

DECEMBER 2016

ANNUAL PRO BONO AND
HUMAN RIGHTS
NEWSLETTER

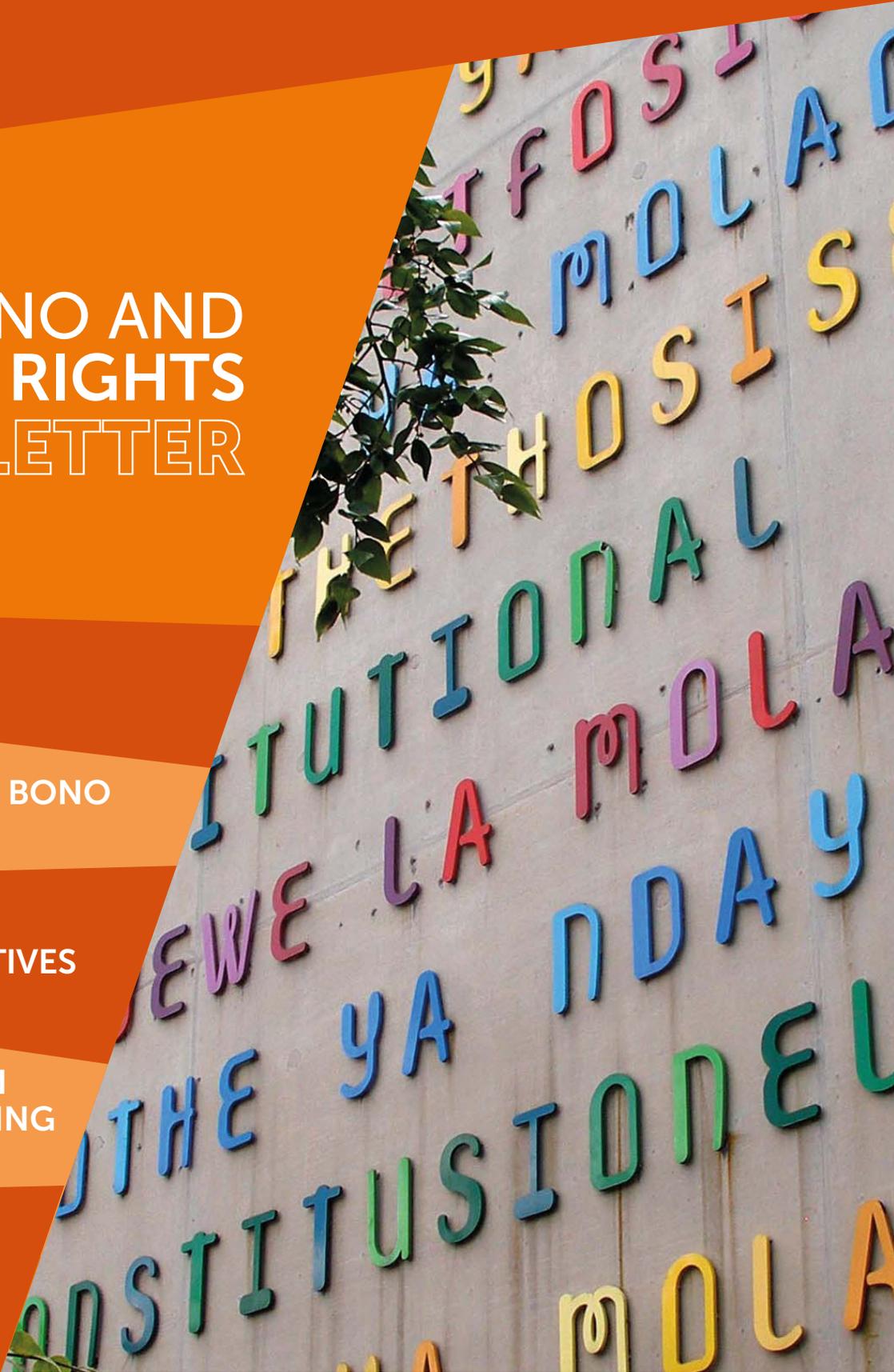
INTRODUCTION

NOTABLE 2016 PRO BONO
CASES/INITIATIVES

TRAINING AND
AWARENESS INITIATIVES

PROGRESS MADE IN
SOME LONGSTANDING
MATTERS

EVENTS HOSTED
AND ATTENDED



PRO BONO AND HUMAN RIGHTS PRACTICE ANNUAL NEWSLETTER

Cliffe Dekker Hofmeyr's Pro Bono and Human Rights Practice (the Pro Bono Practice) has had a productive and busy 2016. Our small but dedicated Practice has made a material contribution to promoting social justice by providing access to legal services to a number of people who would not have been in a position to enforce their rights without the aid of pro bono assistance.

Through some of the new cases it has taken on this year, the Pro Bono Practice has also made an important contribution in advancing the human rights causes of some particularly vulnerable and marginalised groups of people and has worked to extend the boundaries of our constitutional protections. It has also contributed towards advancing awareness and education on various human rights issues through the hosting of key events, participation in other partner organisation/stakeholder initiatives, and through special project work.

