

ANNUAL PRO BONO & HUMAN RIGHTS NEWSLETTER

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CLIFFE DEKKER HOFMEYR

INCORPORATING
KIETI LAW LLP, KENYA

PRO BONO & HUMAN RIGHTS NEWSLETTER

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INTRODUCTION

Reflections On 2021



JACQUIE CASSETTE

Practice Head | Director
Pro Bono & Human Rights

As the clock struck 12 on New Year's eve in December 2020, many breathed a sigh of relief as they said goodbye to 2020 and ushered in what was hoped would be a better, safer and lighter year. But while it may have been an easier year for some, in truth 2021 proved to be just as brutal for most of us – a year that tested us in ways we perhaps have yet to fully process. COVID-19 continued to decimate families and communities – too many were lost, bereaved or rendered very ill, while many others lost jobs, homes and livelihoods in the wake of the economic devastation that has accompanied the pandemic. We also witnessed violence and anarchy engulf parts of the country that tore at the very fabric of our democratic nationhood. We lost a sense of security, hope and perhaps our trust in the future. How then, I ask, did we as individuals, a practice, a firm and a nation get through it? As a practice I believe we did so by being resilient, by facing down the crises and difficulties and overcoming them through strength of character and commitment, not just to ourselves but to others and to the values that I now know literally define us as people and as a practice. And by sticking together and supporting one another – and making the effort to find moments even amid the numerous serious items on our weekly agendas to laugh together.

When exploring the concept of resilience I came across the following quote by Sharon Salzberg who has described the essence of it as follows:

“Resilience is based on compassion for ourselves as well as compassion for others.”

Looking back on what we achieved this year as a practice, and as a firm, despite the trials, I feel exceptionally proud to know that despite significant personal and systemic challenges, we continued to fight hard, and determinedly to serve our clients and the communities we strive to help, with dedication and with

commitment. While trying to remain compassionate to ourselves, we continued to find compassion for others. And indeed, I believe it was by focusing on compassion for others, by continuing to do what we could as lawyers, and as human beings, to help others, we found the strength and purpose to face the obstacles and even the despair.

The Pro Bono & Human Rights Practice (Pro Bono Practice) takes great pride and pleasure in reporting that, collectively Cliffe Dekker Hofmeyr Inc (CDH) donated over 11,885 hours (in excess of R31 million) in pro bono legal services to deserving individuals, organisations and causes during 2021.

INTRODUCTION

Reflections On 2021...*continued*

Thank you to my team, all my colleagues at CDH, the advocates who gave generously of their time on a pro bono basis, and the many partner organisations we worked with, for helping us fulfil our mandate this year as the Pro Bono Practice, a mandate which is perhaps more important than ever.

To our many stakeholders and clients, below is an account of some of our significant achievements in the year under review. We helped many in many ways and stood firm in our commitment to promoting justice, dignity and equality and the rights and values enshrined in our Constitution. The mountain is high, but we continue to climb it. ♦

Wishing you all a well-deserved, safe, and peaceful holiday.



Update on the Jose Family



Our practice initially met Jonathan and Joseph Jose (the brothers) in May 2016 when we consulted with them at one of the clinics that we staff at ProBono.Org. After hearing their story, we were convinced at that stage that they were entitled to citizenship in terms of section 4(3) of the South African Citizenship Act 88 of 1995 (Citizenship Act). Section 4(3) is a provision which was introduced into the Citizenship Act in 2014 and which entitles individuals born in South Africa to foreign parents who are neither permanent residents nor citizens (most of whom are refugees or asylum seekers) and who have lived all their lives in South Africa until the age of majority, to citizenship.

PRO BONO LITIGATION

Update on the Jose Family...continued

Little did we know what a long and hard road we would have to walk to finally obtain citizenship for them. The more we got to know the brothers and their personal circumstances, the harder we fought against the Department of Home Affairs (DHA) for not only their rights but the rights of an entire class of similarly situated vulnerable people, as we knew this matter would ultimately impact many.

After initially receiving judgment in the brothers' favour in the High Court in March 2019, the matter was taken on appeal to the Supreme Court of Appeal (SCA) by the DHA. On 11 November 2020, the SCA heard the appeal and on 25 November 2021, the brothers received judgment in their favour, dismissing the appeal, with costs to be paid on an attorney and client scale after 2 August 2020. Should you wish to obtain further information about the SCA judgment kindly [click here](#).

After finally obtaining the SCA order, the long and onerous task began to try and enforce it. Anyone who has ever litigated against a State department will tell you that this is no small task, and the Pro Bono Practice was in constant communication with DHA officials from November 2020 until April 2021, when the brothers were finally issued with their South African identity numbers and identity books (a good few months after the deadline imposed in the SCA's order).

Needless to say, this has been life changing for the brothers! We recently caught up with them to see how life was treating them now that they were officially South African citizens. Jonathan enthusiastically shared his hopes for the future and confirmed that he has



been employed full time (in retail) since June 2021. He also intends to pursue his studies further next year through Unisa where he will be doing a bridging course in Economics and Management Sciences. Joseph recently found new employment with better benefits, and he intends to complete his Grade 12 in the near future. The brothers proudly confirmed that their mother (Cristina Sunda) has reduced her working hours as they are now able to contribute towards the combined household income. The brothers are hopeful for the future and look forward to the opportunities that tomorrow may bring.

