Africa dates back to colonial and apartheid laws, perpetuating gendered stereotypes and undermining sex workers' rights. The existing legal framework criminalises sex work, leading to systemic discrimination and rights violations against sex workers, particularly women of colour from marginalised backgrounds.

##### **Lived Reality of Sex Workers:**

Criminalisation results in various human rights abuses against sex workers, including violence, discrimination in accessing health services, and homelessness due to familial disownment. Sex workers face stigma and discrimination in society, impacting their ability to seek recourse and protection against rights violations.

### **Addressing the Proposed Bill:**

The WLC welcomed the opportunity to provide input on the Bill, advocating for full decriminalisation to protect sex workers' rights. We highlighted the need for the Bill to address historical discrimination and expunge criminal records related to past legislation. Additionally, we recommended measures to ensure timely implementation, including placing a moratorium on arrests and prosecutions during the legislative process and addressing the circumstances of individuals currently serving sentences related to repealed laws.

### **Bill Deferred:**

After receiving comments on the Bill, civil society organisations (CSOs) were informed that while there was support for full decriminalisation of sex work, there was also significant opposition. Advocacy efforts were deemed necessary to ensure the Bill's smooth passage through the legislature.

CSOs were called to a meeting with the Department of Justice (DOJ), where they learned that the Bill would be removed from the Parliamentary timetable for the year. The DOJ explained that they had received an opinion from the Office of the State Law Advisor (OSLA) stating that the Bill, in its current form, did not meet constitutional requirements and could not be certified. Subsequently, the DOJ sought a legal opinion from Senior Counsel at the Bar, who supported the OSLA's position. As a result, the decision was made not to table the Bill and instead engage in further internal consultations to prepare a new Bill.

### **Nkosi-Thomas' opinion, which relies on the State Law Advisor's (SLA) opinion, indicates several key points:**

1. Both opinions reference the Constitutional Court's judgment in *S v Jordan*.
2. They assume that sex work leads to social ills and lack of dignity.
3. They require legislative frameworks to address these assumptions.
4. They suggest that "regulation" might imply legalisation rather than decriminalisation of sex work.

### **Challenging the State's Decision to Defer**

The SLA and Nkosi-Thomas opinions seem to require the Department of Justice (DOJ) to address the assumptions in *S v Jordan* before decriminalisation. Nkosi-Thomas leans towards legalising sex work for protection but believes that decriminalisation might not be constitutionally competent.

Concerns arise because the DOJ was aware of the OSLA's issues with the Bill before its public comment period. The opinions potentially shift from decriminalisation to legalization, reverting to the assumptions of *S v Jordan*, despite years of progress in challenging these assumptions with evidence.

While legal opinions are advisory, the DOJ's rejection of the OSLA's Bill suggests a shift towards creating a regulatory framework. However, the exact meaning of "regulation" remains unclear, and without certification of the legislation, it cannot be introduced to parliament. Without more information, it is unclear whether this decision could be challenged in Court, but it highlights the need for clarity on the government's regulatory intentions.



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## OPINION PIECE

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# Challenging Discrimination: The Case for Decriminalising Sex Work - Charlene May, WLC Attorney

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In 1957, South Africa's apartheid government enacted the Sexual Offences Act 23 of 1957, criminalising "prostitution" and following the Immorality Act 5 of 1927. These laws aimed to control women's sexuality, dictating how, when, and with whom they could express it. By criminalising the sale of sex, the state not only regulated women's bodies but also stigmatised sex workers, allowing society to mistreat them with impunity.

Today, sex workers still bear the burden of this unjust law. They face rape, assault, and murder, often with no justice. Arguments against decriminalisation often cite high levels of crime surrounding sex work, highlighting violence against women. The State Law Advisor has recommended regulating rather than decriminalising sex work to address these "societal ills."

However, these arguments fail to consider the impact of violence on sex workers as individuals. They dehumanise and degrade sex workers, viewing them as immoral and part of society's problems.

Sex workers need protection from violence, just like any other vulnerable group in South Africa. The National Strategic Plan on Gender-Based

Violence and Femicide recognises this and recommends decriminalising sex work by 2024.

Decriminalisation does not seek to regulate the behaviour of sex workers but ensures their workplace environments comply with constitutional values and rights. The Labour Appeals Court has affirmed that sex workers are entitled to the same rights and protections as any other worker.

Sex workers have been advocating for their rights since the dawn of democracy. They seek empowerment, not infantilisation. Concerns about social ills should not be used to justify the continued criminalisation of sex work. There are already laws and policies to address crimes like sexual assault, rape, and trafficking.

We all need to collectively continue to advocate for better implementation of laws and policies, but we need to do so free from the shackles of the legacy of discrimination that hides in the pretext of public morality that we have inherited. There is no place for such discrimination and prejudice in our country. We therefore continue to encourage the state to meet the targets that it has set for itself in respect of decriminalisation of sex



work and ensuring the safety and security of all women in our country. We remind Cabinet of the years of work, evidence-based research and legal arguments that have been submitted to them over the past twenty years, and which has informed their decision to adopt a policy of decriminalisation.

So, when sex workers say that they need rights and not rescue we need to listen to the voices of sex workers because they will not be silenced, and they are asking for nothing more than what others are already enjoying.

# Advocacy:

## FROM EXCLUSION TO INCLUSION: DOMESTIC WORKERS GAIN SOCIAL SECURITY RIGHTS

We ran an advocacy campaign to raise awareness about the amendments to the Compensation for Occupational Injuries and Diseases Act (COIDA) impacting Domestic Workers. Historically, domestic workers working in private homes were excluded from COIDA protection, leaving them vulnerable and unprotected.

As a result of our Amicus submission and the realities faced by domestic workers, we successfully lobbied for several amendments to the COIDA bill, now including domestic workers who work in private homes. These changes will significantly improve the lived reality of domestic workers, ensuring they are protected and compensated for work-related injuries or illnesses.

The campaign aimed to educate the public, especially domestic workers, about these legal changes, and to ensure employers understand their obligations by contributing and registering their domestic workers. We used our social media platforms, including slides and videos, as well as radio interviews, to reach a wider audience.

The theme “Domestic Worker. Not servant.” aimed to challenge stereotypes and stigmas associated with domestic workers and the notion that they are simply servants.

Through powerful imagery, capturing the dignity, pride, and strength of domestic workers, we highlighted their humanity and underscored the importance of respecting and protecting their rights, reflecting their live reality in relation to their working conditions.

### Post Judgement Implementation:


Ongoing collaboration with Domestic Worker Unions to gather data on access and implementation of the amendments

**July 2023** - Johannesburg: Regional meeting hosted by Solidarity and ILAW for public interest and strategic litigation on the rights of domestic workers in different countries.

**September 2023** - We attended a workshop on the COIDA amendments and its implementation from a legal perspective with other labour lawyers.

**October 2023** - Domestic Workers Summit in Cape Town: We presented on the rights of domestic workers and our intersectional intervention in the case of Mahlangu.





**SHE RUNS YOUR HOUSEHOLD SO YOU CAN RUN YOUR BUSINESS.**

**ARE YOU TAKING CARE OF HER?**

Domestic Workers who work in private homes can now claim compensation for occupational injuries and illness.

**HOW TO REGISTER YOUR EMPLOYEE WITH COIDA:**

• EMPLOYERS ARE OBLIGATED TO REGISTER THEIR EMPLOYEES AND CONTRIBUTE TO THE FUND •

**Step 1:**  
Complete a **CF-1E** Form (Application for the registration of the Domestic Worker Employer).

**Step 2:**  
Include the following documents:

- A copy of the **Identification** / Passport / Work Permit for both Employer and Employee
- **Proof** of the employer's residential address
- A copy of the employment **contract**

**YOU CAN SUBMIT THESE DOCUMENTS IN 2 WAYS:**


1. Visit the nearest Labour Centre and submit them in person.
2. Email the documents to [registrationCF@labour.gov.za](mailto:registrationCF@labour.gov.za) or [CFCallcentre@labour.gov.za](mailto:CFCallcentre@labour.gov.za).

Alternatively, you can register online through the Department of Employment and Labour's COIDA portal.

**EMPLOYERS ARE REQUIRED BY LAW TO CONTRIBUTE ANNUALLY TO THE COMPENSATION FUND**

This is how the contribution works:

1. File a Return of Earnings (ROE) report: Once a year, before 31 March, employers must submit the ROE report to the Commissioner, showing your employee's earnings from 1 March of the previous year to 28/29 February of the current year.
2. Assessing the payment: The Compensation Fund uses the ROE report and a standard assessment formula to determine the amount employers should contribute.
3. Direct payment: Employers make the payment directly to the Compensation Fund as determined by the assessment.



**SHE TAKES CARE OF YOUR CHILD.**

**ARE YOU TAKING CARE OF HER?**

Domestic Workers who work in private homes can now claim compensation for occupational injuries and illness.

**HOW TO DETERMINE THE ANNUAL PAYABLE AMOUNT:**

Employers calculate this based on the employee's annual earnings. It includes regular payments before deductions, like salaries, overtime, and bonuses (such as Christmas bonuses)

Here is a simple example of how to calculate the annual contribution:

- If a Domestic Worker is paid R3000 per month, multiply this by 12 to get the annual earnings. Then multiply the total annual earnings by the contribution rate of 1.04%  
 $R3000 \times 12 \text{ months} = R36,000 \text{ Annual Earnings}$   
 $R36,000 \div 100 \times 1.04 = R374,40 \text{ Annual Contribution}$
- If your Domestic Worker earns an annual bonus of R1500, add the bonus to the annual earnings:  
 $R3000 \times 12 \text{ months} = R36,000 + R1500 = R37,500$   
 $R37,500 \div 100 \times 1.04 = R390 \text{ Annual Contribution}$



**1 CAFFÉ LATTE COSTS MORE THAN 1 HOUR OF DOMESTIC WORK.**

**ARE YOU TAKING CARE OF HER?**

Domestic Workers who work in private homes can now claim compensation for occupational injuries and illness.

**THE NATIONAL MINIMUM HOURLY RATES FOR DOMESTIC WORKERS:**

- As of 01 March 2023, the new National Minimum Wage for a Domestic Worker is **R25,42** per hour, for each ordinary hour worked.
- This hourly rate does not include additional allowances for transport, meals, accommodation, and bonuses. It's important to consider these **extras** to ensure fair compensation. Every little helps.
- Paying below the National Minimum Wage is an offense and by adhering to this **law**, we're creating a better and more just working environment for our valued Domestic Workers.

**WORKING HOURS**

It's essential to comply and **uplift** the lives of Domestic Workers who already earn so little.

- Ordinary working hours is a maximum of **45 hours** per week.
- **Overtime** cannot exceed 3 hours in any day.
- A meal interval of **1 hour** is essential if an employee worked continuously for more than five hours.

By embracing these regulations, we can make a real difference in the lives of these hardworking women.