The Pro Bono Practice has encouraged and assisted members in other practice areas in the firm to make pro bono contributions. Many practitioners in numerous practice areas in both our Johannesburg and Cape Town offices have given generously of their time over the 2016 year and have provided invaluable assistance to countless clients. We are proud to report that CDH as a whole donated over 6,300 hours in pro bono work to deserving individuals and organisations during the period December 2015 to November 2016.

In this newsletter we provide a summary of some of the highlights of the pro bono work undertaken by the Pro Bono Practice and other members of our firm.



over

6,300

hours of

Pro Bono work



December 2015



November 2016

DEFENDING A VICTIM OF RACIST HATE SPEECH

The Pro Bono Practice has been assisting a member of the South African Police Services (SAPS) to bring proceedings in the Equality Court to obtain redress from a member of the public accused of committing serious acts of racially motivated hate speech against him.

During February 2016, Mr Clement Mkhondo (our client) was in a marked SAPS vehicle patrolling in and around Northriding, Johannesburg. As he was driving, he noticed a civilian vehicle flashing its lights at him. Mr Mkhondo, accompanied by two other colleagues from the SAPS, pulled over in order to assist the driver of the vehicle (the respondent). The respondent - who claims that she had just been the victim of a smash and grab incident - refused to be assisted by a black officer and thereafter verbally attacked Mr Mkhondo in a prolonged spate of racial abuse. The incident was video recorded by one of Mr Mkhondo's colleagues on her cell phone. The video subsequently "went viral" on social media.

Shocked and traumatised by the incident, Mr Mkhondo approached the South African Human Rights Commission (SAHRC) for assistance in seeking redress. We are representing both Mr Mkhondo and the SAHRC (joined as the second applicant because of its special statutory mandate in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) in the Equality Court proceedings. Advocate Usha Jugroop from the Johannesburg Bar has been briefed as our clients' counsel.

We seek compensation for Mr Mkhondo for the infringement of his constitutional rights to equality and human dignity and for the emotional pain suffered by him, together with an unconditional apology. Importantly, we also seek an order requiring the respondent to perform community service and to attend sensitivity training to be provided by the SAHRC. Requiring the respondent to attend sensitivity training will we hope usher in a new and important tool in addressing the root causes of racism and racially based hate speech going forward. This is especially important given that the SAHRC reports that the number of hate speech incidents occurring in the country has increased significantly in recent months.

2015 RANKED #1 BY DEALMAKERS FOR M&A DEAL FLOW 7 YEARS IN A ROW
1st by General Corporate Finance Deal Flow

2014 1st by M&A Deal Flow
1st by M&A Deal Value
1st by General Corporate Finance Deal Flow

2013 1st by M&A Deal Flow
1st by M&A Deal Value
1st by Unlisted Deals - Deal Flow

2012 1st by M&A Deal Flow
1st by General Corporate Finance Deal Flow
1st by General Corporate Finance Deal Value
1st by Unlisted Deals - Deal Flow

DealMakers®

2015
1ST
South African law firm and 12th internationally for Africa & Middle East by deal value

2ND
South African law firm and 2nd internationally for Africa & Middle East by deal count

1ST
South African law firm and 15th internationally for Europe buyouts by deal value



MERGERMARKET



IFLR 1000

FINANCIAL AND CORPORATE
TOP TIER FIRM

2017

PROMOTING AND PROTECTING THE RIGHTS OF TRANSGENDER LEARNERS

In May 2016, the Pro Bono Practice agreed to assist the SAHRC with an urgent complaint that it had received from a transgender learner regarding unfair discrimination suffered by her at a public school. The learner, who is in the process of transitioning from the male to female gender, sought to express herself in a more feminine manner, in particular by growing her hair.

The learner fought bravely to assert her constitutional rights and refused to cut her hair both as a matter of principle and because she suffered from gender dysphoria (a clinically recognised condition often experienced by transgender people in which they suffer an intense and persistent discomfort with the primary and secondary sex characteristics of one's assigned birth sex). Forcing a transgender person to conceal their gender identity often exacerbates their dysphoria as was the case with our client. This however went against the school's Code of Conduct which requires boys to wear their hair short. After various incidents, the learner was suspended from the school and was only allowed to return if she complied with the school code of conduct dress code requirements for boys.

As a result of the suspension the learner was unable to enrol for Grade 12 (matric) during the 2016 school year. Concerned and deeply hurt by the actions of the school, the learner approached the SAHRC for assistance.

The Pro Bono Practice immediately scheduled a meeting with the school in order to address the rights and the needs of the learner and facilitate her return to the School. The learner wished to return to the school in 2017 as a girl

and complete the Grade 12 year. After a lengthy engagement with the school we managed, in conjunction with the SAHRC, to arrange for the learner to return to the school during the course of 2017 as a girl and for sensitivity training to be conducted at the school. We also began a process of engaging with the school regarding the amendment of its code of conduct.