In the meantime, the Pro Bono Practice also assisted the youngest Jose brother (Danilo) with the submission of his section 4(3) application. We also helped

Danilo and Cristina with their applications for Angolan Exemption Permits in terms of section 31(2)(b) of the Immigration Act 13 of 2002.

Our practice is extremely proud of everything the brothers have achieved over the last few years and it fills us with joy knowing that we can provide assistance to the rest of this special family as well.

Sadly however, as the discussion of our work in the Chitengu/Mbumba matter below shows, the fight for the broader class of section 4(3) rights holders is far from over despite the SCA's judgment. For now, we rejoice in the positive changes we have helped to unfold in the Jose brothers' lives while continuing the fight for so many others also eligible for citizenship through this provision. ♦

PRO BONO
LITIGATION

"Upon hearing the news that my son was deceased, I was in shock and disbelief" – our Practice assists a bereaved and severely traumatised indigent family seek recourse against the Gauteng Department of Health

On a fateful Wednesday, 18 December 2019 at approximately 17h00, a toddler who was one year and 11 months' old suddenly and unexpectedly ingested rat poison. After it came to their attention that their child had ingested rat poison, his parents immediately sought emergency medical treatment. They rushed him by taxi to the nearest clinic, the Hillbrow Community Health Centre (HCHC), to make sure that he was ok – even though he wasn't showing any immediate signs of distress.

After reporting to the administration office where the parents explained that their child had eaten rat poison, they were made to wait in a queue for more than two hours before their child was finally seen by a doctor. No treatment of any sort was administered in the interim. On hearing that the toddler had ingested rat poison the doctor referred the child and his parents to Charlotte Maxeke Johannesburg Academic Hospital (CMJAH) to be admitted for observation. The parents had to wait for patient transport and when it came there was no room for the father in the vehicle so he was unable to accompany the mother and child to CMJAH.

At CMJAH, the mother took her child straight to the paediatric ward where he was seen by an attending doctor. However, instead of admitting the child for observation, the doctor sent the mother and child to the administration block "to open a file" before he could be admitted. Despite the mother explaining to the administrative official who attended to her that it was an emergency because her child had eaten poison, the official refused to admit the child without the mother either providing a copy of his

birth certificate (which was at home because they left in a hurry to get him the necessary medical attention) or paying R5,000 upfront. The mother, who is an indigent migrant, did not have R5,000 to pay. She accordingly had to call a relative to take her home with the child to fetch his birth certificate. This effectively constituted a denial of emergency medical care in contravention not only of section 27(2) of the Constitution but also the National Health Care Act 61 of 2003. A denial which ultimately cost the child his life.

Upon arriving home, in a matter of minutes the child's condition rapidly deteriorated and he started gasping for air, foaming at the mouth, vomiting and developed a fever – all common symptoms of poisoning which do not always manifest immediately (which is why children who have ingested rat poison need to be admitted for observation for several hours after ingesting the poison in the event that need to be treated with atropine by way of an intravenous drip). Panicked, his parents rushed him to Rahima Moosa Hospital (the hospital where he was born and already had a file). The child died en route and was declared dead on arrival. His death certificate records his cause of death as being ingestion of rat poison.

PRO BONO LITIGATION

"Upon hearing the news that my son was deceased, I was in shock and disbelief" – our Practice assists a bereaved and severely traumatised indigent family seek recourse against the Gauteng Department of Health...continued

This tragic, senseless death of their child has caused untold pain, stress, and trauma to the child's parents. The mother expressed feeling distraught about her son's death and regrets not taking him straight to Rahima Moosa Hospital instead of to HCHC and CMJAH, as she felt his life would have been saved. Even though she said that she knew she had acted correctly in the face of the emergency to get the toddler to the nearest place for medical assistance, she blamed herself for his death.

As a result of the wrongful and negligent conduct and omissions by the HCHC and CMJAH the parents have suffered emotional shock, trauma and grief as a result of their child's death and require psychological and psychiatric treatment. They have been diagnosed with complicated grief reaction and depression.

Our Pro Bono Practice assisted the parents to bring a damage claim against the Gauteng Member of the Executive Council for Health. Summons were issued out of the Gauteng Local Division of the High Court on Friday, 19 November 2021.

The Pro Bono Practice is also working with the public interest legal centre, Section27, to address the broader systemic unfair discrimination and denial of healthcare to migrants that is widespread in Gauteng healthcare facilities by way of planned legal intervention. Section27 seeks to achieve substantive equality and social justice in South Africa with a primary focus on access to basic education and health. ♦

From powerful partnerships come powerful solutions.



From powerful partnerships come powerful solutions.

Johannesburg
Cape Town
Stellenbosch
Nairobi



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KIETI LAW LLP, KENYA

**PRO BONO
LITIGATION**

The ongoing fight for the enforcement of section 4(3) of the Citizenship Act – Chitengu/Mbumba Matter

Since our SCA victory in the Jose brothers' matter, our Pro Bono Practice has been approached by several other young people for assistance in enforcing their rights to citizenship under section 4(3) of the Citizenship Act. Our attempts are, however, being thwarted by the implementation of directives made by the Minister of Home Affairs in terms of the Disaster Management Act 57 of 2002, under which the DHA is refusing to accept or process, amongst others, any section 4(3) citizenship applications. This since the advent of the lockdown some 20 months ago and regardless of the circumstances of the individual applicants or the fact that the applications in issue were in fact submitted long before the COVID-19 pandemic even began.