**UNDERSTANDING THE COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASE ACT (COIDA):**

COIDA is a **law** that provides employees compensation for work-related injuries or illnesses. Until recently, Domestic Workers employed in **private homes** were unfairly excluded from the protections of COIDA, which left them vulnerable and without recourse. This changed in April 2023, where **Domestic Workers** can now register and **claim benefits** under COIDA. However, it is the **responsibility of employers** to register their Domestic Workers and make contributions to the Compensation Fund.

➔



**DOMESTIC WORKER. NOT servant.**

**THEY HAVE RIGHTS**



**SCAN HERE FOR MORE INFORMATION**



## DOMESTIC WORKER ADVOCACY CAMPAIGN PERFORMANCE

PERIOD: 23 MAY – 28 JUNE 2024

### CAMPAIGN PERFORMANCE

**SPEND: R80,708**

**TOTAL REACH: 70,922**

**ROI: 1:0.92**

IMPRESSIONS:

**37,962**

### SOCIAL MEDIA STATS

FOLLOWERS: 28,628  
16 X POSTS

REACH:

**35,960**

### RADIO STATS

LISTENERSHIP: 124,000  
2 X INTERVIEWS

ENGAGEMENT

**4%**

(AVE 0,5% - 1,5%)

### FACEBOOK

FOLLOWERS: 15,993

ENGAGEMENT

**253%**

(AVE 1,5% - 3%)

### INSTAGRAM

FOLLOWERS: 1,764

ENGAGEMENT

**6%**

(AVE AVE 1% - 3%)

### X (FORMERLY TWITTER)

FOLLOWERS: 7,866

ENGAGEMENT

**38,4%**

(AVE: 0,5% - 1,5%)

### LINKEDIN

FOLLOWERS: 3,005

The campaign's high engagement rate underscores the importance of presenting legal and policy-related information in a clear, simple, and creative manner. It also highlights the public's interest in understanding their rights and how these rights impact their lives. The two radio interviews further extended our audience reach, significantly amplifying the campaign's impact. The ROI Ratio of 1:0.92 indicates that for every R1 spent, the campaign generated a return of 0.92 audience/impressions. This demonstrates a favourable outcome in terms of budget allocation and exposure, indicating a near breakeven.



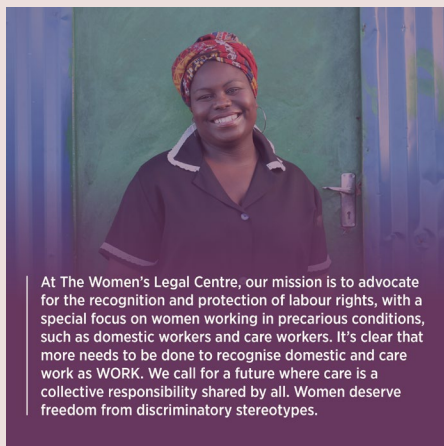
# INTERNATIONAL ADVOCACY

## Advancing Care Work – ESCR Net Collaboration



**29, OCTOBER MARKS THE VERY FIRST INTERNATIONAL DAY FOR CARE AND SUPPORT, AND WE JOIN THE WORLD IN COMMEMORATING THIS IMPORTANT DAY.**

On July 24, 2023, the UN General Assembly passed a resolution recognising the vital role of care work, especially the fact that it's predominantly carried out by women and girls. This burden of care amounts to discrimination that we must address.



At The Women's Legal Centre, our mission is to advocate for the recognition and protection of labour rights, with a special focus on women working in precarious conditions, such as domestic workers and care workers. It's clear that more needs to be done to recognise domestic and care work as WORK. We call for a future where care is a collective responsibility shared by all. Women deserve freedom from discriminatory stereotypes.



Women of colour, especially in roles like domestic work, face multiple forms of discrimination. Their work contributes immense value to our society and economy. It's time they enjoy the same rights as other workers.



Women are essential in our healthcare systems, and we believe in their right to just and favourable conditions. Community health care workers deserve recognition and fair compensation. It's through their rights that we ensure access to comprehensive healthcare.



Today, we call upon the state to invest in the care economy and implement policies that reflect the lived reality of South African women. Let's make our economic policies and social security more inclusive and responsive.

We contributed to writing the Social Pact on Care which is a framework briefing paper under the banner of ESCR Net. The Social Pact on Care and the 6 R framework that seeks to address unpaid care work was launched this year to coincide with the International Day on Care and Support. In efforts to domesticate that discussion we issued a statement on the day to raise awareness on the impact of unpaid care work on women's rights to equality.

We also attended a two-day workshop with AWID and the International Domestic Workers Union that was co-hosted by ESCR Net. After our involvement we were asked to collaborate with them on producing a manifesto on care work and the impact of non-recognition on domestic workers. This publication was released on AWID's website in October 2023 to coincide with the International Day on Care and Support.

**SCAN HERE TO READ OUR STATEMENT**



**SCAN HERE FOR THE MANIFESTO**



# 06

## WOMEN'S RIGHT TO BE FREE FROM VIOLENCE

### Domestic Violence

In 2023, the Women's Legal Centre continued its commitment to addressing domestic violence through a multifaceted approach. This included representing women seeking protection orders under the Domestic Violence Act (DVA) and monitoring the implementation of amendments to the DVA. These efforts are aligned with the core objectives of the violence program, which are:

- Ensuring a legislative framework that complies with international and constitutional obligations regarding violence against women.
- Advocating for implementation plans by the state to enact legal frameworks and policies effectively.
- Holding both the state and private entities accountable for implementing laws and policies, as well as developing due diligence standards related to violence against women.
- Collaborating with strategic partners to raise awareness of women's rights and empower them to make autonomous decisions in the context of violence.

# International Instruments:

## **THE UNITED NATIONS (UN)**

The United Nations, formed in 1945, is an international body promoting global peace and cooperation among its 193 member states, including South Africa. The General Assembly, comprising all member states serves as the primary policymaking body, adopting legally binding international conventions and treaties.

## **CONVENTION RATIFICATION**

Ratifying a convention involves a country formally accepting the terms of a specific international treaty. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is one such treaty. By ratifying CEDAW, a state is legally bound to report progress on implementing CEDAW's provisions and advancing gender equality.

## **THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

There are 9 core international instruments, each with an expert Committee to monitor treaty implementation. The key Convention addressing state obligations on violence against women is CEDAW, which was adopted on 18 December 1979, along with its Optional Protocol, adopted on 10 December 1999. The CEDAW committee comprises of 23 global experts on women's rights. A total of 151 experts have served as members of the Committee since 1982, two of whom have been South African women. The Optional Protocol to CEDAW offers a communication procedure allowing complaints and an inquiry procedure for systemic abuses. The CEDAW Committee receives communications on rights violations, initiates inquiries for grave violations, and issues general recommendations. These procedures are optional and available to states that accept and ratify them. South Africa has ratified the CEDAW Optional Protocol.



## HOW THE WOMEN'S LEGAL CENTRE USED INTERNATIONAL LAW TO ADVOCATE FOR WOMEN TO BE FREE FROM VIOLENCE

In February 2013, WLC and partner organisations formed a National Task Team, requesting the CEDAW Committee to launch an inquiry into Domestic Violence in South Africa through the Optional Protocol.

The CEDAW Committee found the information reliable and indicative of grave or systematic violations of the rights outlined in the Convention. The South African government was asked to provide observations on the alleged violations by October 2013. With none received, the Committee initiated a confidential inquiry in November 2014, through a visit to South Africa. In April 2018, the State party agreed to the visit, and in July 2019 it confirmed the dates of the visit.

The Committee embarked on a three-day country visit to South Africa, engaging in a panel discussion with experts, academics and lawyers working on GBV, as well as visiting several Shelters in the Western Cape. They further interviewed survivors and visited two Shelters, the Saartjie Baartman Centre for Women and Children in Manenberg and Safe House L'abrie De Dieu in Stellenbosch.

The Committee's May 2021 report on the findings, noted various violations of rights under the convention including the right to live free from domestic violence, the right to access to justice and victim support. South Africa submitted their observations and reported their responses on 11 November 2021 and a follow-up report on 8 June 2022.

In October 2021, the Co-Impact awarded the Women's Legal Centre and global partners a grant for the GRACE (Gender Responsive Research and Advocacy through CEDAW) Project. It aims to bridge research focused on the CEDAW Committee's recommendations on gender-based violence with on-the-ground implementation.

WLC'S focus for the GRACE Project is on the Domestic Violence Act and its compliance with the CEDAW Committee's recommendations. This includes the 'Inquiry under Article 8 of the CEDAW Optional Protocol', and the South African government's response. We specifically target the national legislative and policy framework on Domestic Violence in South Africa, working towards implementing CEDAW Committee recommendations.



## 16 DAYS OF ACTIVISM FOR NO VIOLENCE AGAINST WOMEN 25 NOVEMBER – 10 DECEMBER 2023

SOUTH AFRICAN GOVERNMENT,



ACT NOW. END DOMESTIC VIOLENCE.

In partnership with



The George Institute  
for Global Health



Co—  
Impact

Funded by Co-Impact

## Campaign Overview

Our campaign this year was made possible through collaboration and support from Co-Impact, uniting various influential international organisations, and advocates.

At the core of our initiative lies a shared mission – to raise awareness and, most importantly, to hold our governments accountable to their international obligations.

### Campaign Objectives

- This year, the Women's Legal Centre's 16 days of Activism Campaign for No Violence Against Women highlights the accountability of our government in fulfilling its international obligations to address Domestic Violence.
- Our campaign aimed to raise awareness of CEDAW and its Optional Protocol and why South Africa is bound by its international law obligations to address violence against women.
- To unpack the findings of the CEDAW Committee's 3-day visit to SA and to unpack the Committee's recommendations to the Government on addressing Domestic Violence in South Africa.

### Campaign Creative

The campaign's creative direction embraced a protest-style aesthetic to visually illustrate the activist spirit of our initiative. The colour scheme combined the United Nations UniTE! orange with the purple colour representing the ribbon for Domestic Violence awareness.

### Campaign Activities:

- 25 x social media posts
- 4 x podcasts with videos
- 2 x videos
- 2 x reels
- 2 x Television News interviews
- 1 x Radio Panel Discussion & Podcast clip

**“VIOLENCE AGAINST WOMEN HAS BECOME MORE THAN A NATIONAL CRISIS. IT IS A CRIME AGAINST OUR COMMON *humanity*.” - PRESIDENT CYRIL RAMAPHOSA**

South Africa has one of the highest rates of all forms of gender-based violence in the world.



## THE CEDAW COMMITTEE'S FINDINGS NOTING THE SOUTH AFRICAN GOVERNMENT IS IN GRAVE VIOLATION OF RIGHTS UNDER THE CONVENTION.

Government's failure to protect women and girls from Domestic Violence by denying them access to justice, protection, and support, intensifying their physical and mental suffering.