Sadly, the fear of facing ongoing hostility and being treated differently, combined with the lack of any policy governing the rights of transgender learners, resulted in the learner choosing at the last minute to complete her Grade 12 via online correspondence instead of at the school in question.

Our clients' experience clearly highlights the need for policy reform at all schools and for concrete steps to be taken by all relevant role players to address the needs of transgender children. Many transgender learners drop out of school because of acute victimisation and prejudice, often enabled by a schooling system that continues to be insensitive to their rights and needs. In recognition of the need for broader reform, during the course of this matter, the SAHRC began a process of engagement with the Minister of Basic Education and the Gauteng MEC for Education.

The Pro Bono Practice supports the right of all transgender learners to equality, dignity and freedom and security of the person. We will be assisting the SAHRC going forward to work for the necessary policy reform in order to ensure that the rights of all transgender learners are in future respected and protected.

The Pro Bono Practice immediately scheduled a meeting with the school in order to address the rights and the needs of the learner and facilitate her return to the School. The learner wished to return to the school in 2017 as a girl and complete the Grade 12 year. After a lengthy engagement with the school we managed, in conjunction with the SAHRC, to arrange for the learner to return to the school during the course of 2017 as a girl and for sensitivity training to be conducted at the school.

HELPING REFUGEES BORN AND LIVING IN SOUTH AFRICA FOR MORE THAN 18 YEARS TO APPLY FOR CITIZENSHIP

The Pro Bono Practice is currently assisting two brothers who were born in South Africa (SA) and who are over 18 (and have lived in SA all of their lives) to apply for citizenship in terms of s4(3) of the Citizenship Act. Section 4(3) of the Citizenship Act provides that people who were born in SA to parents who are neither citizens nor permanent residents, and who have lived in SA continuously until the age of majority, are entitled to apply for citizenship, provided that their births were registered in accordance with the Births and Deaths Registration Act.

The brothers' parents are Angolan citizens who fled Angola in 1995 and who sought and were granted refugee status in SA from 1997 until 2014, when their refugee status was withdrawn as a result of the Angolan refugee repatriation process entered into by our government in 2013. The two brothers were born in SA in 1996 and 1997 respectively and like their parents, were granted refugee status until 2014 when their status was also withdrawn. Both brothers who have

never been to Angola, were in high school at the time that their refugee status was withdrawn and had to apply for temporary study permits in order to remain in the country.

When they approached the Department of Home Affairs (DHA) to make an application for citizenship in 2015 (after having been advised by their then legal advisors that they were entitled to do so) they were informed by the DHA that they were not eligible to apply because they "were Angolan." No application forms have been promulgated by the DHA for s4(3) applications and so the DHA's administrative processes do not provide for eligible candidates to apply for citizenship in terms of s4(3) applications. This notwithstanding that there is a large class of people in similar circumstances to those of our clients.

We have, as a first step, made applications to the DHA in terms of s4(3) on behalf of both brothers by way of affidavit.

We anticipate that we will have to bring legal proceedings to enforce our clients' rights and possibly even apply for interim protection pending the finalisation of the proceedings. The matter has the potential to set an important precedent for a whole class of vulnerable people who despite the provisions of s4(3) of the Citizenship Act, are currently practically unable to assert their legitimate rights.