We have accordingly been forced to bring a court application on behalf of some of our clients in which we are again having to review the failure of the DHA to process section 4(3) applications and in which we are also challenging the DHA's interpretation of its directives. Alternatively, we argue that if the directives do indeed purport to preclude the DHA from indefinitely accepting, processing and/or adjudicating any applications in terms of section 4(3), irrespective of when the application was made and the circumstances of the applicant, they are to that extent unconstitutional, unlawful and invalid.

This ongoing resistance to implementing section 4(3) is having manifold prejudicial consequences for many beneficiaries of the right, including our clients Christy Chitengu and the Mbumba sisters, and it was for this reason that it became necessary to institute legal proceedings.

Towards the end of 2020, our Pro Bono Practice took over Chitengu's matter from another legal NGO that had taken the matter as far as its resources enabled it to. After numerous attempts to follow up with the DHA on the status of Chitengu's citizenship application, which was lodged in July 2019, we launched a High Court application in July 2021 seeking the relief described above. The matter was scheduled to be heard in February 2022. The DHA, however, recently very belatedly filed a notice to oppose the matter, which now threatens to delay the hearing of the matter.

Chitengu was born and raised in South Africa by her mom, a domestic worker who fled Zimbabwe decades ago. She is well on her way to completing her undergraduate legal studies but fears that the delays in determining her section 4(3) citizenship application may not only jeopardise her ability to graduate, but may also hinder her prospects of employment and completing her post-graduate studies.

Chitengu has been made a provisional offer to complete her master's degree in law at the University of the Witwatersrand. She has also been offered a Mandela Rhodes scholarship and was offered an opportunity to clerk at the Constitutional Court, but will have to provide proof of her status before being finally entitled to any of these opportunities. Chitengu has a bright future ahead of her and we have no doubt that she will make significant contributions to the legal sphere and society at large.

All three of the Mbumba sisters were born in South Africa to Angolan nationals and have lived in South Africa since birth. In October 2019, our practice applied for citizenship for all three sisters, however we have not received a response to the applications and therefore made the decision to join the Mbumba sisters to Chitengu's High Court application. The Mbumba sisters would like to further their studies and improve their prospects of employment. However, the DHA's failure to process their citizenship applications may jeopardise their ability to do so. ♦

PRO BONO LITIGATION

Hope looms for survivors of sexual abuse

In October 2020, the Cape Town practice assisted two sisters in launching civil proceedings in which, in addition to seeking damages, a constitutional challenge to section 12(4) of the Prescription Act 68 of 1969 was launched. The sisters allege that they were sexually abused by their stepmother's two brothers for several years, starting in the 1970s. At the time of launching these proceedings, section 12(4) drew an arbitrary distinction between sexual offences by only permitting the interruption of prescription for those sexual offences listed in the section itself. Additionally, the section places an undue evidentiary burden on survivors by requiring them to prove why they did not launch proceedings sooner, assuming proceedings are launched more than three years after the abuse took place. The three-year prescription period is borrowed from the application of prescription in the ordinary creditor and debtor context, which requires a creditor to pursue the debt within three years of becoming reasonably aware that the debt is due. The equivalent consideration in this context, as provided for by section 12(4), requires a victim of sexual abuse to persuade the court that they only came to reasonably appreciate that a harm was perpetuated against them within three years of taking legal action against their abuser.

In December 2020, section 12(4) of the Prescription Act was amended to do away with the arbitrary distinction referred to above, and to now provide that prescription may be interrupted for "any sexual offence in terms of common law or statute" on the grounds indicated in the section itself. While the arbitrary distinction was cured, the amendment did not resolve the further difficulties created by the evidentiary burden placed on a would-be plaintiff, and the section therefore continues to perpetuate the secondary victimisation of a victim of sexual abuse who will need to persuade an adjudicator that they could not have launched their claim sooner. The amended section 12(4) still requires victims

of sexual abuse to place evidence before a court to prove their mental or intellectual disability, disorder or incapacity, or any other factor the court deems appropriate, led to the delay in them instituting legal proceedings. This burden not only results in a secondary victimisation of those survivors, but also infringes on their rights to human dignity, right to privacy, bodily and psychological integrity, and access to courts. The amendment was a tiptoe in the right direction, but there remains the need for a full step to be made. The Pro Bono Practice seeks an order replacing section 12(4) of the Prescription Act with a provision confirming that prescription should not apply to any alleged sexual offences under common law or statute.

While the Pro Bono Practice is assisting in the pursuit of their civil claim, the sisters were recently vindicated by a positive decision from the Cape Town High Court in their concurrent criminal proceedings. In October of this year the decision of *Director of Public Prosecutions Western Cape v Regional Magistrate Wynberg and Others* (8999/2020) [2021] ZAWCHC 201 (13 October 2021) ensured the constitutional rights of survivors of sexual abuse are to be recognised and enforced, regardless of when that abuse occurred. This appeal focused on the procedural treatment of evidence by a court in a sexual abuse matter. The question before the court was whether the procedural rules contained in sections 58, 59 and 60 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, could be applied to cases that occurred before this act came into force on 16 December 2007. The court found that complainants who suffered sexual abuse before 16 December 2007 should not be treated any differently to those victims whose abuse occurred after the promulgation of this act, and that to do so would fly in the face of our constitutional democracy. The outcome of this case will ensure that the evidence of the sisters (and so many others) in their criminal proceedings will receive the benefit of the procedural protection envisioned by the act and will not be shrouded in suspicion because the charges were brought years after the abuse occurred.

