



**BOWMANS**  
THE VALUE OF KNOWING

# PRO BONO & CSR

**ANNUAL REPORT  
2019/ 20**



In support of women,  
youth and children



In service



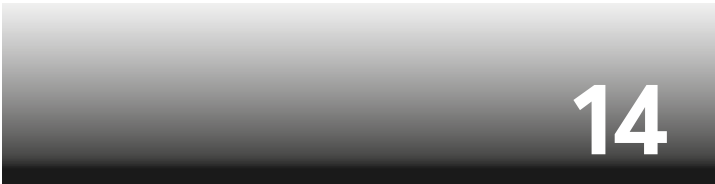
Providing legal  
services



Stimulating debate and  
undertaking research

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**During the financial year ending on 29 February 2020, Bowmans invested 10 563 hours valued at ZAR 26 658 272 in pro bono work.**

# INTRODUCTION

## CHAIRMAN'S FOREWORD



**Robert Legh**  
Chairman and Senior Partner

In an environment where a multiplicity of worthy cases and causes jostle for attention, the value of focus continues to be felt in Bowmans' pro bono and CSR efforts. Rather than spread ourselves too thin, we have chosen to home in on a few key areas where there is both great need and the potential for great impact.

**C**hief among these is standing up for the legal rights of women and children, especially in matters where violence and other forms of abuse have been implicated.

Gender-based violence (GBV) is anathema to Bowmans as a firm and to all our people. We are determined to play our part in defeating this scourge, as was evident in many of the pro bono matters we took on in 2019. These included our lawyers' work in the Children's Court and the legal assistance they provided to NPOs working with various aspects of children's and women's wellbeing.

This focus was also apparent in the CSR initiatives undertaken or supported during the year. Our staff in Kenya, South Africa, Tanzania and Uganda volunteered their time,

skills and financial contributions to various projects for vulnerable children, women and youth. In addition, the firm invested in strategic initiatives such as the joint Children's Courtroom exhibit with Play Africa, where children are being introduced to the judicial system and Constitution through facilitated play and dialogue.

We again assisted other vulnerable groupings exposed to discrimination and injustice, including refugees, and continued our efforts to co-create an equitable, inclusive economy by offering advice and training to emerging entrepreneurs and small businesses.

We at Bowmans – along with many of our clients – are keenly aware that investing in the future of the continent includes helping to preserve its natural environment, from the forests of East Africa to its wildlife. With this in mind, we used our pro bono and CSR resources to take some small but important steps towards the preservation of Africa's natural heritage for future generations.

The current climate for pro bono and CSR is characterised by a multiplicity of competing needs, making it easy to fall into the trap of failing to see the wood for the trees. By staying focused, we have sought to make a difference where it really matters.

“With this in mind, we used our pro bono and CSR resources to take some small but important steps towards the preservation of Africa's natural heritage for future generations.”



## THE YEAR IN REVIEW



**Fatima Laher**  
Of Counsel and Head of Pro Bono

The past year has brought to fruition much of the work and many of the projects that we have been involved with for some time, both in pro bono and CSR.

Of particular importance was our collaboration with Play Africa Children's Museum. We saw the materialisation of a vision years in the making in the handover of the first-ever curated Children's Courtroom to Play Africa at a launch event held at our Johannesburg office in November.

This was a highlight in a year where we focused on women and children, giving legal representation to children in Children's Court proceedings, highlighting issues of GBV, and supporting many small charities working with children.

As a firm, we also worked in support of the arts by giving exposure to young and upcoming musicians and artists at various events that

we hosted at our offices. Another key event we hosted, was the Legal Resources Centre's 11th Bram Fischer Memorial Lecture.

Our outreaches to small business through our Ishishini Lethu Project were an important component of our pro bono work. In addition, we continued to render pro bono corporate legal services to non-profit organisations in each of the jurisdictions in which we have offices.

We are thankful for the support from our people across all of our offices, which along with that of our external partners and stakeholders, has helped us deliver on our mandate and made this another successful year.



### AWARDS AND RECOGNITION

The main focus of our pro bono work remains access to justice for the poor.

Our efforts in this area saw us receiving the Pro Bono Award in the Large Law Firm category at the ProBono.Org Annual Awards ceremony held in November 2019.

We received the award for servicing the refugee, housing and domestic violence helpdesk co-ordinated by ProBono.Org.



## 2019 ANNUAL CELEBRATION

Marking Human Rights Day in South Africa, we hosted our annual pro bono and CSR celebratory event at our Johannesburg office on 20 March.

**J**ustice Sisi Khampepe, who is an alumnus of our firm, delivered the keynote address.

She spoke broadly about Human Rights Day, reflecting on the last 25 years of democracy in relation to the realisation of human rights, public interest litigation, and the role of pro bono departments in law firms.







# IN SUPPORT OF SMEs

## ISHISHINI LETHU – OUR BUSINESS

The legal intricacies of starting and maintaining a business can be daunting for entrepreneurs and small and micro enterprises.

**T**hrough the Ishishini Lethu (Our Business) Project, which we initiated in 2013, we have assisted numerous small businesses to understand and exercise their rights and participate more effectively in the economy.

Ishishini Lethu clients are referred to us via the various non-profit organisations (NPO) with which we collaborate. Our internal pro bono team receives these requests and then refers them to our attorneys, depending on their areas of expertise.

Our pro bono assistance takes two forms: providing practical legal advice on matters such as registration of businesses and the drafting of shareholders agreements; and offering training and development through workshops, seminars and other events.

### Training for entrepreneurs was an important focus in 2019/ 20:

- We hosted the Ashoka SEA Change Africa Pitch Event in Johannesburg on 17 April 2019, bringing together 12 African social entrepreneurs and 140 impact investors and related support organisations.

Ashoka is an international organisation that promotes social entrepreneurship.

The social entrepreneurs were pitching for financial support for an array of projects, which included promoting solar-powered irrigation, reducing school absenteeism and increasing crop yields, among other things.

- We led a guided training session for young entrepreneurs at a workshop in Johannesburg on 21 June 2019, organised by Ye! Startup Academy and Children and Youth Finance International (CYFI).

Our corporate law experts took the participating entrepreneurs

through the ins and outs of how to register a business and be tax compliant, what to do when problems arise, and where to find key resources for support.

Commenting on our contribution, Ye! and CYFI's Claire Sterngold said, 'The training was filled with high-level tips and key insights that many of the entrepreneurs were hungry to know more about... The audience was engaged and asking a million questions.'