## CEDAW FINDS SYSTEMIC OMISSIONS BY THE GOVERNMENT

- The government knowingly neglects to address patriarchal norms, perpetuating Domestic Violence and victim stigma.
- Failure to criminalise Domestic Violence and femicide, enforce remedies, repeal harmful provisions, and prosecute offenders.
- Lack of effective institutional arrangements, oversight, and accountability to prevent domestic violence.
- Failing to eliminate economic and social barriers for victims, hindering access to justice and support.

## CEDAW FINDS ACCEPTANCE OF OMISSIONS

The Committee considers that the South African Government has knowingly accepted these omissions, which are not a random occurrence, as evidenced by the extremely high levels of Domestic Violence in South Africa.

## THE CEDAW COMMITTEE'S RECOMMENDATIONS TO GOVERNMENT

- Criminalise Domestic Violence:** Introduce specific laws and penalties for all forms of Domestic Violence.
- Harmonise Legislation:** Align gender-based violence definitions across all laws.
- Allocate Funding:** Allocate dedicated funds for implementing the National Strategic Plan on GBV.
- Marriages:** Raise minimum marriage age to 18, invalidate child marriages, and prohibit harmful practices such as polygamy and Ukuthwala.
- Empowerment Bill:** Adopt the Women Empowerment and Gender Equality Bill prohibiting discrimination.

## LAW ENFORCEMENT

- Due Diligence:** Prevent, investigate, and punish Domestic Violence.
- Perpetrator Accountability:** Deny bail, prosecute, and penalize offenders adequately.
- Capacity Building:** Train judiciary, law enforcement, healthcare, and social workers.
- Swift Investigation:** Ensure prompt handling of Domestic Violence cases.
- Accountability Measures:** Strengthen accountability methods for SAPS officers' compliance.

## ACCESS TO JUSTICE

- Legal Aid:** Institutionalize affordable or free legal aid for Domestic Violence victims.
- Training:** Train Court Clerks to assist victims with protection order applications and train Magistrates to formulate effective protection orders for victims.
- Thuthuzela Care Centers:** Ensure 24/7 availability of police officers.
- Remedies & Rehabilitation:** Provide victims access to effective remedies, including rehabilitation.
- Supportive Environment:** Destigmatize victims, ensure access to forensic evidence, and prevent undue delays in Court proceedings.

## PREVENTION, AWARENESS & ACCOUNTABILITY

- Preventative Measures:** Fund initiatives to dismantle root causes of Domestic Violence.
- Civil Society Support:** Financially support civil society organisations conducting awareness programs.
- Duty Awareness:** Raise awareness among authorities like police, social workers, teachers, and lecturers regarding their duty to report child abuse.
- Community Programs:** Implement ongoing drug abuse and alcoholism treatment and education programs in communities and schools.
- Accountability & Data:** Establish mechanisms to monitor the National Strategic Plan and conduct dedicated surveys on gender-based violence for more reliable data.

## SOUTH AFRICA'S POSITIVE STRIDES AGAINST DOMESTIC VIOLENCE

### LEGAL ADVANCEMENTS

- Amendments to the Domestic Violence Act to address gaps and practical challenges
- South African Law Reform Commission Discussion Paper - **Domestic Violence:** The Criminal Law Response



## THE NATIONAL STRATEGIC PLAN ON GENDER-BASED VIOLENCE AND FEMICIDE (NSP GBVF)

Policy developments include the NSP GBVF. The NSP 2020 - 2030 provides a robust framework, focusing on a multi-sectoral approach, with six pillars, including accountability, prevention, justice, response, economic empowerment, and research.

## ALLOCATING FUNDING FOR NSP IMPLEMENTATION:

The Gender-Based Violence and Femicide (GBVF) Response Fund, launched in February 2021, showcases South Africa's commitment to allocating dedicated funds for the effective implementation of the NSP, reinforcing the state's financial backing.

## EMPOWERMENT LEGISLATION

### REDRAFTING WOMEN EMPOWERMENT AND GENDER EQUALITY BILL

South Africa initiates the redrafting of the Women Empowerment and Gender Equality Bill, signalling a commitment to addressing discrimination. The draft seeks to provide stronger mandates for the advancement of women, promoting equality.

## CAMPAIGN PERFORMANCE

### Social Media:

- a. **Reach:** 80% of the audience reached on social media is a positive indicator. It means the campaign effectively penetrated the online audience.
- b. **Engagement:** A 19% engagement rate on social media is quite high and indicates that the content resonated well with the audience. A typical engagement rate is around 1-3%, so 19% is notably successful.

### Radio Interviews:

- a. **Reach:** 85,000 people reached through radio interviews is a good outreach, especially considering there was a R5000 investment in arranging a feature. Radio is an effective medium for broad audience reach.
- b. **Engaging Government:** We managed to engage Joyce Maluleke from the Department of Women, Youth and Persons with disabilities.

### Television:

- a. **Reach:** Reaching 70,000 people on television with a R5000 investment is commendable since cost to feature on television is high. Television provides visual impact and credibility.

### Return on Investment

The ROI of 1:1.45 indicates that for every R1 spent the campaign reach 4.45 people.

**CAMPAIGN  
PERFORMANCE**  
**SPEND: R40,000**  
**TOTAL REACH: 178,301**  
**ROI: 1:4,45**

IMPRESSIONS:  
**23,301**

#### SOCIAL MEDIA STATS

FOLLOWERS: 28,930  
25 X POSTS

REACH:  
**85,000**

#### RADIO 702 & VOCFM

COMBINED LISTENERSHIP: 186,800  
ROUNDTABLE DISCUSSION, PODCASTS

SABC NEWS  
VIEWER REACH:  
**35,000**  
ENCA VIEWER REACH:  
**35,000**

#### TELEVISION STATS

ENGAGEMENT  
**3%**  
(AVE 0,5% - 1,5%)

#### FACEBOOK

FOLLOWERS: 16,075

ENGAGEMENT  
**206%**  
(AVE 1,5% - 3%)

#### INSTAGRAM

FOLLOWERS: 1,849

ENGAGEMENT  
**10%**  
(AVE AVE 1% - 3%)

#### X (FORMERLY TWITTER)

FOLLOWERS: 7,927

ENGAGEMENT  
**19%**  
(AVE: 0,5% - 1,5%)

#### LINKEDIN

FOLLOWERS: 3,079



# Education & Training

In 2023, our legal team conducted collaborative workshops and training sessions on the Domestic Violence Amendment Act in partnership with the Callas Foundation, Mosaic, and the South African Police Services.



DATE	DAYS	PARTICIPANTS
13 – 14 February	2	10
15 February	1	135
27 March	1	10
18 April	1	8
6 – 8 June	2	14
7 September	1	12
10 October	1	25
4 – 5 November	2	43
10 November	1	32
14 – 15 November	2	38
14 Days		327 people

# Litigation

## CHALLENGING PRESCRIPTION: SEEKING JUSTICE FOR SURVIVORS OF SEXUAL VIOLENCE

AR v AN

### Case Overview:

AR, a 59-year-old woman, was gang-raped by six men in 1981 at the age of 18. In 2019, with the WLC's assistance, she laid criminal charges against two of the men and sought civil damages against them. However, she could not identify the other four perpetrators.

The Prescription Act 68 of 1969 sets a three-year limit for civil claims, but exceptions exist for sexual offenses, allowing claims to be made when the victim is unable to do so due to mental or other factors. AR challenges the constitutionality of sections 10, 11, and 12 of the Act as they apply to sexual offenses, arguing they unjustly limit her rights to equality, freedom from violence, dignity, and access to courts.

AR instituted action against the perpetrators in 2020, joined by the Minister of Justice and Correctional Services due to the constitutional challenge. The defendants and the Minister opposed the application, claiming prescription and the Act's constitutionality.

### Objectives Sought

AR seeks a declarator that sections 10 and 12(4) of the Prescription Act are unconstitutional. She proposes amending section 10 to exclude debts based on sexual offenses from prescription. The objective is to grant victims of sexual violence easier access to claim civil damages from perpetrators.

The WLC successfully joined the Minister of Justice to the case, a crucial step given his custodianship of the Act. Efforts to separate the constitutional challenge from the damages claim were partly successful, leading to further pre-trial processes. However, progress has been slow due to legal complexities and counsel unavailability.

WLC is considering joining another client to the case to ensure the relief, if granted, applies to AR's case. The focus remains on separating and deciding the constitutional issues before proceeding with the trial to address concerns about retrospective application of a declaration of unconstitutionality.



### Legal Proceedings and Challenges

The case involves a complex legal process, including engagement with opposing parties and formal court applications. While progress has been made, challenges such as unavailability of counsel and strategising the best approach persist. WLC aims to separate the constitutional challenge from the merits of the case to ensure a fair and effective legal process.

### Conclusion and Next Steps

Despite obstacles, WLC remains committed to advocating for AR's rights and challenging the constitutionality of the Prescription Act. Efforts are underway to address concerns about the application of a declaration of unconstitutionality and to identify additional plaintiffs to strengthen the case. The pursuit of justice for AR and other survivors of sexual violence continues.

## UNDERSTANDING CONSENT: THE IMPACT OF ‘MISTAKEN BELIEF’ ON ACQUITTALS

S v COKO

### Case Overview:

The Women’s Legal Centre (WLC) seeks to intervene in the Supreme Court of Appeal case of S v Coko. The case involves an appeal against the conviction and sentence of a man convicted of rape. The High Court overturned the conviction, sparking public debate on consent and intention in rape cases.

WLC aims to analyse these elements from a gendered, intersectional, and feminist perspective, arguing against the High Court’s decision.

### Objective Sought:

The WLC aims to challenge the High Court’s interpretation of consent and intention in rape cases. We argue that the current subjective test for intention, coupled with the defence of ‘mistaken belief in consent’, can lead to unjust acquittals. WLC proposes a re-evaluation of the legal duty placed on the accused to actively establish consent and the application of *dolus eventualis* to negate mistaken belief in consent.

The core of WLC’s submissions will challenge the High Court’s interpretation of the elements of consent and intention as construed in both SORMA and our common law. The test used currently is subjective to establish intention, and WLC will argue that the correct use of *dolus eventualis* applied to both the facts of this case (and many others) as well as the law, would negate the defence of mistaken belief in consent.

## CHALLENGING SILENCING: WLC INTERVENES IN CASE UPHOLDING SURVIVOR’S RIGHT TO REPORT RAPE

LW v KCA

2024 (1) SACR 626 (GJ) (13 October 2023)

The appellant in this matter was raped by her ex-boyfriend while they were in a relationship. She reported this rape to the University of Witwatersrand as he was a student there. He deserted his studies, and she sought alternative methods of holding him to account. She then reported the rape to the National Arts Festival as they are both artists who have residency and are recruited to perform for the National Arts Festival. The respondent approached the Magistrates Court and obtained an interdict against her for reporting him to these institutions and alleged that her reporting caused him harm and loss of income. The magistrate granted the interdict against her and in addition, silenced her from making allegations of rape against him.