On behalf of the sisters, our practice will pursue the constitutional challenge of section 12(4) to its full extent, hoping to bring our civil law not only in line with the South African criminal law, but closer to international standards as well. The practice has a keen interest in pursuing further opportunities for the development of our laws and protection of rights in this context and is in this way committed to playing its role in the fight against gender-based violence and sexual abuse. ♦

In support of transgender rights



The Cape Town practice is representing a transgender female, who was sexually assaulted while in jail, in furthering action proceedings she has instituted against the Minister of Police. The claim is based on the alleged failure of South African Police Service (SAPS) members to exercise their legal duty to protect her after she was apprehended and taken into custody at the Grabouw police station. The plaintiff was originally represented by Lawyers for Human Rights who requested that our practice take over the matter and assist in prosecuting the claim against the Minister of Police to its full extent.

The plaintiff comes from underprivileged and troubled circumstances. Displeased with her sexual identity, her family and community have alienated her leaving her feeling isolated and alone. This has culminated in frequent fights with her family and community, who have repeatedly called on the police to have her arrested and detained at the local police station. On 5 December 2016 when the plaintiff was just 18 years old, her family called the police and she was again arrested and taken into custody. However, she was held with male detainees despite her protesting that she identified as female. That night she was sexually assaulted on two separate occasions by male detainees also held in custody.

As a result of the incidents the plaintiff has suffered severe physical pain, an invasion of her physical integrity, emotional and psychological trauma and insult to her dignity and self-esteem. The plaintiff alleges in her claim that the members of SAPS had a legal duty to protect her from harm, and, further, acted in contravention of the Western Cape Standard Operational Procedure for the Detention of Transgender Prisoners, which requires that transgender prisoners be held in a separate cell.

Summons was served on the Minister of Police on 18 November 2019, and the minister entered an appearance to defend on 13 February 2020. Notwithstanding several indulgences and engagements with the state attorney, no plea has been delivered. The claim has been set down for hearing on an unopposed basis for 9 February 2022 in the Western Cape High Court, and the plaintiff eagerly awaits her moment of justice over five years after the incidents took place. ◆

**PRO BONO
LITIGATION**

The land of Elim – A question of true ownership

Elim is a village on the Agulhas Plain in the Western Cape. The six farms constituting Elim are registered in the name of the Moravian Church. However, the church has historically held the land in trust on behalf and for the benefit of the members of the Elim community. What began as a relatively peaceful co-existence has since culminated into a drastic need for land reform and the assertion of ownership rights.

The settlement of municipal accounts and general upkeep of Elim was traditionally managed by the overseers council until 2008 when the church resolved to take on this role. Sadly, under the church's control the funds were not being reinvested into the community as they ought to have been. Accordingly, the community reinstated the overseers council in 2013 to resume control and settle Elim's outstanding municipal accounts. All revenue derived from the letting of agricultural land within Elim was then paid to the overseers council for this purpose. Historically this was the practice before 2008.

The matter became litigious when the church disputed the council's entitlement to receive these funds and conclude new lease agreements with the community. In this regard the church claims that only it, as the registered owner of the land, has the right to perform such acts and receive money derived from the use of the land. On this basis the church launched an application in the Western Cape High Court to have the lease agreements

declared void and for the overseers council to reimburse the church with an amount equal to that which it had received to date.

Since ownership of the land is inextricably linked to the control over finances and the management of Elim, the community now seeks to assert its ownership rights in this regard. The community has worked this land for over 200 years and for all intents and purposes such land historically belongs to them. Our instructions are that the church merely undertook a bona fide duty to hold such land on behalf and for the benefit of Elim until such time that ownership could vest in the people. In representing the community in opposing the church's application, the practice has thus put forward a counter application on the community's behalf for a declarator to confirm with whom rightful ownership in Elim should vest. The community also seeks that the land comprising of Elim be transferred to a trust through which the community will have a chance to democratically participate in the governance of Elim through community elected trustees.

The matter of ownership is therefore a preliminary, foundational issue that must be ventilated and resolved before the issues raised in the church's papers can be addressed. In fact, if the issue of ownership is to be resolved a keen assessment of Elim's history, community practices and why the land came to be registered in the name of the church in the first instance, will need to be conducted. The practice is therefore in the process of launching action proceedings as the appropriate litigious channel through which to resolve these historic issues, which proceedings it aims will stay the application proceedings launched by the church.

The church's main application and the community's counterapplication are set down for hearing on 8 February 2022. This will mark the beginning of the resolution of land issues that have gripped the Elim community for decades. ♦

**SPECIAL PROJECTS, CSR
INITIATIVES AND TRAINING**

Our Kenyan office partners with Trust Law to assist numerous organisations

Our Kenyan partner, Kieti Law LLP, based in Nairobi, made a generous pro bono contribution to various NPOs and organisations through its continued partnership with Trust Law.