- 'From starting up to scaling up' was the title of the financial and legal workshop that we hosted for small business owners in





Johannesburg on 17 September 2019. The discussions covered relevant legal considerations for SMEs and exempt micro enterprises, and provided insight into business financials.

- We teamed up with the British Council and the European Union for the South African/ Johannesburg launch of BusinessPROS, a mentoring programme for entrepreneurs. The event, held on 7 November 2019, marked the official commencement of the mentorship journey of 12 selected entrepreneurs.
- We collaborated with Ye! in Kampala to undertake a small business outreach to about 20 entrepreneurs at the Stanbic Bank Business Incubation Hub.

One of our lawyers, Edline Murungi, gave a presentation covering a range of legal topics, from registering an appropriate business vehicle to protecting intellectual property and ensuring compliance with employment, tax and environmental laws.

The entrepreneurs were very engaged and deeply interested in the presentation. The questions came at every turn but the most common questions surrounded issues of registration, financing and employment and tax laws.





# IN SUPPORT OF WOMEN, YOUTH AND CHILDREN

## BY HELPING TO REGISTER PUBLIC BENEFIT ORGANISATIONS

### WOMEN AND HEALTH TOGETHER FOR THE FUTURE

Improving the health of women around the world is the priority of Women and Health Together for the Future (WHTF), an international organisation that is active in 22 countries, including Nigeria, South Africa, the Sudan and Uganda.

In 2019, we assisted with the registration of Women and Health for the Future in South Africa, drawing praise from WHTF's Micarla Abrahams. In a letter informing us that the registration had finally gone through, she said: 'Thank you for your support in the process as you guys played a huge role in helping me complete this process... I will recommend Bowmans for help any time.'

### NAHYSOSA BURSARY FUND

Nahysosa stands for the National Association of Hellenic Youth and Student Organisations of South Africa, which seeks to maintain and preserve the Hellenic (Greek) culture and heritage. The Nahysosa Bursary Fund provides scholarships, bursaries and support for study, research and teaching to members of the South

African public who support the ideals of Hellenism and the Hellenic community in the country. Education initiatives such as this provide opportunities to learners who do not have the necessary funding to study.

We assisted Nahysosa in acquiring public benefit organisation (PBO) status and section 18A approval from the South African Revenue Service (SARS). This will allow Nahysosa to issue section 18A certificates to donors, granting them deductions from taxable income.

### REALEMA TEACHING INTERN PROGRAMME

As a newly registered trust and PBO, Realema Teacher Intern Programme is even better equipped than before to help talented, hardworking children from underprivileged backgrounds to escape the poverty cycle by becoming teachers. It does this by providing bursaries that enable young people to study teaching degrees long-distance while gaining full-time work experience at top schools.

We assisted Realema in setting up the trust as a PBO, eligible for the benefits and responsibilities that go with it.

'With tremendous help from Bowmans, we all survived what felt like a year of governance and FICA, and Realema is now an independent trust, non-profit

and public benefit organisation, with external B-BBEE SED verification and audited financials,' said Pier Myburgh, director of the programme.

'We are so grateful for your interest in and Bowmans' support of Realema. Without people believing in us as you do, we could not have grown into the impactful programme that we are today.'



## BY ACTING IN THE COURTS

### STANDING UP FOR CHILDREN

Children are among the most vulnerable members of society and Bowmans is strongly committed to advancing their rights. In 2019/ 20, we continued our eight-year track record of representing children in Children's Court proceedings on a pro bono basis.

#### Some examples include:

- **Care and contact application:** We assisted two minor children in a care and contact application lodged by their mother in the Alexandra Magistrates Court. The mother had been released from prison after serving a sentence for theft and wanted to have her children, who had been in the care of their grandmother, back with her. The grandmother refused. The children were subsequently removed from their grandmother's care as she was refusing the mother access to the children, even though a court order granting access was in place. The children have been placed in temporary care with foster parents until they can be reunited with their mother.
- **Alleged neglect:** A 10-year-old boy was removed from the care of his parents because of alleged neglect. After he had been in foster care for four years, the social worker dealing with the case began the process of reuniting the child with his biological family. However, a clinical psychologist from whom we sought an opinion was of the view that the boy was not ready to be reunited with his family. The parties, with the exception of the boy's biological parents, are in agreement that the foster care order should be extended. We are busy finalising the extension.
- **From foster care to adoption:** After almost 10 years in foster care, a young boy is being adopted by his foster parents after we helped to remove the obstacles standing in the way. The boy was 10 months old when he was removed from the care of his mother, who had been abusing alcohol. He was placed in a children's home. A couple who visited the home made a successful application to foster him. When the child turned 10, the couple wanted to adopt him but his biological parents – who did not visit him – refused consent. We were briefed to prepare the application to dispense with the mother's consent. We consulted with the biological parents and their legal representatives, and they agreed that adoption was in their son's best interests. We also briefed a clinical psychologist to consult with the boy and prepare a report for the Children's Court, which finally made an order for the adoption.



### STANDING UP FOR MATERNITY BENEFITS

**W**e acted for a Western Cape fish-and-chip shop employee who returned to work after four months' maternity leave only to be told that she had been replaced and her employer no longer wished to employ her.

The matter had two parts. The first was the fact that our client, who had been working a six-day week, had received ZAR 400 a week. This compared to the minimum wage of ZAR 781.14 a week set for the hospitality sector at the time. Second was her dismissal for a pregnancy-related reason.

We assisted her in bringing a claim for arrear wages in line with the wage tables set for the hospitality sector. This claim was instituted in terms of the recently enacted section 73 of the Basic Conditions of Employment Act and was settled at the Commission for Conciliation, Mediation and Arbitration.

We also assisted her in launching an unfair dismissal dispute in the Labour Court in terms of section 187(1)(e) of the Labour Relations Act, based on her dismissal for a reason related to pregnancy. This dispute is still pending.

## BY SUPPORTING WORTHY CAUSES



### 16 DAYS OF ACTIVISM

Amid heightened awareness in South Africa about GBV and child abuse, the annual global campaign of 16 Days of Activism for No Violence against Women and Children has great significance and poignancy.

**B**owmans strongly identifies with the aims of the campaign, which strives to raise awareness of the negative impact that violence and abuse have on women and children and to rid society of abuse permanently.