The appellant in this matter sought to appeal and overturn the magistrates court order which interdicted her from reporting the fact that her ex-boyfriend raped her. She launched this appeal in the Gauteng High Court in Johannesburg and the WLC intervened as *amicus curiae*. In our *amicus* application, the WLC made submissions on the context and extent of gender-based violence in South Africa, the duty of courts to use an intersectional lens to end violence against women and to recognise that perpetrators misappropriate legislation and are abusing court process to silence and further harm women.

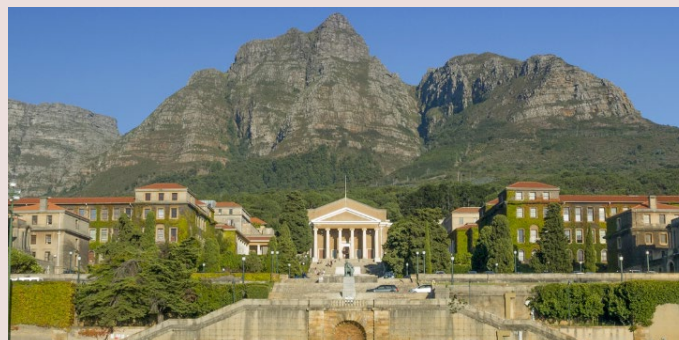
The matter was heard on 3 August 2023 and the WLC made written as well as oral submissions before the Court on the day of the hearing. The judgement was handed down on 13 October 2023 and the matter has been successfully finalised.

## **SPECIAL TRIBUNAL FOR SEXUAL OFFENCES AND DISCRIMINATION AT THE UNIVERSITY OF CAPE TOWN, BASED IN THE OFFICE OF THE DEPUTY VICE CHANCELLOR**

In 2019 the Women's Legal Centre (WLC) was approached by a University of Cape Town (UCT) student to represent her as a rape and sexual assault complainant in a UCT disciplinary proceeding. This created a unique opportunity to address the question of independent legal representation for sexual violence university complainants in disciplinary tribunals, where the complainant has a right to her own legal representation to raise issues that affected her rights when it appeared that any right or interest of the complainant may be infringed upon; this may include circumstances where the interests of the complainant may diverge or conflict with the interests of the university.

The WLC was successful in arguing for that right before the Special Tribunal for Sexual Offences which confirmed that the complainant did indeed have that right and set out the parameters of that right. This case led to the revision of the UCT Sexual Offences Policy in 2021 which specifically includes the right and the extent to which the sexual offences complainant, together with her legal representative, may actively participate in the disciplinary process.

Since 2019, the WLC has represented a number of UCT students and staff members in sexual violence matters before the Special Tribunal for Sexual Offences with great success, facilitating the interaction between the UCT evidence leader and the complainant, ensuring that the complainant's rights are protected at all times, and directly addressing the Tribunal panels, including the Appeal Tribunal, where appropriate.



The WLC is excited by this legal development in the UCT disciplinary environment where the voices and experiences of sexual violence complainants are heard and considered, giving further agency and expression of complainants' constitutional rights. Given the increase in matters before university disciplinary structures, it is essential that all institutions of higher learning in South Africa consider introducing this right to complainants of sexual violence and ensuring that complainants have access to and are provided with legal advice and representation at no cost. This will go a long way towards actively addressing university environments which should be places of learning without the fear of violence which undermine women's rights to education and a safe working environment.

## **ADVOCACY**

### **NSP-GBVF (Participation in Working Group: Pillar 3) -**

Continued and ongoing participation in the working group for this Pillar. WLC was appointed the civil society organisation on the Task Team on Categories of Crimes Constituting GBVF offences.

### **Submission on Judicial Matters Amendment Bill -**

Both written and oral submissions were made to parliament on the Judicial Matters Amendment Bill, specifically arguing for the legislative abrogation of the criminal common law of defamation due to disuse.



# 07

## WOMEN'S RIGHTS TO SEXUAL & REPRODUCTIVE HEALTHCARE

### Who is watching the watchdog?

MS LARA FOOT (OBO HELESI) v HPCSA

#### **Case Overview:**

Ms. Lara Foot (on behalf of Helesi, who has now since passed) brought a case against a general practitioner (Ramdhin) to the Health Professions Council of South Africa (HPCSA) regarding the standards of ethical and professional practice for registered health practitioners. Ms. Helesi underwent surgery performed by a general practitioner outside his registered practice area, resulting in serious complications. Ms. Helesi reported the incident to the HPCSA to revoke the doctor's license, but encountered irregularities and delays in the HPCSA's processes.

#### **Objective Sought:**

The case aims to assess the efficacy of the HPCSA in protecting women's rights to access reproductive health care and ensuring accountability among health professionals.

#### **Outcome:**

The HPCSA panel decided to suspend Dr. Ramdhin for one year and place him on probation for two years, during which he can practice but cannot commit a similar offense. They also mandated that he be supervised or trained by an HPCSA-approved practitioner for a year.

#### **Impact and Next Steps:**

The Women's Legal Centre has released an op-ed on the matter and requested access to the case record. We are considering further litigation against the HPCSA to address the irregularities and delays encountered in this case.



## OPINION PIECE

# Behind The White Coat: Exposing the HPCSA's Disregard for Victims of Malpractice in the Healthcare Sector



**Author:**  
*Khuliso Managa*  
WLC Attorney



**Co Author:**  
*Senamile Madlala*  
WLC Junior Associate

### Behind The White Coat: Exposing the HPCSA's Disregard for Victims of Malpractice in the Healthcare Sector

The Health Professions Council of South Africa (HPCSA) was established in 2000 to regulate health practitioners and ensure ethical standards. However, recent cases, like that of Dr. Ramdhin, reveal serious flaws in its functioning. Dr. Ramdhin faced allegations of malpractice, including the deaths of Zoleka Helesi and Beauty Mama. Despite complaints, the HPCSA's processes were marred by delays and irregularities, allowing Dr. Ramdhin to continue practicing. After years of legal battles, he was suspended for one year, with probation and training afterward.

This case underscores the HPCSA's failure to prioritise victims' rights. The current system lacks transparency and victim-centeredness, focusing more on protecting accused practitioners. Patients have limited rights in the process, lacking access to information and meaningful participation. Additionally, conflicts of interest within the HPCSA raise concerns about impartiality.

Moreover, the sanctions imposed by the HPCSA are often lenient and inconsistent, failing to deter misconduct. This leniency poses a particular risk to vulnerable groups, especially women from lower-income communities. The HPCSA's actions suggest a disregard for women's lives and bodies, highlighting the need for urgent reforms.

As the Women's Legal Centre, we remain committed to challenging regressive measures that limit women's rights. Our focus is on promoting accountability and justice in the healthcare sector, particularly regarding sexual and reproductive health rights. The case of Dr. Ramdhin is a stark reminder of the systemic failures that must be addressed to ensure the safety and well-being of all patients.

*- Published in the Daily Maverick in June 2023*

**Scan here for the full article.**





## **My Body My Rights for women in South Africa: ACCESS TO ABORTION FACILITIES**

For a woman in South Africa to realise her right to access sexual reproductive health in the form of termination of pregnancy services, these services must be geographically well-distributed, legal and free, designated abortion facilities in both urban and rural areas. The state also needs to ensure that they adopt and implement proactive strategies and policies and they should maintain existing facilities and expand services.

Since our abortion laws came into effect in 1997, it was widely expected that the state would embark on an aggressive strategy to ensure access to termination services in all its public health facilities while simultaneously processing applications for designation of private health facilities to bolster access. Unfortunately, neither have been the case and now only paltry few public healthcare facilities provide access and the private industry struggles to designate new private facilities due to cumbersome red tape.

A lack of access is failing women and as far back as 2017, of the 505 healthcare facilities designated to provide abortion services, only 197 of these have been recorded to actually provide the service. Facilities face a myriad of challenges ranging from

staff shortages to resource challenges. The numbers continue to dwindle and along with it clear access to information on what the right to access an abortion means and where to obtain services. The result is that women are placing their lives at risk in a country where they have a constitutional and statutory right to access termination of abortion services. With our failing health care system and dwindling access, the work of the Women's Legal Centre is proving to be of crucial importance.

In the last year we have disseminated much needed information on access to abortion services. We have experienced an increase in queries from women which confirms that there is an overall lack of information and education on access. We have also been providing strategic advice and support in navigating the process of registering and designating new abortion facilities. This process we have found is riddled with challenges which includes a lack of political will on the part of government officials tasked with the implementation framework to the legislation. This challenging registration process largely impacts private non-profit clinics and facilities funded through philanthropic investment as the lack of readily accessible and consistent information has meant that underfunded NGOs and health care providers without the resources and capacity to persistently

embark on these processes are effectively excluded from the abortion provision sector. Our clients include an independent registered nurse and an international NGO which signals that the challenges are systemic.

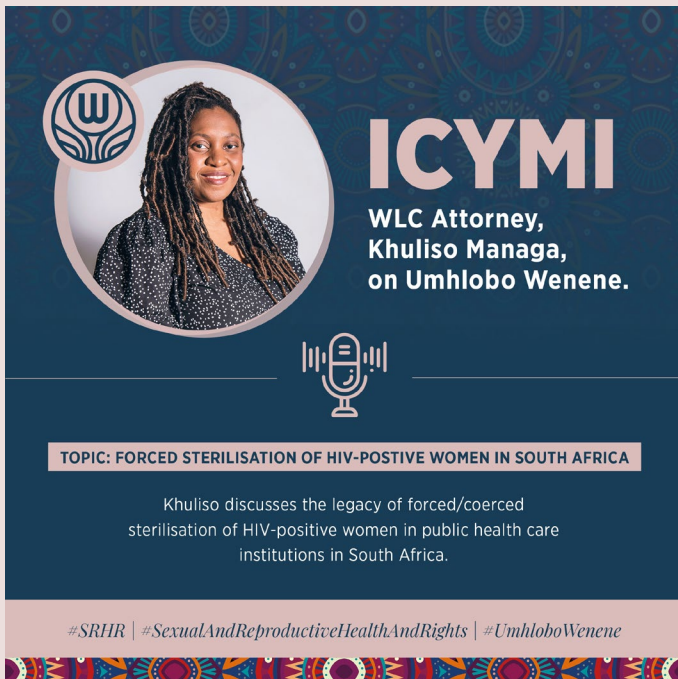
The systemic barriers being faced by women who seek to access services and the service providers themselves are testimony to the frustration of the Constitutional rights of women. The suppression of access means that the right to access abortion services effectively means that we are only enjoying formal equality when it comes to women's bodily autonomy.