This included assisting **Maziwa Breast Feeding**. Maziwa means "milk" in Swahili and is the name shared by three separate entities – two non-profit organisations in Canada and the US and a social enterprise in Kenya which have united to achieve the mission of enabling working mothers in developing countries to return to work but continue to feed their babies with breast milk. Maziwa has developed an innovative product which enables women to express breast milk to feed their children. Kieti assisted Maziwa by drafting a supply agreement which will enable it to deliver its breast pumps to women in Kenya.

Kieti also assisted **Nazava Water Filters Limited** with the incorporation of a social enterprise in Kenya that seeks to provide affordable clean water to communities across the country.

Kieti is also currently assisting **Digital Divide Data** (DDD) with its corporate governance and filing. DDD began as a small operation in Cambodia but has since expanded its footprint to Laos and recently won Kenya's Vision 2030 award for the best Business Process Outsourcing. DDD offers a wide range of digital content and technology services to a variety of organisations and enterprises, including universities, research institutions, non-profits, NGOs and commercial enterprises. We are drafting amended articles of association, board and shareholder resolutions to ensure that they comply with the (Kenyan) Companies Act, 2015. ♦

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

Mthunzi Network NPC

The Mthunzi Network began as a collaboration of development agencies, technology companies and various ecumenical networks aiming to deliver digital food vouchers to people in need during the COVID-19 crisis in South Africa. This quickly exposed the absence of an appropriate platform for delivering scalable, bank grade and easy to use digital aid to verified beneficiaries in a developmentally sound manner.

As a result, Mthunzi Network was formed and has delivered approximately R40 million worth of vouchers to more than 70,000 beneficiaries across the country. These digital vouchers have covered the informal and formal retail sectors as well as piloting value to wallet and account. Beneficiaries have been identified by local community-based

organisations and faith networks as being poor and detrimentally impacted by the economic consequences of COVID-19 in South Africa.

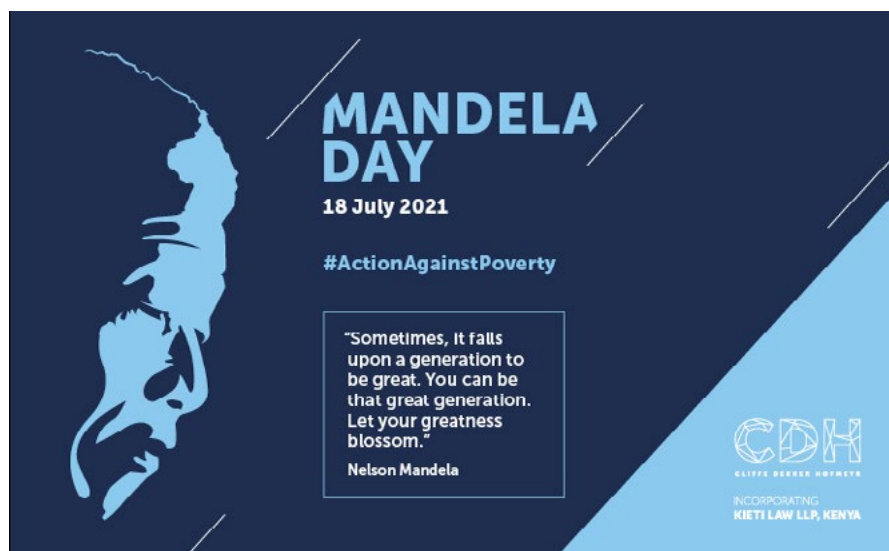
Our Corporate and Commercial Practice assisted with the initial structuring advice and advised Mthunzi on all aspects regarding the incorporation and operation of the Mthunzi Network as a non-profit company and public benefit organisation,

including its collaboration with various interested parties under service level agreements for the management of the software required to dispense the food vouchers, donation/funding arrangements with donors, such as the Solidarity Fund, and collaboration agreements with selected food retailers, etc. We continue to assist Mthunzi with ad hoc assistance as the programme is rolled out. ♦

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

Mandela Day – A storytelling adventure

"There can be no greater gift than that of giving one's time and energy to helping others without expecting anything in return." – Nelson Mandela

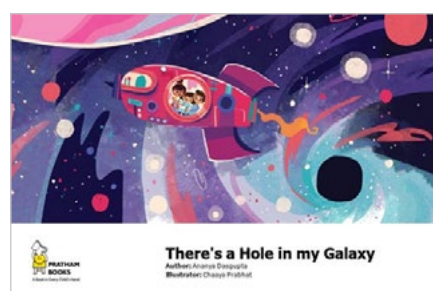


Drawing inspiration from this quote, and as part of its Mandela Day Campaign, the Pro Bono Practice embarked on an initiative to promote reading and literacy among the youth by reading short stories to children at various homes and hospitals throughout the country. However, with COVID-19 restrictions firmly in place, we were unable to read the stories in person. So instead, members of the practice recorded videos of them reading short stories, and then shared those recordings with the children's organisations. We partnered with Maitland Cottage Hospital, St Joseph's Home for Chronically Ill Children, Children of Fire, Nelson Mandela Children's Hospital, and the Greater Soweto Association for Early Childhood Development for this initiative. The links to these videos were also made available on our firm's website and social media platforms to allow even more children to engage with them. It is our hope that our storytelling can in some way contribute to change by promoting a culture of reading among the youth, who are our future leaders. ♦