The 2019 campaign commenced on 25 November. We asked our staff across all our offices to stand up and be counted. They registered their support by sharing the pledge posted on our LinkedIn profile and wearing white ribbons.

In addition, our South African offices supported The Haven Shelter by delivering donations to their locations in Cape Town, Durban and Johannesburg. The Haven Shelter is a charity that has safe houses for abused women and children.

We also collaborated with the South African Human Rights Commission (SAHRC) to host a panel discussion on GBV at our Johannesburg office on 28 November.

The panellists were Angie Makwetla, SAHRC Commissioner; Dr Judy Dlamini, Chancellor of the University of the Witwatersrand; and Thandiwe Matthews, a senior researcher at the SAHRC. The moderator was Bafana Nhlapo, an advocate for gender equality.

The robust discussion explored the structural manifestations of GBV and femicide in South Africa, as well as measures that can be taken to address gaps in accountability and practical suggestions for expanding the support available to GBV survivors.



## PLAY AFRICA CHILDREN'S COURTROOM

We believe that a child's first experience of a courtroom, particularly as a witness, should not be intimidating. Fear is certainly not the emotion young visitors to South Africa's first curated play courtroom for children will experience.

**B**ased at Constitution Hill in Johannesburg, the Children's Courtroom is a new interactive exhibit at Play Africa's Children's Museum. It has the usual features of a courtroom (including a presiding officer's bench and witness box), and uses facilitated play and dialogue to introduce children to South Africa's judicial system, including the core principles of the Constitution and the rule of law.

We partnered with Play Africa to establish the play courtroom as an investment in the future of South Africa's children and that of our country as a whole.

The Children's Courtroom is a welcoming environment where children can learn about the law and, underpinned by an understanding of and respect for the Constitution and the rule of law, begin to think about careers in law.

'Our Children's Courtroom is a safe space where children can learn how to make their voices heard in a court of law, so South Africa's democracy can thrive in future generations,' says Gretchen Wilson-Prangley, founder and CEO of Play Africa.

The project was inaugurated on 12 November 2019 at our Johannesburg office, with retired Constitutional Court Judge Edwin Cameron delivering the keynote address, highlighting the Constitution and children's rights.







## MALANDELA MIGHTY HEROES FOOTBALL CLUB

**L**iving up to their team's name, members of the Malandela Mighty Heroes Football Club (MMHFC) from Alexandra township are not just talented footballers but also potential catalysts for positive change. One of the key messages they took home from their interaction with our staff in 2019 was the importance of actively participating as agents of change in their communities.

MMHFC aims to provide meaningful engagements and opportunities for young men in Alexandra through sport. We have a longstanding relationship with the club, offering sponsorship and mentoring to its members in the hope of contributing to their future success.

This year's event took place at the Balfour Mall indoor soccer fields and offered an opportunity to encourage the Malandela Mighty Heroes to take a stand against GBV and xenophobia.

There was also plenty of time for some soccer action. A Bowmans team took to the field against the U/ 17 and U/ 15 teams from MMHFC. In what was described by MMHFC chair, Simon Dlamini, as 'a wonderful Saturday soccer extravaganza', the day played itself out in good spirit with plenty of fun for all.



## FUTURE MASTERS FOOTBALL CLUB

**S**erious footballers train smart and hard, and require the gear to match. Khayelitsha-based Future Masters Football Club is now handsomely equipped with neon bib vests, training cones, flat cones, agility hurdles, power speed resistors, soccer balls, finger save-gloves and an agility speed ladder. All of this was handed over to the club's Siyabulela Sophi and Bonginkosi Rilityana when they visited our Cape Town office on 22 October 2019. We look forward to further collaboration with Future Masters, a non-profit organisation that strives to uplift youth in Khayelitsha through football.

## LITHA NTINI, CONNECT SPORTS ACADEMY

**F**or the fourth year in a row, we sponsored Litha Ntini, a promising young rugby player who has just started high school.

Litha is supported by Connect Sports Academy which is a non-profit organisation committed to transformation of rugby at grassroots level.

Apart from providing financial support, we keep in regular contact with Litha and follow his progress closely.

Max Benson of Connect Sports Academy says that Litha is growing in confidence, which is 'thanks in no small part to the support of you and your colleagues at Bowmans'.





## CELL C TAKE A GIRL CHILD TO WORK

We offered 21 young schoolgirls an inside view of life in a corporate law firm at our offices in Cape Town and Johannesburg.

This was in support of the annual Cell C Take a Girl Child to Work Day, aimed at exposing girl children to the world of work and positive role models, and giving them the opportunity to make informed career decisions based on real work experiences. More broadly, Take a Girl Child to Work provides a platform for dialogue around the needs of girls and their role in South Africa's socio-economic development.

On 24 May 2019, our Cape Town office hosted six grade 10 and 11 learners from Thandokhulu High School in Mowbray. They spent the day discovering the field of law by engaging with lawyers from our various practice areas and meeting members of our business services team.

The Johannesburg event took place a week later, on 31 May, and saw us welcoming 15 grade 10 learners from Alexandra High School. They

listened attentively to motivational talks by career experts within the firm and enjoyed a tour of our offices, finding out more about what each department does.

By all accounts, the experiences of the children in both Cape Town and Johannesburg were illuminating and could ultimately help shape some career choices.

## CAMP SIZANANI LIFE SKILLS

The stresses and strains of modern life can be extremely challenging for vulnerable youth and children. Camp Sizanani Life Skills in Alexandra is part of Global Camps Africa.

Global Camps Africa is a long-standing pro bono client of our firm. Their main aim is to equip youth and children with life skills that will assist them in becoming



productive, successful adults who can cope with the demands of everyday life. They do this by running life skills programmes in areas where they are most needed.

In 2019, we adopted one of their camps – Camp Sizanani Life Skills in Alexandra – and donated starter packs to the campers for the year ahead.

## LIONS CLUB OF KIRSTENBOSCH

Starting school without any stationery can put already disadvantaged learners at even more of a disadvantage. Our support for the Pencil Box Project of the Lions Club of Kirstenbosch ensured that grade 1 learners at Belthorn Primary School in Cape Town started their school careers with everything from scissors and glue sticks to rulers, pencils and erasers – and, of course, a pencil box in which to carry them.

Thanking our Cape Town staff for their contribution, Anne Barr of the Lions Club said: 'We delivered your sponsored pencil boxes to Belthorn Primary School; a great surprise to grade 1 learners and teachers as we entered their classrooms with their gifts.'