Considering the state of these processes and the challenges providers have reported having with these systems, our efforts to make this process more accessible to other providers have become an essential component in ensuring South African women broadly have a realised right to abortion.

**Scan here for info on Abortion Rights & Access**



# Sexual & Reproductive Justice Conference



ICYMI

WLC Attorney,  
Khuliso Managa,  
on Umhlobo Wenene.

TOPIC: FORCED STERILISATION OF HIV-POSTIVE WOMEN IN SOUTH AFRICA

Khuliso discusses the legacy of forced/coerced sterilisation of HIV-positive women in public health care institutions in South Africa.

#SRHR | #SexualAndReproductiveHealthAndRights | #UmhloboWenene



ICYMI

Khensani Motileni,  
WLC Attorney  
on Tru FM.

TOPIC: FORCED STERILISATION

She unpacks the details of her presentation at the Sexual and Reproductive Justice Conference last week, in which she addresses the history of HIV-positive women being forcefully or coercively sterilised in public healthcare facilities in South Africa.

#SRHR | #SexualAndReproductiveHealthAndRights | #TruFM | #SABCRadio

WLC Attorneys, *Khensani Motileni* and *Khuliso Managa*, attended the Sexual and Reproductive Justice Conference in Pretoria. This conference was held to address issues related to accessing sexual and reproductive health and broadly looked at achieving reproductive justice.

Khensani's presentation "Addressing the legacy of forced/coerced sterilisation of HIV-positive women in public health care institutions in South Africa" unpacked the unresolved epidemic of sterilisations and sought to have the state address the violations faced by women.

Khuliso followed with a presentation titled "Still no guaranteed and consistent access to safe and legal abortion 27 years later" which highlighted the challenges faced by women in the abortion sector and sought to have these issues addressed. Their presentations were further unpacked through radio interviews on Umhlobo Wenene, Cape Talk and Tru FM.

## National HIV/AIDS Conference 2023:

This was the team's first year attending the National AIDS Conference, where we presented on the work we've been doing on forced and coerced sterilisation of HIV/AIDS positive women. Our presentation was well received, and it was a networking opportunity that allowed us to meet with and engage with medical as well as health justice activists.





# 08

## WOMEN'S RIGHTS TO LAND, HOUSING, AND A CLEAN ENVIRONMENT

### Litigation

#### THE GENDERED NATURE OF THE INFORMAL ECONOMY AND ITS INTERSECTION WITH WOMEN'S HOUSING RIGHTS.

##### TRANSNET SOC LIT & VINICON PTY LTD & OTHERS 5921/21

South Africa has a long history of workers in various sectors of our society that are dependent on their employer for housing and tenure security.

The case of Transnet Soc Ltd & Vinicon Pty Ltd & Others 5921/21 presents us with yet another case in South Africa where women are facing eviction

from housing and land on which they lived because of their work. The land is owned by Transnet (Applicant) which is a state-owned entity, and they had entered into a commercial lease agreement with a labour broker Vinicon (First Respondent) who leased the property for their staff who were mostly women employed as farm workers on neighboring farms. The commercial lease agreement was terminated because the labour broker failed to make payments as required, despite deducting rent from the occupiers & monthly payments.

The Women's Legal Centre is representing Women on Farms who were admitted as amicus curiae by the Court because the eviction order being sought was going to directly impact on the rights of women who are working on farms.

Through our work, and that of our clients we continue to see the compounded vulnerability of women to violence, sexual harassment and insecure tenure when they are employed in the informal economy of our country. In cases such as these the relationship and the casualisation and

feminisation of their work, specifically for women on farms become apparent.

This intersectionality and gendered lens in relation to women's work and tenure security necessitated our intervention and legal support of Women on Farms, and the women directly impacted. We believed that we had an important contribution to make specifically in highlighting to the Court the principles established by the Constitutional Court that:

"[T]he power of an intersectional approach lies in its capacity to shed light on the experiences and vulnerabilities of certain groups that have been erased or rendered invisible".

This is a principle WLC established in the case of Mahlangu in the Constitutional Court and we continue to use this language to create feminist jurisprudence that recognises the lived reality of women and to ensure their substantive protection.

An intersectional analysis necessitates that the Court reflects on the historical context of colonialization and displacement of land which brought about paternalistic relationships with land workers and owners and how apartheid further expanded this systemic displacement creating gross inequality and a complete lack of bargaining power. Our submissions illustrate how 28 years into democracy this unequal and discriminatory relationship continues and that the introduction of labour brokers has opened the possibility to compounded rights violations, discrimination

and inhumane working and living conditions. We asked that the Court consider this unequal relationship at play in the facts before it.

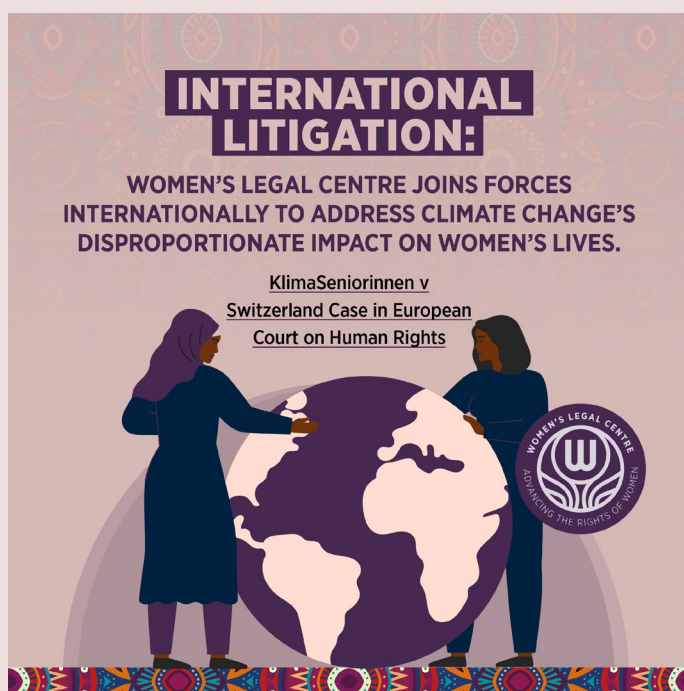
We outlined the casualization and feminisation of seasonal labour on farms where women lack benefits afforded to male employees in the form of job security, social security benefits and housing on the farms that they work. Their work and living conditions exposes women to increased risk of sexual discrimination and violence.

That the owner of the land is a state-owned entity only makes these eviction circumstances worse, because as a state-owned entity Transnet should be aware that it has broader human rights obligations. We asked the Court to be mindful of the Guiding Principles on Business and Human Rights and how it provides a guide to business entities in ensuring that they do not violate the rights of the people in the countries in which they work. As a state-owned entity, Transnet cannot disregard its business and human rights responsibilities, particularly given the serious impact the eviction will have on the women they are seeking to remove. According to the Guiding Principles, aligned with the Constitution and our Bill of Rights, Transnet is obligated to take the necessary steps to address and rectify any human rights violations.

Our submissions have been welcomed by the Court thus far and the matter continues into 2024.

# International Litigation:

## JOINING FORCES INTERNATIONALLY TO ADDRESS THE DISPROPORTIONATE IMPACT OF CLIMATE CHANGE ON WOMEN'S LIVES



### MARCH 2023:

The WLC participated with ESCR Net in litigation before the European Court on Human Rights brought by older women challenging the Swiss governments policy related to the environment. We contributed to the intersectional analysis of the facts before the Court and our submissions were included in the submission to the Court.



### Case Summary:

In 2016, a group of senior women filed a lawsuit against selected Swiss governing bodies for failing to reduce emissions in accordance with the Swiss Constitution and European Convention on Human Rights. They demanded emissions reductions of at least 25% below 1990 level by 2020 and 50% by 2050. The petitioners also alleged that their demographic group is especially vulnerable to the heat wave expected as a result of climate change. After being dismissed and losing their appeals, the claimants filed an application to the European Court of Human Rights on November 26, 2020.



# International Advocacy:

## THE IMPACT OF CLIMATE CHANGE ON THE RIGHT TO ADEQUATE HOUSING.

The UN Special Rapporteur on Housing will present a report on the impact of climate change on the right to adequate housing to the United Nations Human Rights Council. The report will reference our input on the disproportionate impact of climate change on women and other vulnerable groups. The Special Rapporteur confirms that climate change compounds the intersecting forms of discrimination (gender, race, migration) that women and other vulnerable groups face in accessing social-economic rights such as housing.



# Opinion Piece



*Charlene May*



*Khensani Motileni*

## THE WOMEN'S LEGAL CENTRE ADVANCES A JUST TRANSITION THROUGH AN INTERSECTIONAL FEMINIST LENS.

Women are disproportionately impacted by the climate crisis as they lack equitable representation and power in participation and voicing of their opinions on crafting climate policies and laws to address their needs. Climate change exacerbates existing gender inequalities and discrimination because patriarchy has infiltrated every aspect of our social structures and identities. The Women's Legal Centre argues that it is critical when we apply human rights standards and develop policies to advance a just transition that we apply an intersectional feminist lens to ensure that women who are overlooked and who lack representation and power of influence are not excluded from processes that have a direct impact on their lives.

We have over the past year included arguments for the integration of intersectional feminist analysis to various international and regional treaty bodies and other institutions. We have submitted that recurring climate change challenges are directly and indirectly contributing to advancement of intersecting rights for especially poor Black and working-class women living in informal housing. These women are at the forefront of

bearing the burden of environmental change. The devastating impact of climate change becomes visible when looking at social production such as unpaid care work done in the home and community and subsistence farming for food security in rural and peri-urban areas. Where access to basic services such as fuel and water is not readily available, it is women who are required to collect water and firewood in the areas surrounding the homestead and it is women who are more likely to participate in subsistence farming and livestock rearing for the purposes of ensuring food security for their children, families, and communities. Women are therefore most at risk of impact of drought and disaster brought on by a changing climate.

The projected impact of climate change on the housing sector in South Africa is also connected to the everyday economics of people because climate change affects people's increases in the costs of water, liquid fuels, and electricity as industrial inputs. It further affects the costs of labour linked to food, energy, water, and transport costs. In the context of a water scarce country, climate change and the climate impact in the housing sector is both multidimensional and complex.

One of the biggest contributors of the adverse consequences of climate change such as flooding can be attributed to the ineffective, and inadequate interventions by both local and national government to respond, prevent and mitigate the effects of flooding and climate change since recent disasters have indicted the need for pro-active and progressive policy implementation.

It is only through centering the voices of women and girls in climate related decision-making that we can have any real impact. We have argued that it is particularly the inclusion of women from communities disproportionately affected by climate change and its impacts that must be heard in decision making and policy and legislative development, but also in implementation. We can only successfully resist the structural drivers of the climate crisis by foregrounding a feminist, intersectional approach in the implementation of laws and policies.