YouTube link to the readings:

Part 1: <https://www.youtube.com/watch?v=DkAu-bEfbKk>

Part 2: <https://www.youtube.com/watch?v=US12LB5BQZU>



**SPECIAL PROJECTS, CSR
INITIATIVES AND TRAINING**

In support of the Chintsa Uniform Project



Earlier this year, CDH was proud to support the Friends of Chintsa's Uniform Project. This is an incredible organisation that seeks to show members of the Chintsa area in the Eastern Cape and surrounding community that their potential is limitless. Friends of Chintsa run several meaningful initiatives that aim to combat social, educational, and economic challenges.

The Uniform Project was founded by Mary Sanfilippo and her husband in 2012. While volunteering at Nkwezana Primary School this caring couple noticed that many children are not able to afford school uniforms. To increase their reach and impact on the community, the pair partnered with Friends of Chintsa in 2016. Their combined passion for the support of children and intelligent resourcefulness allowed them to provide over 3,000 full and partial uniforms for children at rural schools in the area.

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

In support of the Chintsa Uniform Project...continued



This partnership has touched the lives of many in the broader Chintsa area. Some of the Friends of Chintsa's projects include the Uniform Project, Chintsa Runners, Chintsa United, JAM, Chintsa Covid Programme, Chintsa Green Coast and Siya Surfasana. This year CDH participated in their Uniform Project by making a generous donation ultimately used to purchase 416 pairs of school shoes for the children at Kwelegba Combined School and Chintsa East Combined School. The balance of the proceeds was used to purchase school bags for children at Bulugha Primary School.



It has truly been an honour to participate in this act of giving. We hope to explore opportunities to support similar organisations in the near future to help foster a conducive environment for these special children to learn and realise their potential. ♦

**SPECIAL PROJECTS, CSR
INITIATIVES AND TRAINING**

Wings of Hope Rescue Home on the outskirts of Nairobi



As a contribution to their CSR commitments, our Nairobi office provided support to Wings of Hope Rescue Home. Wings of Hope is a charitable children's institution involved with the rescue of unsupported pregnant teenage girls, victims of rape and child sexual abuse between the ages of 12 and 17. The facility offers the teenage girls a home, assists them through pregnancy and delivery and empowers them through education. Kieti helped the home by donating food items, sanitary towels and stationery items for the school-going girls. We also gave the girls motivation to keep pressing on with their education. ♦

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

Women's Month initiative



It is estimated that three out of 10 girls in South Africa miss school during their periods each month. In light of this, in August the Pro Bono Practice, in collaboration with SESI Fellowship and Skill Hub, embarked on a Women's Month initiative which aim to provide adolescent girls and young women with care packages to make them feel special. CDH provided 50 care packages consisting of toiletries, sanitary towels, wipes, a notebook, a pen and a chocolate.

SPECIAL PROJECTS, CSR
INITIATIVES AND TRAINING

Women's Month initiative...continued



The packages also contained inspirational messages from women at CDH. CDH and SESI visited the Refugee Children's Project in Yeoville on Saturday, 28 August 2021 to hand over the packages and to motivate and encourage the girls. The theme of the day was "I am special" and the activities included motivational talks, writing a letter to their future selves and having the girls reflect on why they are special. The girls were grateful for the packages and enjoyed the activities. ♦



SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

The CDH/Project O: Build a Library Project

"With a library you are free, not confined by temporary political climates. It is the most democratic of institutions because no one – but no one at all – can tell you what to read and when and how."
– Doris Lessing

Libraries offer far more than just the physical structures and books lining their shelves. Properly administered, even the most modest of community mobile libraries can provide an educational haven and sanctuary for children and adults alike. Libraries offer real opportunities for lifelong learning for people from all socio-economic backgrounds.

A library can potentially provide access to a range of empowering resources (human and otherwise). For users in township and rural communities in particular, the importance of this access cannot be overestimated. For children in households where recreational books are an absolute luxury, access to spaces where reading for pleasure is not only a possibility but is encouraged, is vital. This is especially important in a middle-income country like South Africa, with its infamous high-input, low-outcome public education system. It is an accepted fact that adults with poor literacy and numeracy are more likely to be unemployed or – if employed – receive lower wages. This in itself is an obstacle to exercising other basic rights and is amongst the chief reasons why a culture of reading should be encouraged and access to (stocked) libraries is so important.

There is currently no national policy for school libraries that compels school governing bodies and principals to have a library in their schools. It is thus not surprising that in 2011, only 21% of state schools had libraries in South Africa, only 7% had stocked libraries and 79% of schools had no library at all.

Given our commitment to supporting the self-development and education of disadvantaged youth, CDH is partnering with Project O, a youth development organisation that aims to give underprivileged students a better chance at attaining their goals, to assist with the establishment of libraries at township schools in the broader Soweto area in Gauteng.