## UBUBELE EDUCATIONAL AND PSYCHOTHERAPY TRUST

**B**ased in Johannesburg, Ububele is an NPO that develops, runs and disseminates training programmes to psychotherapists and lay counsellors, who in turn provide psychological and mental health services to the community in Alexandra.

Stationery was high on the needs list of the trust, and we made a donation in line with those needs. The executive director wasted no time in expressing appreciation: 'Many, many thanks for the generous donation of stationery that arrived safely this morning; we are thrilled.'

## SANTA'S SHOEBOX

**W**e once again participated in the Santa Shoebox Project arranged by Kidz2Kidz Trust, a non-profit organisation. Staff across our South African offices pledged 85 shoeboxes for children aged two to six.

The contents of a Santa Shoebox speak volumes about the needs of the children receiving them: toothpaste, toothbrush, soap, wash cloth, a set of clothing, educational supplies, sweets and a toy.

This combination of essential items and treats invariably brings smiles to the faces of the disadvantaged children for whom each Santa Shoebox is lovingly and thoughtfully packed.



## VILLAGE SAFE HAVEN

**C**orporate year-end parties typically take place at function venues. One of our Johannesburg-based litigation teams wanted a more meaningful end to its year.

It chose the Village Safe Haven children's home, a cluster foster care facility in Johannesburg for orphaned, vulnerable and abused children. The home's main aim is to help nurture young men and women of excellence, who can contribute to society as functional, loving, caring and educated young adults, despite the circumstances into which they were born.

In the spirit of holiday cheer, the team spent weeks preparing for

the function, making sure there would be plenty of delicious food, personalised gifts for each child and games and music for everyone to enjoy.

On 29 November 2019, the team welcomed the children home from school to a festively decorated garden, a spread of snacks and drinks and the smell of the beginnings of a barbeque.

Almost immediately, a soccer ball was kicked around among excited team members and children, followed by music, singing and dancing. It was an end-of-year function with a difference, spent basking in the sunshine and fresh air, while sharing in the unbridled joy and laughter of children.



## RAMAKRISHNA MZAMO CHILDREN'S HOME

The Ramakrishna Mzamo Children's Home in Verulam, north of Durban, caters specifically for the care of up to 40 orphaned children suffering with cerebral palsy. Members of our Durban office visited it on 19 March 2019 to hand over a donation, consisting of items on their needs list.

## TONI DAMMERT FOUNDATION

Toni Dammert was a young and aspiring lawyer at our firm who passed on much too early after a short illness. The Toni Dammert Foundation was set up in fond memory of her, as a charity in service of the poor and needy.

Director/ founder Jodene Malan acknowledged our contribution as follows:

### *'Dear Bowmans Family*

*On behalf of the Toni Dammert Foundation, we would like to thank you for your generous donation, which was received in June 2019. The funds were used to purchase much-needed items and we also managed to purchase food items for the monthly family food hampers.*

*In 2019, we managed to serve approximately 3 000 individuals with soup and bread and an extra packet of sugar and rice to take home. We handed out about 400 food hampers to patients at the TB Clinic in Sarepta and severely underprivileged families in Stilwaney in Bellville South.*

*We would not have been able to achieve all this without your help. By contributing towards our cause, you made a difference in the lives of many people in the community. Thank you again for believing in us.'*



## IZIVUNGU VUNGU

We made a donation to Izivunguvungu for the second year running. This non-profit organisation

uses music to uplift children from Ocean View in Cape Town.

Director Mike Oldham thanked us for our support,

'It really encourages me to keep going with the young people, especially in these times when their areas are still so badly affected by crime.'

# IN SUPPORT OF THE ARTS

## SAFFCA DINNER

A feast of African artworks was on display at an art dinner we hosted with the South African Foundation For Contemporary Art (SAFFCA), giving the artists who created them some much-needed exposure.

An exciting array of artworks by established and emerging artists was on the menu, on 14 November 2019, in preparation for an art auction five days later. Among the artists featured were Asanda Kupa, Deborah Bell, Kagiso Patrick Mautloa, Lebohang Motaung, Mohau Modisakeng, Sam Nhlengethwa, Siwa Mgobhoza and William Kentridge.

The art pieces were sold on auction by Strauss & Co on 19 November. The artists received 70% of the proceeds and the rest went to various organisations that support African art.



## FRIENDS OF ORCHESTRAL MUSIC SOIRÉES

The benefits of listening to classical music are well known and range from soothing stress and improving sleep to stimulating the brain and strengthening the immune system. Then there is the pure and simple enjoyment that classical music evokes, as guests experienced at a number of soirées held in support of Friends of Orchestral Music (FOM).

FOM is a non-profit organisation that supports the Cape Town Philharmonic Orchestra, the Cape Town Philharmonic Youth Orchestra and other deserving classical music performers and artists in greater Cape Town.

Our Stellenbosch office set the scene in January 2019 by giving a trio of local musicians bursaries to attend the Stellenbosch International Chamber Music Festival in July 2019.

On other occasions, we held a variety of fund-raising events, hosting up to 150 guests at a time at our Cape Town office. The events were literally music to our ears, proving how pleasurable it can be to support a good cause.



# IN SUPPORT OF THE ENVIRONMENT



## RHINO PRIDE FOUNDATION

Survival can be a massive challenge for wild animals in Africa. For example, there are only a few white rhinos left in the world.

**T**he Rhino Pride Foundation cares for approximately 50 rhinos, including a number of rhino orphans, and is working on a rhino breeding programme. In lieu of year-end client gifts this year, we made a donation to the foundation.



## FOREST CHALLENGE 2019

**K**enya's forests are rapidly declining due to pressure from the growing human population and increased use of wood for fuel and building materials. The Forest Challenge seeks to reverse this trend by raising awareness of, and helping to protect and manage, degraded forests and water towers.

The Forest Challenge, held in November 2019 for the sixth time, takes place in the Kereita Forest and consists of a number of challenges or obstacles that test participants to the limit. Five courageous members of our Kenyan office took on the challenge and emerged muddy, wet and tired but exhilarated after successfully navigating all obstacles.

It was all in the name of #FunForNature and the East African Wildlife Society's vision of creating a lasting impact on environmental conservation through forest rehabilitation and restoration. Partnerships with corporate and individual friends of nature are indispensable and we are proud to have been a sponsor and participant in this worthy cause.