Our work in this area can be seen in the submissions to the UN Special Rapporteur and in the case of *KLIMASENIORINNEN v SWITZERLAND CASE*

# WLC JOINS FORCES AS AMICI CURIAE WITH 76 NATIONAL AND INTERNATIONAL ORGANISATIONS FOR INTERNATIONAL ACCOUNTABILITY IN THE DCI-PALESTINE ET AL v BIDEN ET AL CASE



THE WOMEN'S LEGAL CENTRE, ALONG WITH 76 NATIONAL AND INTERNATIONAL HUMAN RIGHTS ORGANISATIONS, SIGNED ONTO AN AMICI CURIAE BRIEF AGAINST TOP U.S. OFFICIALS INCLUDING: JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, ANTONY J. BLINKEN, SECRETARY OF STATE, LLOYD JAMES AUSTIN III, SECRETARY OF DEFENSE IN THEIR OFFICIAL CAPACITY.

#HumanRights



THE BRIEF EMPHASISES THE CRUCIAL NEED TO **ADHERE TO INTERNATIONAL LAW**.

ALLEGATIONS INCLUDE ISRAEL'S ACTIONS SINCE OCTOBER 7TH, INCLUDING A PROLONGED SIEGE AND MILITARY ASSAULT ON GAZA, RESULTING IN OVER 20 000 PALESTINIAN DEATHS, PREDOMINANTLY WOMEN AND CHILDREN, MASSIVE DESTRUCTION OF CIVILIAN INFRASTRUCTURE AND, THE DISPLACEMENT OF MORE THAN 1.6 MILLION PEOPLE.

#HumanRights



AS LAWYERS, ACTIVISTS AND FEMINISTS, THE WOMEN'S LEGAL CENTRE IS COMMITTED TO UPHOLDING THE RULE OF LAW AND ADVOCATE FOR ADHERENCE TO THE PRINCIPLES OF BASIC HUMAN RIGHTS. **IT IS OUR DUTY TO SPEAK OUT AGAINST INJUSTICE** AND WE WILL NOT BE SILENCED.

#HumanRights

The Women's Legal Centre views with horror the ongoing death of women and children in occupied Palestine, and we stand in solidarity with the Palestinian people and Israeli peace activists who are advocating for an immediate ceasefire and an end to the unlawful occupation. As lawyers and feminists that seeks to uphold the rule of law and advocates for adherence to principles of basic human rights, we have an obligation to remain vocal where injustice occurs.

The ongoing military action by Israel in Gaza and its continued unlawful occupation of Palestine has disproportionately impacted on women and children. Its impact has historically been devastating with women experiencing systematic violations to their rights to land, housing, health, education, and have been trapped in cycles of poverty.

As African feminists who have lived under and experienced first-hand an oppressive and discriminatory apartheid regime and who continue to experience systemic discrimination and violence, we recognise that our struggle is interconnected with the women of Palestine. We understand the inter-generational pain, trauma, and sorrow that oppression has on the body, mind and spirit. We recognise that oppression's goal is to trap us in cycles of generational poverty and inequality until nothing remains of us.



AS AFRICAN FEMINISTS, HAVING ENDURED APARTHEID, WE UNDERSTAND THE PAIN, TRAUMA AND SORROW THAT COMES WITH OPPRESSION. WE ALSO RECOGNISE THAT OPPRESSION'S GOAL IS TRAP US IN CYCLES OF GENERATIONAL POVERTY AND INEQUALITY UNTIL NOTHING REMAINS OF US. WE RECOGNISE THE **INTERCONNECTED STRUGGLES** OF THE WOMEN OF PALESTINE AND STAND IN SOLIDARITY WITH THEM.

#HumanRights



WE CALL FOR INTERNATIONAL ACCOUNTABILITY TO PREVENT A WORLD WHERE VIOLENCE AND GROSS HUMAN RIGHTS VIOLATIONS OCCUR WITH IMPUNITY.

#HumanRights

We cannot turn a blind eye or be silent because we cannot allow for the normalisation of military action against civilians and the destruction of key infrastructure such as hospitals and the continued displacement of people from their land under the guise of war. The abdication of legal obligations to implement international laws and human rights standards cannot be allowed to flourish without challenge. Our basic human morality and obligation towards each other as people demands accountability or we are faced with a world where violence and gross human rights violations are perpetrated with impunity.

Ours is a small organisation with little international influence, but we recognise that in solidarity with other feminist movements, human rights defenders, and the women of Palestine we can and must continue to advocate

for peace. The WLC has therefore supported various domestic actions to show our solidarity and support to our government as they engage in proceedings before the International Court of Justice and to show solidarity with the women and children of Palestine. We have also joined with other civil society organisations and lawyers as amici curiae in seeking justice before the American Courts in the case of DCI-Palestine et al v. Biden et al. The international community (governments the world over) have an obligation to prevent and not be complicit in the systemic violation of rights that is taking place in Gaza and towards the Palestinian people.

The WLC lends its voice in calling for an immediate end to the current one-sided military offensive in Gaza, and for the provision of humanitarian aid to the people of Gaza.

09



# OUR LEGAL ADVICE UNIT

The Legal Advice Unit (LAU) plays a crucial role in ensuring that women have accessible and responsive avenues to seek justice, aligned with the Women's Legal Centre's mandate. Women can connect with the WLC's LAU directly through walk-in consultations, phone calls, emails, and WhatsApp. We also receive inquiries through our social media platforms such as Twitter, Facebook, and Instagram, where women are then referred to the LAU for scheduled consultations.

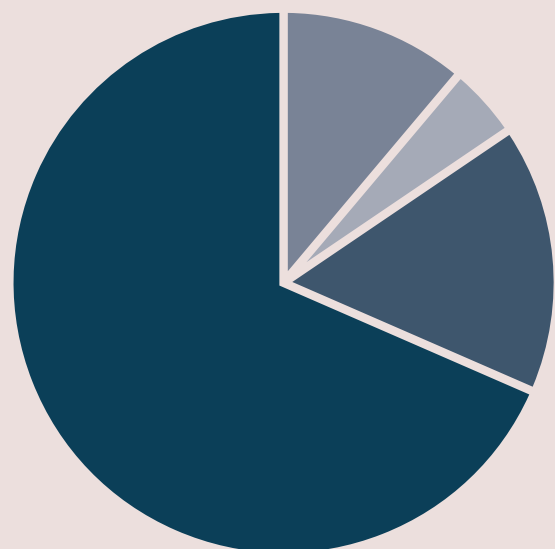
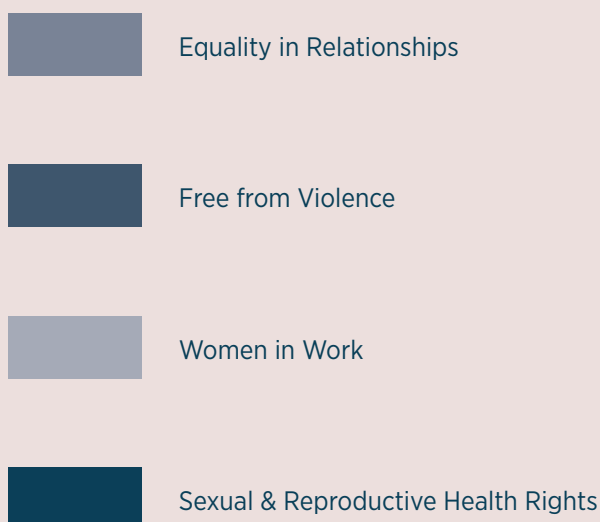
In 2022, we observed a significant surge in family law matters, particularly related to divorce, maintenance, and domestic violence protection orders. While these issues remain prevalent, 2023 saw a noticeable increase in queries concerning Sexual and Reproductive Health Rights, especially regarding access to abortion. This shift can be attributed to our social media campaigns, which successfully raised awareness about women's rights in this area.

The LAU also serves as a vital link between the WLC and women in communities. We work closely with women's groups, movements, and community-based structures, many of which have been developed through our Human Rights Defenders Programme. Maintaining a direct connection and effective information sharing between the WLC's work and our Human Rights Defenders Programme is essential. One way we achieve this is through our education and training initiatives.

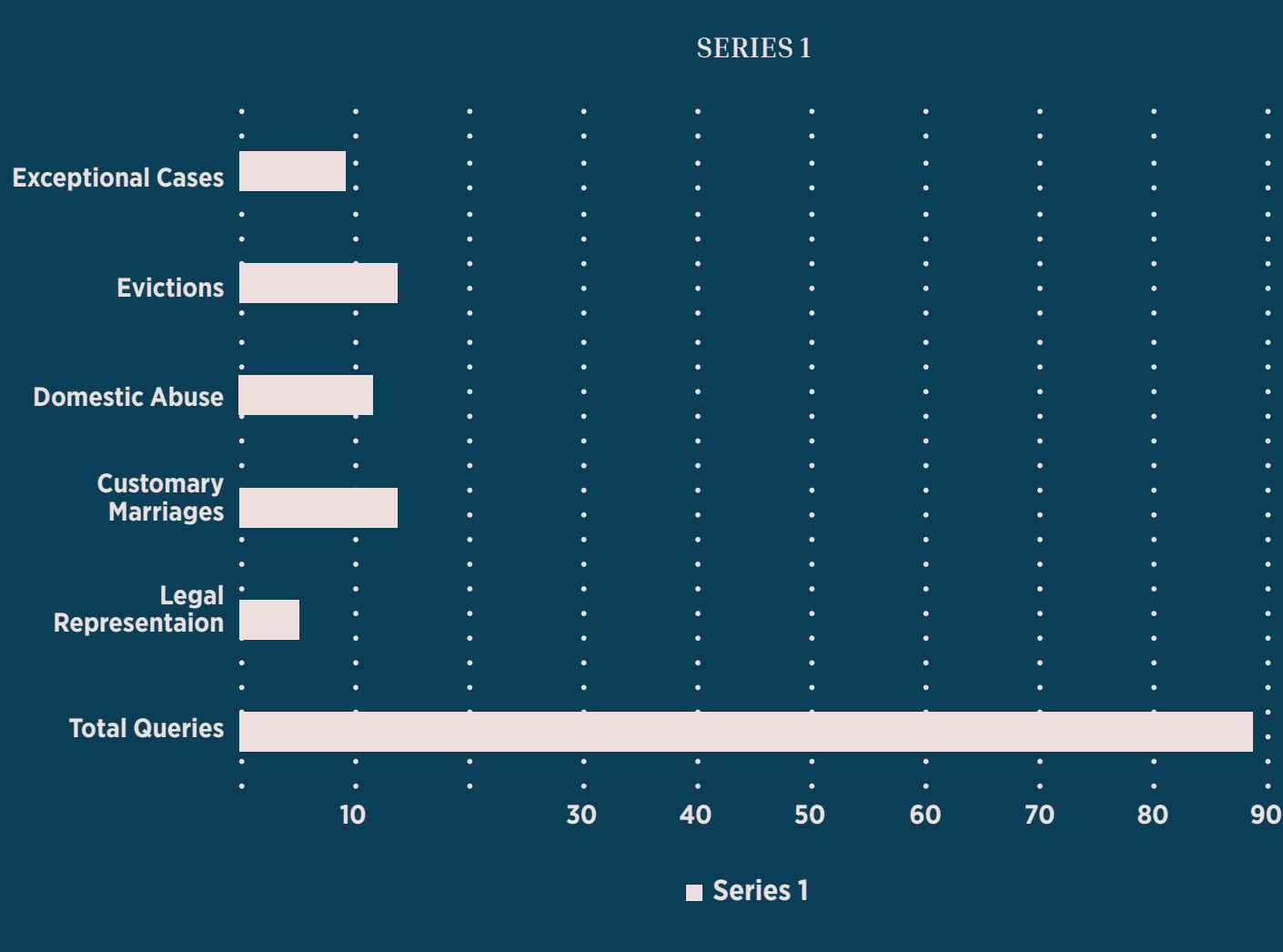
When there are advances in law through policy and legislative development, the LAU informs women within communities about these changes. Similarly, when the WLC secures positive judgments, the LAU facilitates training opportunities with civil society organisations, community activists, women's rights defenders, and first responders. This ensures that these stakeholders are well-informed about the judgments and can enhance their responsiveness and capacity within their communities.