The initiative began in 2018 when Project O identified Orlando High as one of its beneficiary schools. It identified a number of challenges facing the school, including the state of the school's library. The library was in such a state of dysfunction that it was actually being used as a storeroom. Troubled by this, Project O resolved to support Orlando High School to rebuild and equip its library. This long-term investment project took approximately 12 months to complete. The intention was to provide a long-lasting solution that would impact not only on the lives of the Orlando High learners but also the broader community. As supporters, funders, friends, and partners of Project O our Pro Bono Practice and CDH community assisted Project O with the initiative.

Once the Orlando High library project was completed it became, and still stands as, one of the most celebrated and world-class library facilities in Soweto. Since then, the annual pass rates of the school have consistently increased and there's been a notable shift towards a culture of reading because the library has since become a space that the learners love to occupy and make use of. This is an achievement to be truly proud of.

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

The CDH/Project O: Build a Library Project...continued



Images of the Orlando High Library Facility after it was rebuilt (refurbished) by Project O in 2018. Before this, the facility was used as a storeroom, had gathered dust, and had no furniture or reading material.

Given that the lack of functional libraries is a widespread challenge in township schools, as part of our drive to assist previously disadvantaged learners, our Pro Bono Practice and Project O have agreed to partner to rebuild and upgrade school libraries in other deserving schools in the area as part of a long-term broader Build a Library initiative. Using the Orlando High library project as a blueprint, this initiative will identify a number of deserving schools in Soweto that either do not have a library or have an under-resourced library, and then partner with the schools to help build or restructure their libraries. This will be rolled out one school at a time. It is anticipated that, like with Orlando High, it will take an extended period of time to rebuild each identified school's library.

A few schools in Soweto have already been identified, and Project O has begun a book donation/collection drive for the school we have earmarked as the first beneficiary of the programme (Thulani High School in Dobsonville). Meetings, discussions, and fact-finding processes are already under way to not only start the project but to source appropriate reading material and plan the necessary refurbishing of the library structure to make it a conducive space and environment for learners.

Based on current projections, the project stakeholders hope to officially launch the Thulani High School Library Project in the first quarter of 2022. ◆



An image of the current state of the Thulani High School Library, Dobsonville, Soweto – with outdated reading material and no chairs and/or adequate furniture.

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

Exam preparation webinar series for candidate attorneys

Alexander Graham Bell said that *"before anything else, preparation is the key to success"*. With that in mind, the Pro Bono, Dispute Resolution and Knowledge Management Practice areas rolled out an inaugural three-part webinar series in July/August 2021. The aim of the series was to prepare our first-year candidate attorneys (CAs) to successfully navigate the attorneys' admission exams (board exams). The board exams consist of four papers: court procedure, administration of estates, attorneys practice (ethics) and accounting.



The first webinar was a panel discussion led by our very own second-year CAs. This in-depth discussion allowed the speakers to share their tips and experiences about the board exams. The topics ranged from studying techniques to what to expect on the day of your exam and how to approach the exam papers, it even included a very helpful pre-exam checklist. Afterwards there was a question and answer session.

Our guest speaker for the second webinar was Ceri von Ludwig, the owner of CVL Attorneys. Ceri was admitted as an attorney in 1988 and has practiced full-time ever since. She has also served as a moderator and oral examiner for a number of years and shared her wisdom on how to approach the written/oral exams and provided guidance to allow

our CAs to approach the board exams with confidence. This webinar allowed our CAs to benefit from Ceri's vast experience as a moderator. The third session was hosted by Neil Comte, a Director in our Knowledge Management Practice at the time, who discussed past exam papers and questions with the CAs.

While they say the proof is in the pudding, we are confident that our CAs will achieve success in the board exams and that the webinar series at least helped to curb some of the pre-exam nerves. Following feedback from our CAs we also hope to continue with this series in the future in order to ensure that all our CAs will feel confident and prepared when writing their board exams. ♦

**SPECIAL PROJECTS, CSR
INITIATIVES AND TRAINING**

CDH POPIA training

On 26 March 2021, Christoff Pienaar, a Director and the Practice Head of Technology, Media & Telecommunications at CDH, hosted a Protection of Personal Information Act 4 of 2013 (POPI) and Social Media Webinar Training workshop for the Ethafeni Multi-Skill Development Centre (Ethafeni). The centre is located in Thembisa and offers advice and training to community members. In the webinar, Christoff explained what POPI is, when it came into effect and when the grace period ends for business to become fully compliant with the legislation. The eight conditions for lawful processing of information as well as the consequences of non-compliance were also explained. Given the prominence of social media in today's society, Christoff also explained the impact of POPI and social media in the workplace and the implications for employees posting information in relation to their employers on social media.

The training event was a success, and it provided the employees at Ethafeni with an understanding of what POPI is, what it entails and the consequence of non-compliance. Our Pro Bono Practice will continue to work on projects that seek to provide organisations with access to information and training which they would ordinarily not be exposed to. ◆

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

National Schools Moot Court Competition

The National Schools Moot Court Competition (NSMCC) took place virtually for the first time this year. The NSMCC was founded in 2011 and aims to use active participation to create greater awareness in schools and communities in South Africa about the Constitution and the values that it embodies. The aim is also to encourage talented young people to consider pursuing a career in law.

Earlier this year, we lost the founding father of the NSMCC, Prof. Christof Heyns. Last year, as result of the pandemic, the NSMCC could not proceed. However, Prof. Heyns believed that the pandemic should not serve as a barrier to the continuity of the NSMCC and he entered into discussions about the possibility of hosting an online competition in 2021. The first online NSMCC was dedicated to Prof. Heyns and has allowed us the opportunity to connect from all over the country to honour his great memory and legacy.