# IN SERVICE



## MANDELA DAY

Showing true team spirit, staff from our offices in both Kenya and South Africa took part in International Mandela Day activities in July 2019.

Staff in Nairobi chose to devote their 67 minutes of service to inmates from Machakos Prison – a fitting choice considering the many years of incarceration that Nelson Mandela endured.

In collaboration with the African Prisons Project, our Kenyan staff visited the prison to donate computers, football kits and food items. This was followed by a football match between the Bowmans Dream Team and inmates. After a 3–3 draw, we won 4–3 on penalties.

Meanwhile, in South Africa, our Mandela Day activities revolved largely around the written word, especially reading and storytelling.

Staff from our Cape Town office, which had been collecting books for the

Nal'ibali Reading Club in Khayelitsha, visited the club to deliver five boxes of books. After a warm welcome from about 40 singing and dancing children, everyone moved into smaller groups for reading sessions. Our involvement had the support of Nal'ibali and The Link, both non-profit organisations that encourage literacy and a culture of reading.

Staff from our Durban office delivered books they had collected to the Nal'ibali Book Club at Intando Primary School in Hammarsdale, and then spent time reading to the children and undertaking various fun activities with them.

In Johannesburg, book donations were again the order of the day. Our staff spent the day reading to the children at Orange Grove Primary and visiting a book club in Alexandra.

While books were still their Mandela Day mainstay, another team from Johannesburg also branched out into vegetable gardening, visiting Toddler City and planting onions, lettuce, beetroot and spinach. Hopes of bumper crops are high.



## NYERERE DAY

Mwalimu Julius Kambarage Nyerere, the first Prime Minister of Tanzania, is considered one of Africa's most influential leaders. The country celebrates Mwalimu Nyerere Day every year on 14 October.

As part of our outreach programmes and in honour of Mwalimu Nyerere Day, our staff in Dar es Salaam visited the Malaika Kids Orphanage Reception Home on 25 October.

Malaika Kids rescues orphans and vulnerable children from the streets of Dar es Salaam; cares for them in a stable environment at its award-winning, purpose-built Children's Village in Mkuranga; and provides them with a full education. After completing school, they move to Malaika's Reception Home while pursuing further studies or vocational training in Dar es Salaam.

The theme of our visit was to help prepare the occupants of Malaika's Reception Home for further studies and careers. With delight, these youths aged 15 to 21 talked about their career aspirations and current studies, having come so far from their difficult beginnings thanks to the support of Malaika and its donors. Shining examples include orphaned youths who are now studying law, accountancy, clinical medicine, teaching and social work or learning practical trades. Some very impressive 15-year-olds gave our lawyers a run for their money when it came to legal cross-examination!

Among the career-focused activities was a fun exercise in which the youths examined the characteristics and skill sets of different job roles, and their own preferences and natural strengths, through games. We also helped them prepare CVs and cover letters for job applications and scholarship motivations, and practise for interviews.

After some great conversations over afternoon snacks, our team donated educational textbooks to the orphanage in honour of Mwalimu Julius Nyerere's focus on education and development.

We thoroughly enjoyed our time at the Malaika Kids Reception Home and look forward to watching the children's educational and career successes in the years to come.



## I LOVE BOOBIES

For the second year running, we supported the I Love Boobies-CANSA charity by riding for its cause in the 94.7 Cycle Challenge of

2019. I Love Boobies has been working with the CANSA mobile screening programme and the funds it raises are used for early breast cancer detection.



## LIGHTHOUSE2LIGHTHOUSE LADIES WALK

With each step they took in this four-day, 100-kilometre walk, the participants in the 2019 Lighthouse2Lighthouse (L2L) Ladies Walk were making a difference to children with intellectual and other disabilities. As a sponsor of one of the participants, Marilize de Villiers, we were right behind them.

This annual walk along the pristine southern coastline commences at the historic lighthouse at Cape Agulhas and finishes at Danger Point Lighthouse, Gansbaai. It is held in

March every year to raise funds for charities in the Overstrand District Municipality. The beneficiary of the 2019 walk was Camphill School, a special needs school in Hermanus.

The school, established in 1952, is a haven of tranquillity for children with intellectual and other disabilities, and is known for its high-quality education and care.

Marilize thanked us for our sponsorship: 'It was a challenging and tough walk, but a great experience and made even more special when we were welcomed by a group of the Camphill children on reaching the lighthouse on the final day.'