Refugees living in SA waited

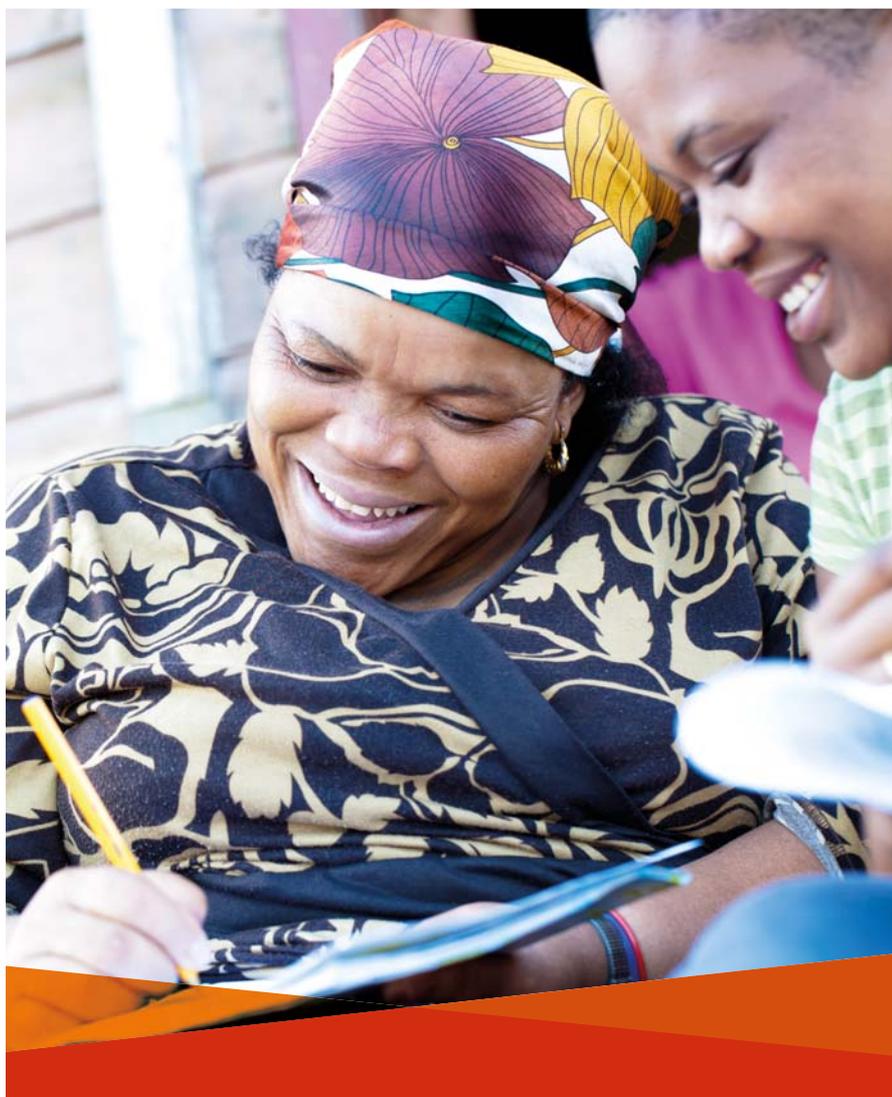


18 years



applied for citizenship

ASSISTING CLIENT TO DEFEND EVICTION APPLICATION



During May 2016, the Pro Bono Practice was approached by ProBono.Org on behalf of a client who was in the process of being evicted from his family home. The client took occupation of the property after the Provincial Government granted him a housing subsidy in respect of the property in 1997. He and his children have been residing on the property ever since. The client has also made various improvements to the property since taking occupation, thereby increasing its value substantially.

Recently, it came to light that the title to the same property was registered in the names of other applicants who had also applied for a housing subsidy. An investigation conducted by the municipality in issue has revealed that a similar situation has occurred in respect of a number of other subsidised housing properties in the relevant municipal area, apparently pursuant to corrupt acts on the part of various officials. We have been engaging with the municipality and the registered owners in order to try find an amicable solution to the matter and the eviction proceedings instituted by the registered owners are currently being held in abeyance.

MONDY MOTLAUNG FAMILY TRUST

During 2016, the family of the late Mondy Motlaung (Motlaung) sought out CDH's pro bono services, requesting Gretchen Barkhuizen Barbosa and her team from our Estates Practice to draft the Motlaung Family trust deed. The trust deed was signed and executed at CDH and the trust was subsequently registered at the Johannesburg Master. As attorneys to the trustees, CDH was officially invited to the preliminary launch of the Motlaung Family Foundation at the old Duduza Church Hall in Duduza Township. The event was held at the end of September and was both a hopeful and sombre occasion – as a result of the long-overdue recognition waiting to be afforded to the family of the late, and lesser known, Motlaung.

The Deputy Assistant Master of the High Court, handed over the letters of authority for the trust to the trustees. With the power of the letters of authority in their hands, the trustees were finally enabled to realise a simple goal – to build a home for the mother of the late Motlaung.

Through a few key speakers (and against the background of pre-1994 memories,

idealism, patriotism and hope for the future), long-overdue community recognition was finally afforded to the contributions of the late Motlaung.

The facts of this case poignantly illustrate the impact that a simple legal document can have and just how important a role the provision of pro bono legal services plays in realising the simple hopes of many for a

better life. With the trust deed having been finalised, the trustees can now go on to realise their dream of building a home for the elderly mother of the late Motlaung.

Jamie Lee Fong

CAPE TOWN OFFICE PROVIDES SOCIAL IMPACT AFRICA WITH START-UP ASSISTANCE

The main aim and mission of Social Impact Africa (a not for profit company) is to raise capital that will be deployed in innovative ways to support needy social enterprises and generate employment in local communities. In addition to the financing activities, Social Impact Africa will provide recipient enterprises training, support, mentoring and capacity building with respect to financial awareness and responsibility.

Dave Thompson's Corporate and Commercial team, together with Izak Lessing's team (Finance and Banking) and Ben Strauss (Tax and Exchange Control) provided Social Impact Africa with extensive start-up assistance in 2016 including:

- Advising on the corporate structure of Social Impact Africa and the registration of the funding and operating non-profit companies of Social Impact Africa;
- Providing advice in respect of the Income Tax Act as to how the funding and non-profit companies can obtain tax exempt/public benefit status and in relation to s30 (public benefit

organisations) and 30C (small business funding entities) of the Income Tax Act in particular;

- Drafting a memorandum of incorporation and the company secretarial documents for the funding and operating of non-profit companies; and
- Assisting Social Impact Africa with advice on the National Credit Act and the drafting of loan agreements which will be used in the furtherance of the financing activities.

