

# Elgene Roos

Senior Associate



Elgene Roos is a Senior Associate in our Pro Bono & Human Rights practice.

## About Elgene

Elgene started her career as a Candidate Attorney at a public interest NGO, specialising in public interest litigation and constitutional law. She remained at the NGO as a junior attorney and in 2019 was appointed as the lead attorney of the Forced Migration Focus Area. At the end of 2019 she joined a law firm in Johannesburg and focused on class action litigation.

Elgene joined Cliffe Dekker Hofmeyr as a Senior Associate in our Pro Bono & Human Rights practice.

Elgene has published pieces on subjects relating to:

- Refugee Law
- Constitutional Law
- Citizenship Rights
- International law
- Equality Rights
- Children's Rights

## Credentials

### Education

- Registered with the Legal Practice Council
- BCom Law – University of the Western Cape
- LLB – University of the Western Cape
- Year of admission as an attorney - 2017

## Experience

## Contact Elgene

+27 (0)11 562 1863

[elgene.roos@cdhlegal.com](mailto:elgene.roos@cdhlegal.com)

[Elgene on LinkedIn](#)

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## Expertise

[Pro Bono & Human Rights](#)

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## Location

Johannesburg

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## Language

English

- Litigation in the High Court, Supreme Court of Appeal and Constitutional Court in a wide range of matters, notable cases:
  - The right to citizenship – challenging the interpretation of section 4(3) of the Citizenship Act
  - Challenging the closure of the Cape Town Refugee Office and other arbitrary practices by the Department of Home Affairs
  - Ensuring compliance with the Alteration of Sex Description and Sex Status Act 49 of 2003
  - Access to free Health Care for migrant women and children under the age of six.
- Researching and drafting legal submissions to the Standing Committee of Refugee Affairs, parliament, regional and international bodies relating to specific laws and human rights information for consideration in developing human rights standards.
- Conducting litigation in the Magistrates Court and the Family Court relating to rescission of judgment applications, application and stay of execution of property, representations to the Senior Prosecutor in a criminal matters.
- International, regional and national advocacy on the use and implementation of the Maputo Protocol for women in Africa, Convention on the Elimination of Discrimination Against Women and other human rights instruments in ensuring that women and children's rights are made a reality at national level in South Africa.
- Monitoring of the 2030 Sustainable Development Goals and implementation thereof in South Africa.

## News

### CDH Women Empowerment podcasts

10 April 2023 marked 100 years since the Woman Legal Practitioners Act 7 of 1923 was promulgated. The Act contained a single section, which reads: " Women shall be entitled to be admitted to practice and to be enrolled as advocates, attorneys, notaries public or conveyancers in any province of the Union, subject to the same terms and conditions as apply to men... ". As we commemorate 100 years of women in law, we bring you insightful episodes of the CDH Women Empowerment podcast series. This is where several members of our firm discuss the importance of women empowerment in the legal profession.

### The right to apply for asylum in South Africa

The Constitutional Court (CC) recently handed down an important judgment which speaks to the right to apply for asylum in South Africa. Over the past several years, we have seen more and more anti-foreign national rhetoric in the public domain, with even high-ranking government officials contributing to the narrative that foreign nationals are the cause of many of South Africa's issues. This has resulted in a continually shrinking safe space for foreign nationals who intend on seeking refuge in the country. Given our current socio-political climate, this judgment comes at a critical time where the rights of vulnerable people must be protected, in line with our international and domestic obligations.

### Traditional Khoi-San Leadership Act: The importance of meaningful public participation during the law-making process

"This case is about the significance of participatory democracy for millions of South Africans who for the most part live away from the centres of power, in rural areas and some of the poorest parts of our country."

### Court confirms the rights of pregnant and lactating women and children under six to free healthcare

On Friday, 14 April CDH's Pro Bono & Human Rights practice celebrated victory in one of its long-standing matters concerning the enforcement of the rights of pregnant and lactating women and children to free healthcare. The practice represented the public interest law organisation, Section 27, and three individual applicants, to challenge the validity of Gauteng provincial legislation, departmental policies and practices which have been used to deny migrant and undocumented pregnant and lactating women and children under six free healthcare to which they are entitled, in health facilities across the province.

### Opposite-sex life partnerships: Is there protection?

Our constitutional democracy demands that where our common law offends the spirit, purport and objects of the Bill of Rights, it must be developed to cure this offence. As a result, our courts have, over the years, had to grapple with several matters that required the adjustment of our law to properly recognise and protect the rights and lived realities of our society.

## Videos

### [Video | The significant impact of our Pro Bono & Human Rights practice](#)

As we commemorate Human Rights Day on Thursday, 21 March, one of the ways CDH demonstrates our commitment to the transformation of our society is through our dedicated Pro Bono & Human Rights Practice. We provide pro bono representation of the highest standard to deserving individuals, communities, NGOs and other organisations that promote human rights or the public interest.

## Podcasts

### [Beyond 16 Days Episode 2: The importance of Human Rights Day and exploring constitutional damages as an effective remedy](#)

In episode two of our Beyond 16 Days Series, Director Brigitta Mangale and Senior Associate Elgene Roos in the Pro Bono & Humans Rights practice unpack the importance of Human Rights Day and exploring constitutional damages as an effective remedy.

### [Beyond 16 Days | Working on women's rights, all year round](#)

Director Brigitta Mangale and Senior Associate Elgene Roos in the Pro Bono & Humans Rights practice are both passionate about women's rights and the fight against violence for women.

### [Women empowerment through impact litigation](#)

This conversation forms part of the CDH Women in Law podcast series, where several members of our firm will discuss the importance of women's empowerment and highlight CDH's dedication to this cause. CDH's Pro Bono and Human Rights practice Director Brigitta Mangale and Senior Associate Elgene Roos join CDH Conversations to discuss the role of impact litigation in enforcing and protecting the rights of women in South Africa.

### [Women's Month Podcast Series | Elgene Roos](#)

Elgene Roos, Senior Associate in our Pro Bono & Human Rights practice talks about how an administrative error in her university application led to the best mistake to ever happen. She goes on to say that her experience at the Legal Resources Centre shaped the kind of lawyer she is today, and this was where her passion for public interest litigation grew.

[All news by Elgene Roos →](#)

## Recognition

- Identified as a young practitioner making a difference in the legal field by the Southern African Legal Information Institute (SAFLII): 2019
- Received a special mention award at Probono.org awards: 2022