# PROTECTING LEGAL RIGHTS

## SMALL VICTORIES FOR REFUGEES FACING UPHILL STRUGGLES

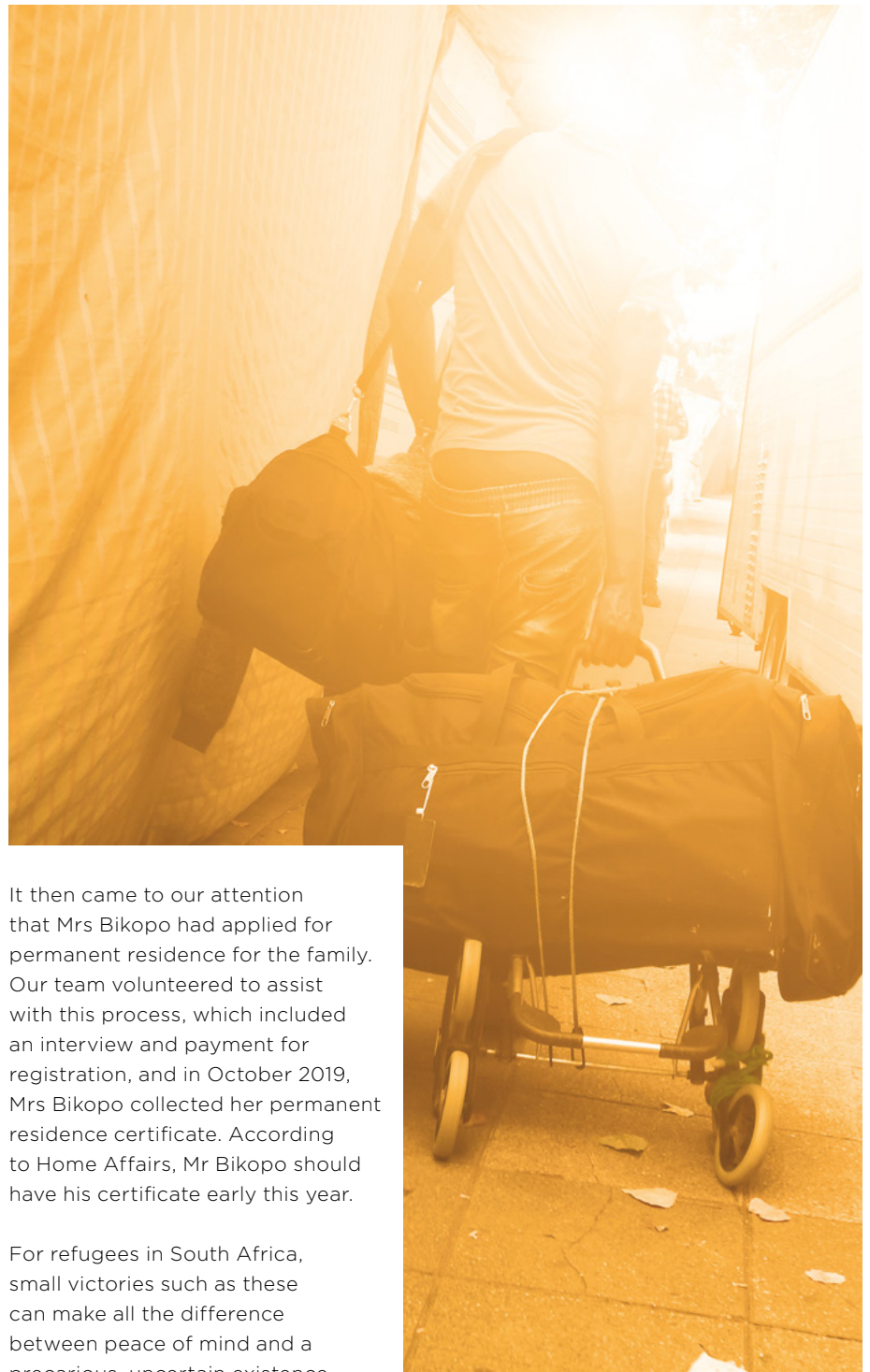
Refugees in South Africa tend to face uphill struggles to obtain or renew their refugee permits, frequently encountering incompetence, corruption or sheer indifference along the way.

**W**e regularly assist at ProBono.Org's Refugee Law Clinic and are proud to have had the opportunity to help clients like the Bikopo family.

Mr Bikopo came to the clinic requesting assistance with the renewal of his formal recognition of refugee permit, which had expired. His problem was that the Department of Home Affairs was refusing to renew it, placing him in a precarious position.

From the time Mr Bikopo, his wife and their daughter had entered the country, they had been diligent in renewing their permits, a process involving a combined family file at Home Affairs. In April 2017, however, the department insisted on seeing a separate file for Mr Bikopo, even though no such file existed.

We formally communicated the details of Mr Bikopo's situation to Home Affairs. He then visited the department, taking copies of all our correspondence with him, and was successful in renewing his permit.



It then came to our attention that Mrs Bikopo had applied for permanent residence for the family. Our team volunteered to assist with this process, which included an interview and payment for registration, and in October 2019, Mrs Bikopo collected her permanent residence certificate. According to Home Affairs, Mr Bikopo should have his certificate early this year.

For refugees in South Africa, small victories such as these can make all the difference between peace of mind and a precarious, uncertain existence.

## SHACK DWELLERS WIN THE RIGHT TO STAY

A two-year-long stand-off between the eThekweni Municipality and the Abahlali baseMjondolo Movement (shack dweller movement) has ended in victory for the movement and its 241 members.

**T**he dispute was sparked in early 2017 when the municipality – without a court order – evicted and razed the homes of members of the movement located in seven different sites across the city. eThekweni’s argument was that the members were not long-standing occupants but recent land invaders, and hence could be summarily evicted.

The Socio-Economic Rights Institute (SERI) approached

us to represent and advise the movement. We launched an urgent application requesting that members be allowed to rebuild and occupy their homes without being evicted until the court had finally ruled on whether the eviction was illegal or not.

In July 2017, an interim court order was granted by consent. A term of the consent order was that the movement’s members and family staying with them should present themselves to officials so that they and their structures could be identified. In this way, eThekweni could easily identify new invaders for eviction while ensuring those members protected by the consent order were left alone.

Despite the interim consent order, eThekweni and the KwaZulu-Natal MEC for Housing launched two urgent court applications for an order that would effectively allow eThekweni to evict the members. Both applications were dismissed

after a hearing in which we alerted the court to the fact that the granting of any order that amounts to eviction must comply with the conditions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act.

Disregarding the interim consent order, eThekweni evicted some of the movement’s members from two of the sites and destroyed their structures again. In some instances, rubber bullets were fired, seriously injuring some of the members. This prompted us to launch contempt applications against the mayor and municipal manager of eThekweni as the parties responsible for implementing the interim order.

The contempt application and the hearing for a final order were then heard as an opposed motion. Eventually, the parties agreed to what amounted to a confirmation of the interim consent order in a victory for the members of the Abahlali baseMjondolo Movement.



## ASPIRING TEACHER KEEPS CLEAN DISCIPLINARY RECORD

**A** 20-year-old aspiring teacher, whose employer had charged her with numerous counts of misconduct and then dismissed her, can still look forward to a bright future.

In a settlement agreement reached at the Commission for Conciliation, Mediation and Arbitration (CCMA) in May 2019, Lirizia Viljoen received a clean disciplinary record and monetary compensation.



This was after we assisted her in lodging both a procedurally and substantively unfair dismissal claim at the CCMA. We also assisted her in preparing for arbitration, which did not go ahead as the parties settled before the commencement of the arbitration.

This was extremely important to Ms Viljoen, who did not know what her employment rights were or how to deal with the matter. The favourable outcome means she can look forward to a new beginning and a successful career.



## STAYING THE COURSE IN HATE SPEECH CASE

**I**n one of South Africa's longest-running hate speech cases, staying power has been a necessity. Having represented the South African Human Rights Commission (SAHRC) in the matter for 10 long years, we continued to stay the course in 2019/ 20.

The case had its origins in an article titled 'Call me names – but gay is not okay' written by Jon Qwelane, a well-known broadcaster and at the time our country's High Commissioner to Uganda, and published in the *Sunday Sun* on 20 July 2008. In the article, which was accompanied by

an offensive cartoon, Qwelane made derogatory statements about members of the LGBTI community.

After receiving approximately 350 complaints about the article, the SAHRC launched a complaint against Qwelane in the Equality Court, arguing the article was tantamount to hate speech in terms of section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act.