This year, we conducted 14 workshops covering topics such as the Domestic Violence Amendment Act and provided training on preventing Gender-Based Violence (GBV) with SAPS and frontline workers in communities.

The work of the LAU, including the advice provided and systemic monitoring, is aligned with the WLC's five focus areas. We recognize that our expertise is limited, and the women who seek our assistance often face multiple, intersecting barriers and forms of discrimination. Therefore, we collaborate with other organizations to offer a comprehensive range of services to women in need. When issues fall outside our mandate, the LAU strives to make appropriate referrals to ensure women receive the support they require.



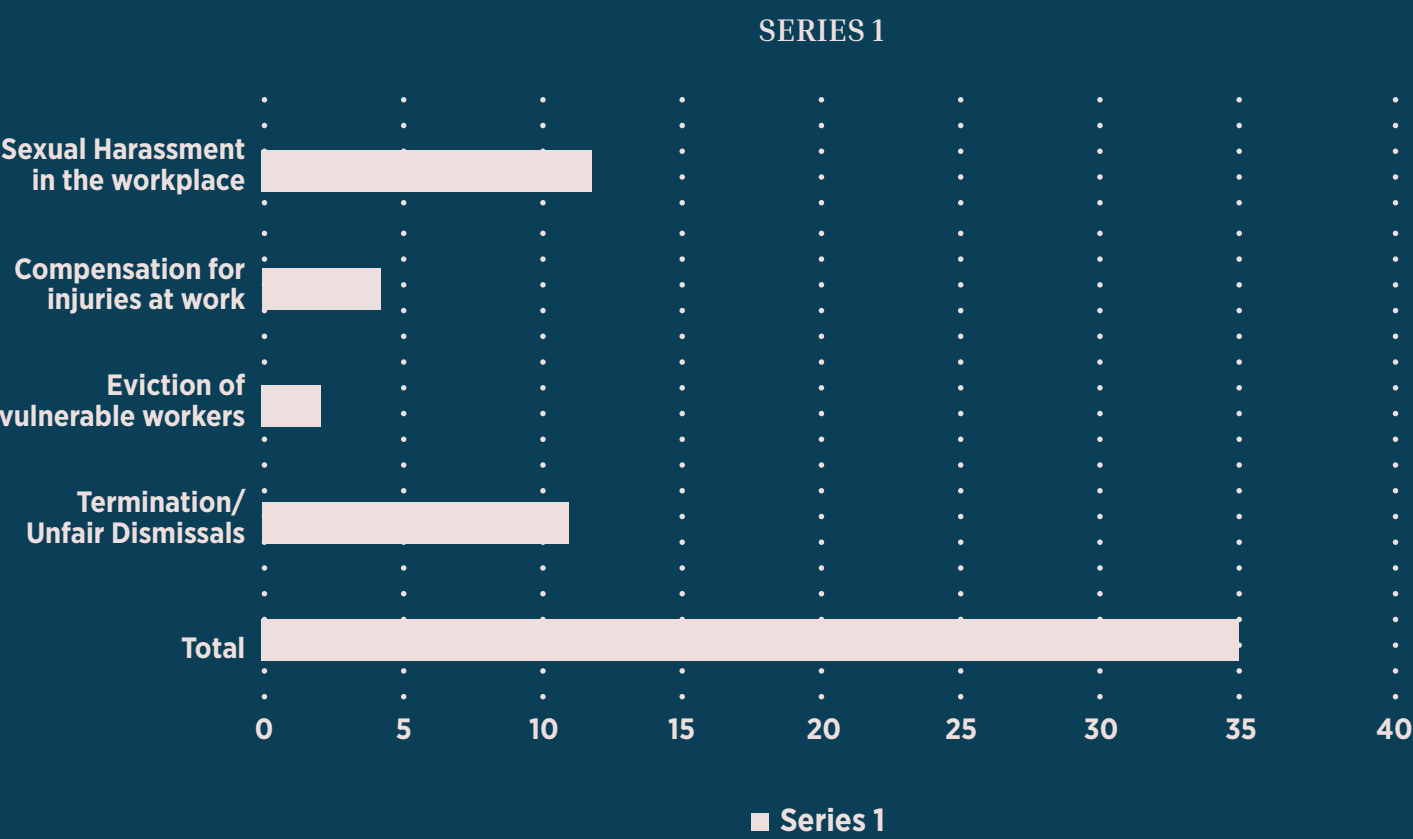
# EQUALITY IN RELATIONSHIPS STATS:



## Summary

- Of the 1602 cases that WLC recorded in 2023, 89 fell within the Equality in Relationships programmatic area.
- Legal Representation: 5 cases where clients have requested legal representation.
- Customary Marriages: 14 cases customary marriages related. This includes issues with the registration of customary marriages and divorce of customary marriages.
- Domestic Abuse: 11 cases across matters such as maintenance, divorce and parenting plans.
- Evictions: 14 eviction cases following either divorce proceedings or where a spouse or partner has died, and the children/family of the deceased partner or spouse evict the client. We found the number of these cases concerning and flagged this as an opportunity in our EiR strategy to protect women who are rendered homeless if they choose to leave or (more common) are left by their husbands/partners.
- Exceptional Cases: 9 cases largely entailing scenarios where Muslim women have received one talaq/divorce and have been denied all forms of financial support follow the divorce processes according to Muslim marriages customs. There is also a case of a man giving the client HPV.

# WOMEN’S RIGHT TO WORK IN JUST AND FAVOURABLE CONDITIONS STATS:

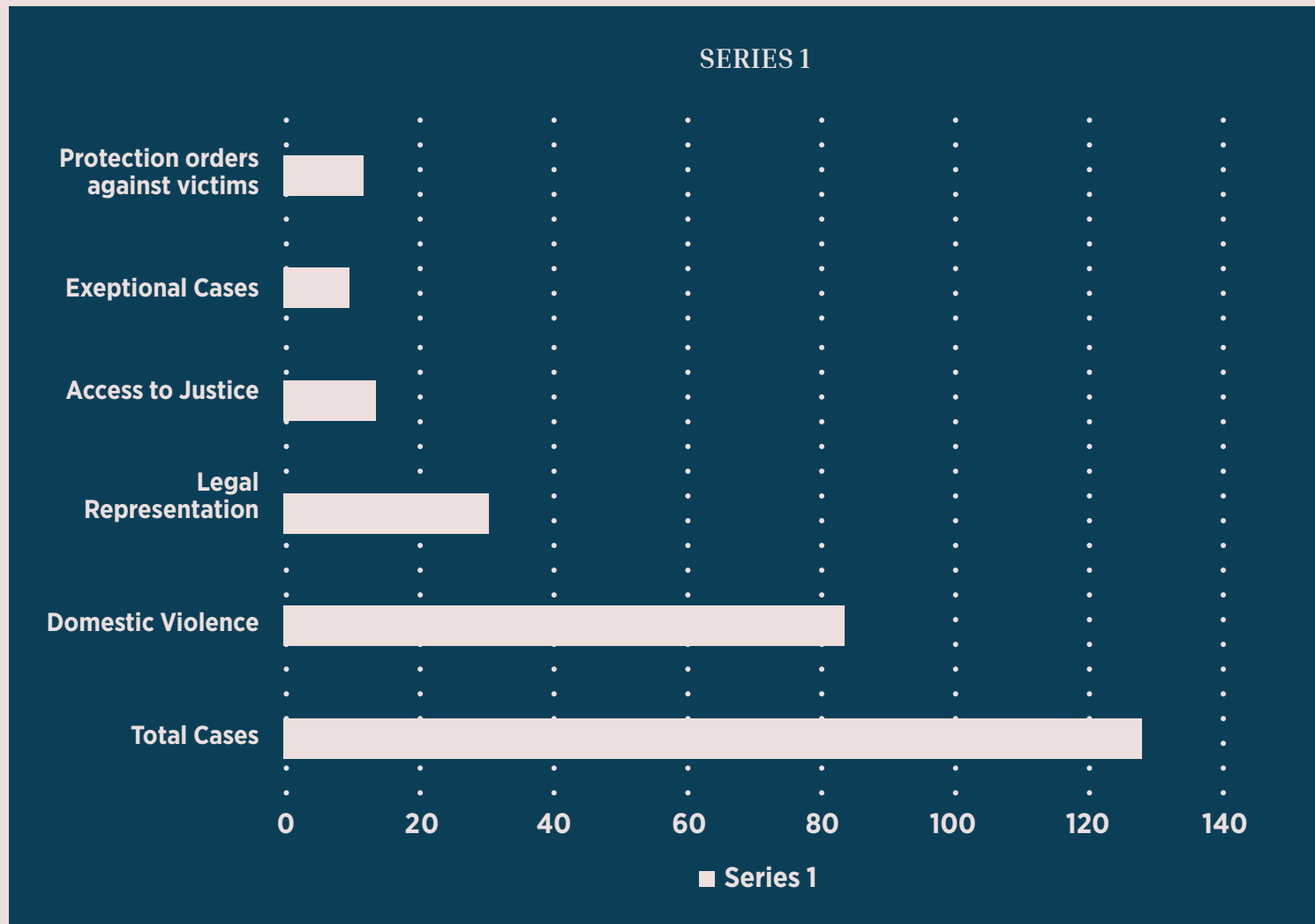


## Summary

Of the 1602 cases for 2023, 35 fall within the Women’s Right to Work in Just and Favourable Conditions programmatic area. The large majority of cases pertain to the negotiation of terms of either employment or a negotiation of the terms of dismissal. Of the 35 cases recorded:

- 11 cases pertain to termination and unfair dismissal cases.
- 2 cases relates to the eviction of vulnerable workers.
- 12 cases involves abuse and sexual harassment in the work place.
- 4 cases relate to compensation for work-related injuries

## WOMEN'S RIGHT TO BE FREE FROM VIOLENCE STATS



### Summary

- Of the 1602 case in 2023, 128 fell within this programmatic area.
- There are 82 entries related to DV.
  - There are 8 entries related to Harassment.
  - There are 12 entries related to elderly abuse- these entries are quite significant and indicate a possible gap analysis in our work that does not include a systemic/targeted response to assist these victims with the necessary referrals etc.
  - There are 29 entries related to legal representation requests (these very often also fall into one of the other categories such as DV or harassment).
- 8 cases are somewhat unique circumstances.
- 11 cases related to access to justice (attrition etc).