Elnalene Cornelius

2016 NATIONAL SCHOOLS MOOT COURT COMPETITION

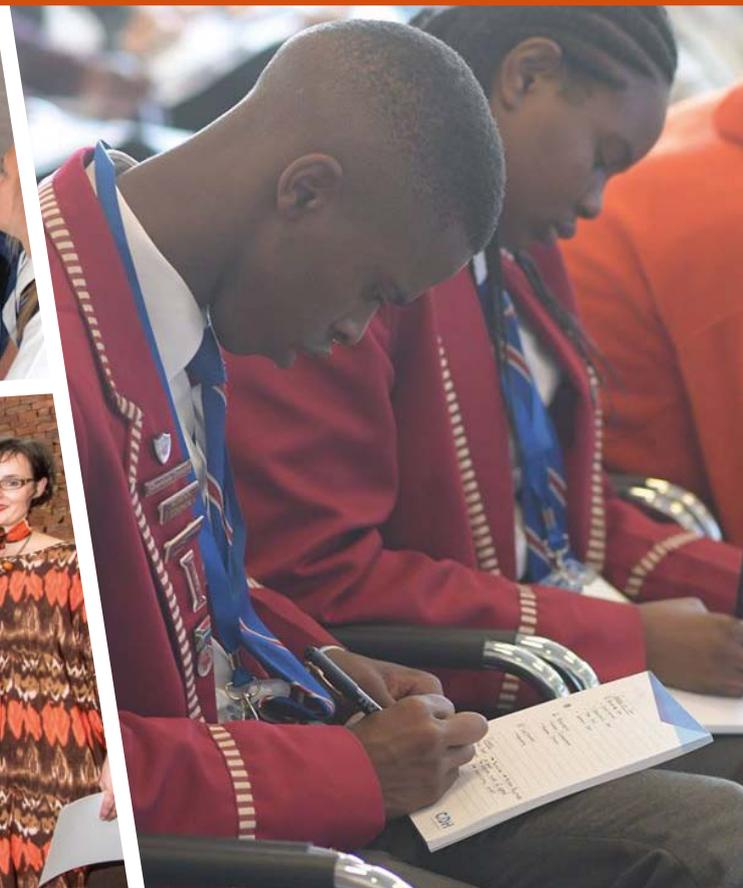
Led by the Pro Bono Practice, CDH continued to provide extensive support for the National Schools Moot Court Competition (NSMCC) in 2016.

On 5 October, CDH was buzzing with youthful energy courtesy of the 90 bright young minds from across the country who attended the NSMCC workshop hosted by us in conjunction with the University of Pretoria and the Department of Basic Education, together with their assigned tutors/educators.

The workshop opened with a welcome and introductory remarks by Jacquie Cassette, who urged the learners to enjoy themselves and to make the most of the experience. Together with their educators, the learners listened attentively to presentations and panel discussions on various topics ranging from an introduction to the South African legal system, sources of law, the structure of South African Courts, pleadings and the use of authority. The workshop then divided into breakaway sessions which comprised of a facilitated discussion on relevant

constitutional rights and principles and the art of mooting amongst other things.

The highpoint of the workshop was a keynote address by former Justice of the Constitutional Court, Johann van der Westhuizen, who spoke passionately about following ones dreams, embracing each other's culture and differences and respecting, protecting and promoting our constitutional democracy. The evening concluded with a dinner hosted at the offices of CDH. Many members of the firm also



2016 NATIONAL SCHOOLS MOOT COURT COMPETITION...continued

assisted with the adjudication of the preliminary, quarter-final and semi-final rounds of the competition.

The long-anticipated final oral rounds took place at the Constitutional Court on 9 October 2016. The learners were tasked to present their arguments before a panel of eight distinguished adjudicators, namely: Justice M Mhlantla (who presided), Justice R Goldstone (former Justice of the Constitutional Court) Acting Justice CJ Musi; Commissioner M Ameermia (Commissioner of the South African

Human Rights Commission), DDG M Joyini, Professor A Skelton, Professor D Tladi, and Mrs T Mpumlwane.

After a lengthy and tense set of arguments with both teams facing a cannonade of taxing questions from the adjudicators, very little separated the winning team (Awiwe Vilane, Emihle Majikija (both from Harding High School), Thembinkosi Msiza and Surprise Mahlalela (both from M H Baloyi High School) from the runner-up team Catelyn Cumberlege, Thando Mthombeni (both from

Beaconhurst School), Kwanele Shange and Nompumelelo Cele (both from Mshweshwe High School).

As has been the case with previous years, the standard of the learners participating in the national rounds of the competition and the level of dedication and determination displayed was impressive. CDH is once again offering a generous bursary to the four learners from the winning team.

A big thank you to all the CDHers who assisted with this year's NSMCC.