Qwelane then turned to the High Court to challenge the constitutionality of sections 10, 11 and 12 of the Equality Act, which prohibit the publication of statements that amount to hate speech.

The High Court dismissed Qwelane's constitutional challenge and granted an order in favour of the SAHRC, declaring that the article was hurtful and harmful, incited harm and propagated hatred. The Court also stated that the article contravened section 10 of the Equality Act as the statements constituted hate speech.

Qwelane appealed to the Supreme Court of Appeal (SCA) and the matter was argued on 19 August 2019.

On 1 December 2019, the SCA found the definition of hate speech in the Equality Act to be unconstitutional and invalid, and thus overturned the 2017 High Court ruling and dismissed the Commission's complaint against Qwelane. In doing so, the Court ordered Parliament to rewrite section 10 of the Equality Act, saying it was 'overbroad' and 'vague'.

In the interim, the SCA has ordered that section 10 of the Equality Act should read as follows: 'No person may advocate hatred that is based on race, ethnicity, gender, religion or sexual orientation that constitutes incitement to cause harm.'

This long-running matter has given rise to new case law and new law-making, hopefully bringing greater clarity and detail to a hotly contested area of constitutional rights.



# PROVIDING LEGAL SERVICES

## APOLITICAL FOUNDATION OF SOUTHERN AFRICA

**I**mproving public sector governance and effectiveness across the Southern African Development Community (SADC) is the aim of the Apolitical Foundation of Southern Africa, which sought our assistance in meeting certain requirements for PBO status.

The foundation develops and delivers non-partisan training and education for aspirant public

servants, political appointees and elected public representatives in SADC member states.

We recommended changes to the foundation's memorandum of incorporation that would enable it to meet the requirements of SARS and helped it to register as a PBO.

Public sector governance and effectiveness have important implications for service delivery across the SADC region and we are pleased to be playing our part in supporting this.

## JOINT BUILDING AND CONSTRUCTION COUNCIL

**K**enya's 30-year-old standard form construction contract has made way for a modern, up-to-date version. We are proud to have been instrumental in the drafting of the latest edition of the Joint Building Council Construction (JBCC) Contract.

Our drafting team had four permanent members, three from Kenya and one from South Africa, who worked under the guidance of a partner in Kenya and South Africa respectively. This combined effort added great value. For example, after the South African experience of adjudication was shared with the contract drafting team, an adjudication clause was added in the JBCC Contract.

In March 2019, the President of the Architectural Association of Kenya (AAK) expressed appreciation by presenting us with a certificate in recognition of our 'exemplary contribution' to the drafting of the JBCC Contract.

“ We are proud to have been instrumental in the drafting of the latest edition of the Joint Building Council Construction (JBCC) Contract. ”



## ONE CAMPAIGN

**S**ights set on eradicating extreme poverty and preventable diseases, especially in Africa, the ONE Campaign advocates for change by raising public awareness and pressuring political leaders to support policies that save lives.

As such, this international non-profit organisation, which was co-founded by Bono and other activists, requires legal advice and counsel on a variety of issues. Through our membership of the global Lex Mundi network, we were among four member firms in three countries to have assisted ONE.

In Kenya, for example, we advised ONE in setting up a charitable affiliate. We are delighted to be associated with this independent, non-partisan organisation, which is rooted in the values of justice and equality.

6 Through our membership of the global Lex Mundi network, we were among four member firms in three countries to have assisted ONE. 9



## TRUE NORTH SOCIETY

**T**he True North Society is a Kenyan NPO that exists to provide mental healthcare and other services to soldiers and their families.

It focuses on addressing the mental and behavioural issues that military veterans develop as a result of their war experiences. The approach is holistic in that it addresses the mind, emotions, body and self. It also focuses on helping with skills evolution and job placement.

The society runs residential treatment programmes, outreach programmes, year-long treatment follow-ups, one-on-one, couple and family sessions, and works to raise awareness of the issues facing veterans.

The True North Society is in the process of publishing a memoir on the founder's experience of providing mental health support to military veterans and a collection of stories from military veterans about their experiences.

Our Kenya lawyers reviewed the draft publishing agreement, advised on copyright and data protection aspects, drafted the interview guidelines to be used in collating the stories, and drafted the consent and release to be signed by the veterans.

6 The approach is holistic in that it addresses the mind, emotions, body and self. It also focuses on helping with skills evolution and job placement. 9



*Credit: Punghi, Shutterstock.*





Credit: Punghi, Shutterstock.



## FINDING FAITH: CORPORATE GOES CRIMINAL TO CHALLENGE THE CONSTITUTION



By Ayanda Nkabinde

Why did I choose to go to Legal Aid?

A question posed to me incessantly by friends, family and colleagues alike as I neared the beginning of my new adventure. At the time, my answer was simple: the risk was outweighed by the certainty that going to the Office of the Public Defender would make me a better litigator.

Six months later, I realise that I must amend that answer as it does not adequately capture the value of my experience. Yes, I have bolstered my credentials as a litigator. However, through the many characters I have met on this journey, I have had a brush with so many of our country's painful and complex realities that I am a more passionate, socially aware and empathetic South African citizen for it.

Section 35(3) of the Constitution enshrines the right to a fair trial.

For six months, my sole purpose would be to give that right its truest meaning in the way that the drafters of our democracy's birthing document intended.

Within the first week of my arrival, a colleague called me over to his desk and showed me a six-minute compilation video on YouTube of crimes captured in the Johannesburg area.

People committing acts of assault, theft and robbery, with each clip being more harrowing and unnerving than the previous. When the video ended, he turned to me: 'You see the people in these videos... the perpetrators... I have had to represent most of them. And that's your job now, too'.

My moral dilemma was clear from early on. Aside from being a test of how unwavering my belief in the Constitution as a whole was, a provocative question sprung to mind when I woke up every morning: how could I spend my days fighting to put alleged criminals back on the street?

I began in Court 4 at the Johannesburg Magistrates Court. It is known as a Reception Court where accused persons are brought before court for their first appearances after being arrested. There, they are also given the opportunity to apply for bail and to plead guilty to their charges, if they so wish.

It was in this court that I learnt how daunting and difficult it would be to represent clients to the best of my abilities. Consultations with clients were roughly two minutes long and were held in a poorly lit and crowded holding cell where the smell of marijuana and other, more potent substances often still lingered in the air.