## WOMEN'S RIGHTS TO SEXUAL AND REPRODUCTIVE HEALTH



### Summary

- Of the 1602 queries, 547 cases fell within the SRHR focus area.
- Most of these cases are access to information on TOP services near to the client.
- We have colour coordinated the data with the following indicators:
  - 4 cases are outliers/special cases when compared to the other SRHR cases.
  - 3 cases where a minor (or their family member on their behalf) is seeking a TOP service.
  - 6 cases where the client has either had problems accessing a service or the service has been irregular.
  - 26 cases where the client has not answered and thus no consult was offered.

# 10

## FEMINIST SOLIDARITY AND MOVEMENT BUILDING



## CSW67: 67TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN

We attended the 67th session of the Commission on the Status of Women at the United Nations headquarters in New York. The theme this year was Innovation and Technological Change Education in the Digital Age. This was an incredible opportunity for us to join forces with global leaders and advocates to advance gender equality and advance the rights of all women. We attended the following sessions:

- We participated in a side event at CSW online in which we contributed to the discussion on care work and how it intersects with climate change and the need for a just transition.
- The World Bank's Multi-Sectoral Approach to Preventing and Responding to GBV
- An event hosted by the Ford Foundation
- CEDAW: Our team presented on the logistical details of the three day confidential CEDAW Committee Inquiry into domestic violence in South Africa.

# 100 YEARS OF WOMEN IN LAW

In 2023, the legal community celebrated 100 years of women in law, marking a century since the first female lawyers were admitted to practice. This milestone commemorates the progress made in advancing gender equality within the legal profession and acknowledges the trailblazing women who have paved the way for future generations of female lawyers.

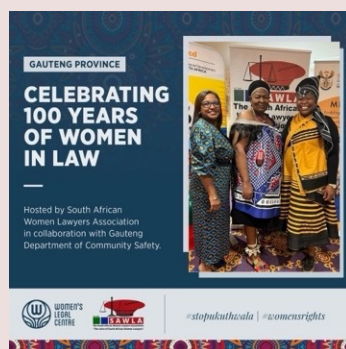
Throughout the year, various events and initiatives were organised to honour this historic achievement. The Women's Legal Centre actively participated in these celebrations, attending events that highlighted the contributions of women to the legal profession. These events provided a platform to reflect on the challenges faced by women in law, celebrate their achievements, and inspire continued efforts towards gender equality in the legal sector.



## 12 April 2023:

WLC's Director and Chairperson of SAWLA WC, Seehaam Samaai, was a keynote speaker at the WOZA Leadership Academy's celebration of 100 years of Women in Law.

She highlighted the formation of SAWLA and the important work it does to promote women's participation in decision-making and policy dialogues in the legal sector. She was joined by other inspiration dignitaries in the legal sector.



From 30 March 2023 until 01 April 2023 Adv Amanda Stemele represented the Women's Legal Centre at the 100-year celebration of Women Lawyers in South Africa. The event was hosted by the South African Women Lawyers Association. The event was a celebration of the past to shape the future of women in law.

SAWLA graciously hosted the WLC at this esteemed event. As an organisation dedicated to advancing the rights of all women, the WLC understands the significance of paying homage to female litigants who have been instrumental in feminist litigation in South Africa. We also acknowledge the importance of breaking down the barriers that stem from our patriarchal past.

## 09 August 2023:

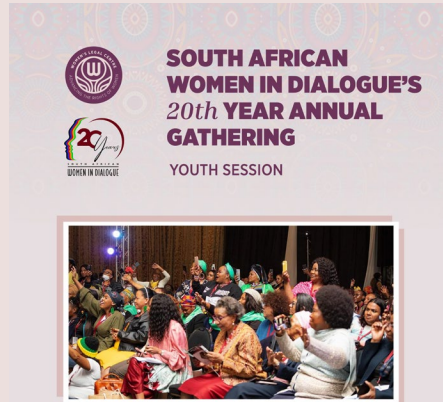
The WLC united with SAWLA Western Cape, WOZA Women In Law South Africa, and the President of SAWLA to participate in the Artscape Women's Festival. Our exhibit showcased 100 Years of Women in Law, shedding light on our journey. We discussed the struggles and challenges that women continue to encounter. However, we are steadfast in our commitment to achieving equality within our lifetime!



# SOUTH AFRICAN WOMEN IN DIALOGUE'S (SAWID) 20TH ANNUAL GATHERING

The South African Women In Dialogue (SAWID) conference celebrated its 20th anniversary with a theme of “Acting Together in Solidarity to Advance Peace and Development.”

The event featured empowering workshops, panel discussions, and sessions focusing on mental resilience, intergenerational trauma, and the intersection of GBV and Food Security.



## 20 – 22 September 2023

### Day 1:

Prof Pumla Qgola discussed intergenerational trauma and strategies for overcoming it, highlighting the need to heal from the wounds of apartheid and colonialism.

A session on “Pausing and Creating Space for Mental Resilience” emphasised the importance of mental well-being in the pursuit of justice and equality.

### Day 2:

Caroline Peters discussed the intersection of Gender-Based Violence (GBV) and Food Security, emphasising the role of access to nutritious food in safeguarding women's safety and dignity.

The Women's Legal Centre's support for food kitchens across the Cape Flats during the pandemic was highlighted as a crucial frontline response against GBV.

### Day 3:

The Women's Legal Centre conducted a workshop on Equality in Relationships, addressing critical issues concerning marital and relationship laws in South Africa.

The workshop, facilitated by Director Seehaam Samaai and Amanda Semele, aimed to tackle challenges faced by women in light of recent legal reforms.



# JOINING FORCES WITH GLOBAL LEADERS TO ERADICATE CHILD MARRIAGE AND EMPOWER GIRLS WORLDWIDE

## November 2023:

We were honoured to have joined forces with global leaders at an inspiring discussion led by Former First Lady Michelle Obama, Human Rights Lawyer Amal Clooney, Philanthropist Melinda French Gates and, Former First Lady Graça Machel. Together we committed to eradicating child marriage and empowering adolescent girls worldwide.



## ZANZIBAR: 20TH ANNIVERSARY OF ZAFELA REGIONAL FEMALE LAWYERS ASSOCIATION ON HUMAN RIGHTS DEFENDER CONFERENCE



November 2023: Over three days, our Director Seehaam Samaai, Advocate Amanda Stemele, WLC Human Rights Defender Co-ordinator Caroline Peters and, our partner, the President of the SAWLA, Nomaswazi Shabangu, attended the 20th Anniversary of ZAFELA Regional Female Lawyers Association and Human Rights Defenders Conference in Zanzibar where the theme was: "Law inclusion and social justice: Strategies for building resilient community."

# 11

## **A FINANCIAL OVERVIEW OF 2023**

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# Women's Legal Centre Trust

## (REGISTRATION NUMBER IT 3486/98) FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2022

### STATEMENT OF FINANCIAL POSITION

Figures in R	2023	2022
<b>Assets</b>		
<b>Current assets</b>		
Trade and other receivables	370,564	1,066,983
Investment accounts - on call deposits	2,299,179	2,232,237
Cash and cash equivalents	5,721,870	257,463
<b>Total current assets</b>	<b>8,391,613</b>	<b>3,556,683</b>
<b>Total assets</b>	<b>8,391,613</b>	<b>3,556,683</b>
<b>Reserves and liabilities</b>		
<b>Reserves</b>		
Accumulated surplus	2,720,257	2,433,219
<b>Liabilities</b>		
<b>Current liabilities</b>		
Provisions	-	56,528
Trade and other payables	671,356	916,936
Deferred income	5,000,000	150,000
<b>Total current liabilities</b>	<b>5,671,356</b>	<b>1,123,464</b>
<b>Total reserves and liabilities</b>	<b>8,391,613</b>	<b>3,556,683</b>

## STATEMENT OF COMPREHENSIVE INCOME

Figures in R	2023	2022
Revenue	16,218,907	14,737,090
Other income	95,230	89,062
Administrative expenses	(2,114,262)	(2,132,390)
Programme expenses	(13,984,656)	(15,481,243)
<b>Surplus / (deficit) from operating activities</b>	<b>215,219</b>	<b>(2,787,481)</b>
Interest received	71,819	199,565
<b>Surplus / (deficit) for the year</b>	<b>287,038</b>	<b>(2,587,916)</b>

# 12

## INVESTING IN THE FUTURE

Investing in the Women's Legal Centre is not just an investment in the present; it's an investment in a future where every woman and girl can live free from discrimination and violence. Our impact reaches far and wide, touching the lives of millions of women across South Africa.

With six legal practitioners and two paralegals, we work tirelessly across five focus areas, averaging three to four cases in litigation and securing two to three judgements per year. This work extends beyond individual cases, as we represent both the Trust and individual and institutional clients, impacting an approximate 60 million women in our country, striving for substantive equality for all.



In our efforts to address violence against women, we have a direct impact on an estimated 1 in 3 women who are survivors of such violence. In 2023, more than 15,000 women reported domestic violence, benefiting from our law reform submissions and advocacy work regarding amendments to the Domestic Violence Act. Our advocacy for the decriminalisation of sex work affects an estimated 182,000 sex workers, while our efforts in ensuring social security protection for domestic workers, who are predominantly Black women, have reached an estimated 800,000 individuals.

Additionally, our work on access to termination of pregnancy services is crucial, as Statistics SA estimates that more than half of the 260,000 annual terminations are performed unlawfully, endangering women's lives. Through our Legal Advice Unit, we provide support to approximately 1,600 women annually on various issues, including family law, domestic violence, and sexual and reproductive health rights.

Support for our work is essential to maintain the progress we've made in litigation, policy, and legislative amendments, ensuring that women's rights are not eroded. We are particularly concerned about regressive policies and legislative attempts in our parliament, where conservative and anti-rights political parties and organisations are gaining popularity. Your investment in the Women's Legal Centre helps us continue this vital work and ensures a future where every woman and girl can live free from discrimination and violence. Join us in shaping this future.



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## FUNDERS AND DONORS

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