REFUGEE LAW CLINIC GUIDE

The Pro Bono Practice, which regularly staffs the Refugee Law Clinic and assists a number of refugees with the asylum adjudication process, was requested by ProBono.Org to produce a Guide on Judicial Review in the context of the Refugee/Asylum

Seeker Adjudication Process. We have completed the guide, which forms part of a larger project undertaken by ProBono.Org that aims to equip other attorneys that assist with the refugee law clinic with a basic overview of refugee law and related matters

in order to enable them to more effectively advise clients at the clinics. The guide will be launched together with two others compiled under the auspices of the project in early 2017.

NATIONAL SCHOOLS MOOT COURT MANUAL

As part of the rollout of its ongoing partnership with the NSMCC, the Pro Bono Practice is in the process of preparing a comprehensive manual to be distributed to all learners participating in the annual NSMCC. The manual aims to provide high school learners with a basic introduction to South African law, an overview of the Constitution and Bill of Rights as well as a summary of significant case law. In addition, the manual provides guidance on how to research and structure a legal essay, and will include as a chapter on oral advocacy that will be useful to learners who progress to the oral rounds of the competition.

Our hope is that once finalised, the manual will provide a useful uniform resource for all learners participating in the competition, and that in particular it will provide a helpful basic resource for learners in rural and other outlying

and poorly resourced areas, wanting to participate in the competition. We also hope that in time it will be utilised as a resource on which an expanded training programme for learners participating in the competition can be based.

PRO BONO
PRACTICE



SA LAW/CONSTITUTION
basic manual distribution



PROVIDING GUIDANCE
on essay writing
and oral advocacy

ADJUDICATING THE FINALS OF THE AFRICAN DISABILITY LAW MOOT COURT COMPETITION

During the week of 7 to 11 November, Jacquie Cassette acted as an adjudicator in the finals of the Fourth African Disability Rights Moot Court Competition. The competition formed part of a weeklong Disability Rights in Africa conference hosted by the Centre for Human Rights, University of Pretoria. The theme for the conference and moot court competition was “Advancing the Rights of Persons with Albinism in Africa – A Call to Action.” The conference highlighted the many atrocities and human rights abuses committed against People with Albinism (PWA) across the continent, and interrogated the legal complexities that the particular and distinct hurdles faced by PWA give rise to in both international and domestic human rights law. This was one of the first times that a conference has been arranged to deal exclusively with the plight of PWA.

The conference was well attended by NGO’s, academics, representatives of inter-governmental organisations and state officials from all over Africa and included a number of high-level panellists. Amongst the high level panellists were Ms Ikponwosa Ero (the UN Independent expert on the Enjoyment of Human Rights by Persons with Albinism); the Honourable Abdallah Possi (the Deputy Minister of State, Prime Minister’s Office (Persons with Disability) Tanzania; Commissioner Nomasonto Mazibuko from the South African Human Rights Commission and Dr Lungowe Matakala (Lecturer, University of Zambia). All four mentioned also acted as adjudicators of the final rounds of the moot court competition. Students from law schools across the continent participated in the moot court competition with the two final teams coming from the University of Malawi and the University of Makerere (Uganda). There was little between both teams, both of whom excelled. Ultimately, it was the team from the University of Malawi that won the competition. The finals of the competition were live-streamed and can be accessed through the following links:

<https://www.youtube.com/watch?v=Zn8Xo4ltPsU>

<https://www.youtube.com/watch?v=wRATclbR4SU>



OBTAINING REFUGEE STATUS FOR A CLIENT AFTER A VERY LONG BATTLE

Since 2013, the Pro Bono Practice has been assisting a refugee client to review the failure of the Refugee Appeal Board (RAB) to make a decision regarding her appeal against a decision by Refugee Status Determination Officer (RSDO) refusing her refugee status. Our client is an Angolan national from the Kabinda province who remains severely traumatised by the horrors of the events that forced her to flee her country.

A High Court Application to review the failure of the RAB to make a decision on our client's appeal was launched in February 2016. Although a notice to oppose was received from the State Respondents they failed to file a copy of the record on time. In addition, the State Respondents failed to file their answering papers on time despite the granting of numerous extensions and, instead, assumed settlement where none had been accepted.

On 22 July 2016, we were surprised to receive a decision from the RAB overturning the decision of the RSDO and granting refugee status to our client and her minor children born in Angola. Despite this, clarity was sought regarding the date from which this status became effective as well as regarding the status of our client's minor child born in South Africa. We have been unable to obtain any clarity from the State Respondents and we are currently reviewing our options going forward.

SINCE
2013



PRO BONO
ASSISTING REFUGEE CLIENTS



UNABLE TO OBTAIN ANY
CLARITY FROM THE STATE
RESPONDENTS

SECURING THE INHERITANCE OF A MINOR CHILD

Earlier this year, the Pro Bono Practice obtained a favourable order on behalf of our client, the sole guardian and single mother of a minor child, from the South Gauteng High Court in a long ongoing matter concerning her child's right to an inheritance from the deceased father's estate.

The application was brought against the customary wife of the deceased in both her personal capacity as an heir in the intestate estate of the deceased and in her capacity as executor of the deceased's estate. In terms of the finalised liquidation and distribution account, the minor child was entitled to inherit an amount which was never paid out to our client or the Guardian's Fund by the first executor, an attorney, who appointed the customary wife of the deceased as his replacement.