In that court, I was required to think on my feet, find composure in moments

of chaos and persevere through an often-elongated court roll.

What struck me most about my time in Court 4 was how close my job was to the news headlines that were once previously distant from me on a personal level. I saw how drug addiction tore families apart and how it had ravaged so many of this country's youths.

When violence broke out in the Johannesburg CBD during the anti-foreigner protests, my court roll became clogged with the names of foreigners. Each with a story that I had to translate into a convincing legal argument to give him or her the best shot at staying out of jail. Not bad people, but people who had spent the best part of their lives running from bad circumstances.

When the #AmINext? movement highlighted the prevalence of GBV in the country, my court roll would become full of men who were accused of dreadful acts of violence against the women in their lives. Men who sometimes had previous convictions for rape. But these men had the constitutional right to apply for bail; and the constitutional right to my services.

These people, and many others, were now part of my daily life. I cannot lie and tell you that it does not take an emotional toll. A big part of the job was learning not to take my clients and their issues home with me. I never truly mastered that.

I then graduated to trial court, where I had a brief opportunity to establish a reputation as a resolute defence attorney. I am proud to say I won more trials than I lost. I learnt how to take challenges posed by a particular case – whether through the magistrate, the witnesses, the prosecutor or my client – in my stride.





As I conclude this report, I am reminded of the words of Justice Kate O'Regan in Dawood: 'We are human, and we express that humanity through our relationships with one another.'

...I had a brief opportunity to establish a reputation as a resolute defence attorney.

I learnt to improvise and how to recover from the very public failure of stammering through an argument in front of an open court. Mostly, I learnt just how stressful the criminal justice system is for those who are subject to it. This was highlighted to me after I mounted a successful defence for an 18-year-old girl accused of theft; I will never forget the tears of relief in her mother's eyes and the sense of gratitude that resonated in the warmth of their hugs.

As I conclude this report, I am reminded of the words of Justice Kate O'Regan in Dawood: 'We are human, and we express that humanity through our relationships with one another.'

My experience at Legal Aid was an extremely human experience. I am grateful to Bowmans for entrusting me to fly the firm's flag; to my colleagues at Legal Aid who were always kind and who engaged me in vigorous and passionate debate on a daily basis; to the magistrates and prosecutors who gave me a hard time but who compelled me to be resolute; and to my friends and family at Bowmans and beyond for supporting my adventure.

I may never truly answer many of the questions that plagued me during my time at Legal Aid. However, I walk away with an affirmed belief in our Constitution, particularly after learning the many faces within society for whom it tries to do justice.

May we, as legal practitioners with the potential to change the world, always remember each and every single one of those faces. Our context and our Constitution demands it.



# STIMULATING DEBATE AND UNDERTAKING RESEARCH



## 11TH BRAM FISCHER LECTURE, LEGAL RESOURCES CENTRE

Bram Fischer was a prominent anti-apartheid lawyer, best known for leading Nelson Mandela's defence team in the Rivonia Trial of 1963 and 1964.

**H**is contribution to the realisation of social justice and equality in South Africa was remembered during the Legal Resource Centre's 11th Bram Fischer Lecture on

18 September 2019, which we hosted in our Johannesburg office auditorium.

Deputy Chief Justice of the Constitutional Court, Justice Raymond Zondo, was the keynote speaker at the event, which coincided with the celebration of Heritage Month. Justice Zondo spoke about the trial and sacrifices of Bram Fischer, who was found guilty on charges of furthering the aims of communism and conspiracy to overthrow the Government in 1966, and sentenced to life imprisonment. He was allowed

to leave prison for reasons of ill-health in 1975 and died a few weeks later while under house arrest.

The 11th Bram Fischer Lecture, hosted to raise awareness of constitutionalism, human rights, advocacy and jurisprudence, was one of the main activities of the LRC's 40th anniversary celebrations in 2019. The centre has been at the forefront of the fight for justice and human rights since the apartheid era and was founded on the principle that all South Africans deserve to live with dignity, without oppression and with full political and socio-economic rights.





## REFUGEE AND IMMIGRATION LAW WORKSHOPS

There are times when the future of refugees and immigrants in South Africa depends on the quality of representation they receive at Magistrate's Courts hearings. We hosted two refugee law training workshops presented by ProBono.Org and Lawyers for Human Rights in May and in October.



The workshops focused intensively on refugee, immigration and administrative law and were designed to capacitate legal aid and pro bono legal practitioners, including some of our own lawyers, to give their clients the best representation possible.



## SEX WORK SENSITISATION TRAINING

The need to protect sex workers' rights and provide access to justice for this vulnerable group was highlighted during sensitisation training seminars held for attorneys, advocates and civil society representatives.

Presented in Cape Town, Durban and Johannesburg, the training seminars were a collaboration between ProBono.Org and the Sex Workers Education and Advocacy Taskforce (SWEAT), an organisation that has been providing services and support to sex workers for over 20 years.

The Johannesburg training seminars took place at our office on 9 and 10 September 2019. The participants raised many important issues, including that of consent. The point was made that consent is not always easy to define in terms of the law and that sex workers often find themselves in circumstances where they have limited or no choice at all.

Most of the attendees seemed to fully understand the need for the decriminalisation of sex work, and recognised the human rights element of protecting sex workers' rights and providing access to justice for this vulnerable group.





# GALLERY



SAFFCA auction



16 Days of Activism, GBV panel discussion



SAFFCA auction



11th Braam Fischer Lecture



Play Africa Courtroom launch





11th Braam Fischer Lecture



Mandela Day, Johannesburg



SAFFCA auction



SAFFCA auction



Izivunguvungu





Play Africa Courtroom launch



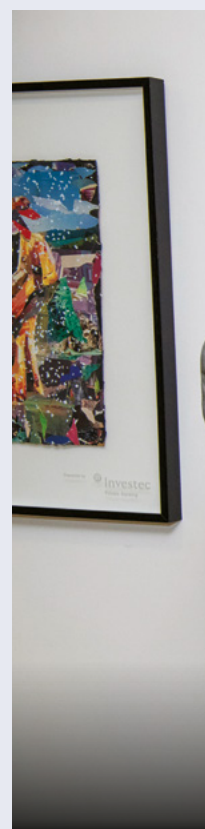
Ayanda Nkabinde



Small business workshop



SAFFCA event







*Play Africa Courtroom launch*



*11th Braam Fischer Lecture*



*Small business workshop*

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