We later discovered that the first executor was suspended from practice in November 2013 and was subsequently struck from the roll. After the Attorney's Fidelity Fund rejected a claim made on behalf of our client and after unsuccessful engagements with the customary wife of the deceased, we had no choice but to bring a High Court application against her.

The customary wife of the deceased alleged that she had paid out a sum of money inclusive of the minor child's inheritance to the first executor, however, there was no proof thereof. Even if she had, this would not discharge her obligation as executor of the deceased's estate as any monies that may have been paid over to the first executor were never paid to our client or to the Guardian's Fund.

The application was argued before Judge Van de Linde on 4 March 2016. Advocates Lara Grenfell and Louw van der Merwe from the Johannesburg Bar both assisted our client on a pro bono basis. The learned judge granted an order in favour of our client and her minor child. We have since ensured that monies due to the minor child were paid over to the Guardian's Fund and our client is now able to claim maintenance from the Fund.

NOTRE DAME SYMPOSIUM ENGAGING IN JUSTICE IN SOUTH AFRICA

In April 2016, Jacquie Cassette participated in a symposium hosted by the Centre for Civil and Human Rights (CCHR) together with the School of Law, at the University of Notre Dame in the USA. The Symposium was on the South African Constitution and Constitutionalism in South Africa. Jacquie who is a graduate of the CCHR Masters in International Human Rights Law Programme, participated in the Symposium

together with a number of other distinguished South African CCHR alumni, including Justice Mbuyiseli Madlanga, one of the Justices on our Constitutional Court. The Symposium was entitled "Engaging in Justice in South Africa – 20 years of Theory and Practice" and explored progress made and challenges faced by South Africa during the first 20 years of our constitutional democracy.

The symposium also focused on the role and work of the many South African CCHR alumni in forwarding constitutional justice in South Africa. Jacquie presented on Pro Bono in South Africa and together with all of the other alumni spent many sessions engaging with students and academics at the law school during various panel discussions, formal dinners and informal meetings and gatherings.



ATTENDANCE AT ADVANCED SHORT COURSE: DISABILITY RIGHTS IN AN AFRICAN CONTEXT

Tricia Erasmus, a senior associate in the Pro Bono Practice, had the pleasure of attending an advanced short course on Disability Rights at the Centre for Human Rights (the Centre) at the University of Pretoria. The short course was part of a series of annual advanced human rights courses offered by the Centre and ran from 14 to 18 March 2016.

The Centre was established in the Faculty of Law during the course of 1986 and is both an academic department and a non-governmental organisation. It works towards human rights education in Africa, a greater awareness of human rights, the wide dissemination of publications on human rights in Africa, and the improvement of the rights of women, people living with HIV, indigenous peoples, sexual minorities and other disadvantaged or marginalised persons or groups. The Centre boasts a wide network of alumni including retired Constitutional Court Judge, Johann van der Westhuizen who is the Centre's founding Director.

The course was well attended by over 50 individuals from across the African continent with the attendees hailing from Botswana, Lesotho, Kenya, Tanzania, Saudi Arabia, Nigeria, Uganda and South Africa. The course, which came in the wake of the adoption of the United Nations Convention on the Rights of Persons with Disabilities (CPRD), aimed at creating a greater understanding around the provisions of the CPRD; disability as a global human rights issue; disability from a comparative human rights law perspective in different regions; theoretical approaches to equality and non-discrimination in a disability context.

The course was presented by local and international experts in their respective

fields and included the likes of Professor Robert Dinerstein, Professor of law at Washington College; Professor Michael Stein, co-founder and executive Director of the Harvard Law School Project on Disability; Professor Anna Lawson, Professor of law at University of Leeds; Mr Alberto Vasquez, Office of the Special Rapporteur on the Rights of Persons with Disabilities; Dr Grobbelaar-du Plessis, lecturer at the Department of Public Law at the University of Pretoria and Professor Charles Ngwenya, Professor of Law at the Centre.

The highlight of the course was the panel discussion at the forum: "Realising human rights in life and law", reflections on the Constitutional Court term of Justice Johann van der Westhuizen. The panel consisted of Justice Zak Yacoob, Justice Sisi Khampepe and Dr James James Fowkes with Justice Dikgang Moseneke as moderator.

The panel reflected on Justice van der Westhuizen's term at the Constitutional Court and the number of judgments penned by him dealing with an array of topics including constitutional amendments, provincial boundaries of powers, equality, fair trial issues, right to privacy freedom of expression, land claims and the right of access to adequate housing and other socio-economic rights with matters like the *City of Johannesburg*

Metropolitan Municipality v Blue Moonlight Properties 39 and a number of others receiving special mention.

The course was extremely educational and had a unique approach as it allowed attendees from across Africa to share their own experiences and cultural aspects of disability in an African context.



HOUSING SEMINAR

On 9 May 2016, the Pro Bono Practice hosted a housing seminar in collaboration with ProBono.Org. The seminar was presented by John Weber, a partner in our Real Estate Practice. The seminar focused on the key features of the Conversion of Certain Rights into Leasehold or Ownership Act, the Regularisation and Transfer of Ownership Programme, the relevance of family agreements, unmarried parties and the joint title over RDP housing as well aspects of the Reversals of Transfer of Regularised Properties Act.

The event was well-attended by members of the firm as well as partner firms from the ProBono.Org network and members of various NGO's. Thank you to John for taking time out of his busy practice to assist on a topic in respect of which he has very specialised expertise.

YOUTH DAY EVENT

On 8 June 2016, together with the firm's Marketing and Human Resources Divisions, the Pro Bono Practice hosted Youth Day events at both our Johannesburg and Cape Town offices. Despite the remarkable contribution of our youth in shaping a democratic South Africa based on the constitutional values of dignity, equality and freedom, today's youth face growing joblessness with the national unemployment rate during the first quarter of 2016 peaking at 26.7% - the highest it has been since 2005. As a result, the organised events aimed to raise awareness around youth unemployment as well as the various ways in which members of CDH could contribute their time and skills to the empowerment of young people.

Representatives from non-governmental organisations working to empower disadvantaged youth participated in panel discussions at both offices. These organisations included the Harambee Youth Employment Accelerator, Ikamva Lisezandleni Zethu (Ikamva Youth) and Barrier Breakers - an offshoot of the Association of the Physically Disabled.

The discussions were moderated by CDH candidate attorneys.

Panellists discussed and debated the continued relevance of Youth Day in 2016 and gave an overview of the work done by their organisations in assisting and promoting youth empowerment. They also highlighted the ways in which young professionals can assist disadvantaged

youth through volunteering. All of the organisations identified the lack of access to quality education as the biggest hurdle faced by disadvantaged youth today along with poverty, substance abuse and unemployment.

Funds collected in a Youth Day Raffle arranged by the Pro Bono Practice were donated to the participating organisations.

WOMEN'S DAY TALK WITH JUSTICE MHLANTLA

On the evening of 16 August 2016, the Pro Bono Practice hosted Justice Mhlantla (the most recent appointee to the Constitutional Court) at the firm for an event in commemoration of Women's Day. As a legal practitioner who has reached the pinnacle of the profession as a result of her appointment as a Justice to the Constitutional Court, Justice Mhlantla is a tremendous inspiration to women in the legal profession and is a powerful role model to all young women aspiring to rise through the ranks of law.

Justice Mhlantla addressed a number of issues specific to gender equality in the workplace as well as a number of broader issues associated with transformation in the profession. The Justice presented a powerful and meaningful talk interspersed with anecdotes of her own personal experience as an attorney and judicial officer. Perhaps

most compelling of Justice Mhlantla's messages was her call to junior practitioners present at the event:

'You all have long careers ahead of you and I hope that this discourse will inform that journey. The future of this profession is in your hands and with it the goal of making practicing in a profession that is

discrimination-free and accessible to all a reality.'

The talk was well-received by both members of CDH and external attendees including the Honourable Justices Sharise Weiner and Raylene Keightley, respected members of the Bar and ProBono.Org as well as the academic fraternity.



THE PROBONO.ORG HOUSING CLINIC



In commemoration of UN World Habitat Day, Probono.Org hosted its annual Housing Day event on 25 October 2016 at the Constitutional Court Women's Jail in Braamfontein. It invited legal professionals from various Johannesburg law firms to consult with and provide assistance to community members facing housing issues. Melissa Franks from our Real Estate Practice attended the event on behalf of CDH.

Probono.Org also hosted speakers including representatives of the Registrar of Deeds, the Master of the Johannesburg High Court, the City of Johannesburg Ombudsman Office and the Gauteng Provincial Department of Human Settlements. These presentations were all focused on educating community members about the contentious issue of sale in execution of immovable residential properties. Countless indigent members of our community face eviction in these circumstances.

The Housing Day was run as a workshop, where community members could obtain legal advice from the professionals who volunteered their time on the day. Most of the issues

raised in consultation concerned eviction, administration of estates and fraudulent transfer of properties.

All of the volunteers were warmly welcomed by Probono.Org who excellently helped wherever needed – especially in eliminating language barriers by translating consultations. The collaborative effort of both the Probono.Org staff as well as the legal professionals who volunteered their time and services on the day can be seen as a commendable effort towards making our legal system and the complexities of ownership of land accessible and understandable for all South Africans.

Melissa Franks

OUR TEAM

For more information about our Pro Bono and Human Rights practice and services, please contact:



Jacquie Cassette
National Practice Head
Director
Pro Bono and Human Rights
T +27 (0)11 562 1036
E jacquie.cassette@cdhlegal.com



Tricia Erasmus
Senior Associate
Pro Bono and Human Rights
T +27 (0)11 562 1358
E tricia.erasmus@cdhlegal.com

BBBEE STATUS: LEVEL THREE CONTRIBUTOR

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

©2016 1446/DEC