In the 2021 NSMCC hypothetical case that students were presented with, there was an amendment to a school code of conduct that prohibited learners from bringing cell phones to school, with the consequence that bringing a cell phone to school would result in confiscation and/or suspension. The learners were displeased with the code of conduct and it sparked spontaneous protests. The matter ultimately ended up before the Constitutional Court. The applicants (learners) were required to argue that section 4 of the school code of conduct was unconstitutional as it violated their rights to privacy and basic education in terms

of sections 14 and 29 of the Constitution and the school governing body's decision was unconstitutional as it violated the learners' rights to peaceful assembly in terms of section 17 of the Constitution. The respondent (the school) was required to argue against these claims.

The students competing in the NSMCC qualified through the provincial rounds in their provinces. The students had to prepare written legal arguments in terms of the above as well as present oral arguments before presiding judges. CDH staff members were involved in adjudicating the preliminary, quarter final and semi-final rounds.

The finals took place on Sunday, 10 October 2021 and the students who argued for the applicant and were the runners up to the Competition included Busisiwe Booie and Andisa Muluvhedzi from Mbilwi Secondary School in Limpopo and Philile Nene and Ntothuka Ndlela from Makhedama High School in KwaZulu-Natal. The winning team represented the respondent and comprised Lithela Njongwe and Mihle Mpahlwa from Mida Secondary School in the Eastern Cape and Bertha Mutsakani and Alutto Luwaco from Mowat Park High School in KwaZulu-Natal.

The judges who adjudicated the final included Madam Justice Margaret Victor (Acting Judge: Constitutional Court), Mr Hanif Vally (Executive Director: Foundation for Human Rights), Dr Ashwanee Budoo (Programme Manager: Centre for Human Rights, University of Pretoria), Ms Jacquie Cassette (Director Pro Bono & Human Rights: Cliffe Dekker Hofmeyr), Ms Fatima Laher (Director Pro Bono: Bowmans Inc), Ms Rehana Khan Parker (Director: RKP Attorneys), Adv Shafie Ameerma (Former SAHRC Commissioner), Adv Andre Gaum (SAHRC Commissioner), Mr JB Sibanyoni (SAHRC Commissioner).

Having been involved in the adjudication process, our practice had the opportunity to witness the great potential of the future lawyers and leaders in our country. The learners were well read, well prepared and demonstrated a clear understanding of the Constitution as well as the relevant legislation and case law. The NSMCC has contributed tremendously towards creating awareness around the Constitution and social issues within schools. The NSMCC also encourages many learners to pursue a legal career. CDH looks forward to continuing its involvement in the NSMCC. ♦

SPECIAL PROJECTS, CSR
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Supporting ImpactHER

Our firm was recently approached by ImpactHER, a non-profit organisation seeking to empower African female entrepreneurs as they start their own businesses. Its vision is to help African female entrepreneurs who desire to own legacy businesses by helping them create such businesses, acquire capital, and become globally competitive. They do so in various ways, including training female entrepreneurs to build a sustainable business and providing them with access to a pool of institutional investors that have been built up over the years. The organisation is a prominent role player in the African entrepreneurial investment sector and is spearheaded by women who have held senior roles in African private equity firms and banks. The organisation has an impressive reach, having trained over 30,000 African female entrepreneurs and owners of small and medium-sized businesses in 53 African countries and across 89 countries globally.

This year CDH, facilitated by the Pro Bono Practice, assisted ImpactHER to create several template agreements and guides for use by South African women entrepreneurs, across industries, as they begin to establish their respective businesses. The practice facilitated the involvement of multiple CDH practice areas and teams in rolling this project out in support of ImpactHER, thereby ensuring the appropriate expertise was utilised in producing useful materials for businesswomen in South Africa. The practice and firm are proud to have supported such a meaningful and impactful organisation. ◆

SPECIAL PROJECTS, CSR INITIATIVES AND TRAINING

CDH/EWOFA holiday donation drive (JHB)



The CDH Eersterust Welfare Organisation for the Aged (EWOFA) donation drive has become something of a tradition in the Joburg office, as we try to raise some holiday cheer for the residents of the home in the form of gifts and donations each year.

The Joburg office has had a relationship with the facility since 2018, when we hosted an event to create awareness about the vulnerability of older persons, especially older women.

EWOFA is a non-profit organisation created to provide the elderly, disabled and homeless members of the Eersterust community with a place they can call their own. Through a culture of giving and family, EWOFA strives to show those with very little that there are many reasons to smile. However, as a non-profit organisation, EWOFA has not escaped the financial challenges that come with sustaining such an initiative. Now, with the arrival of COVID-19 pandemic, funding has become even more scarce, making it difficult to sustain the home.

2021 was no exception. We approached our fellow CDHers for donations to purchase gifts for the 60 residents in order to spread much needed kindness and light in an otherwise difficult year, and received an overwhelming response of support and gifts. The gifts consisted of toiletries and essentials – items needed by the residents which they often cannot afford to purchase themselves. Sufficient funds were raised to purchase gifts for every resident. We would like to thank everyone for their support of this worthwhile initiative, and we hope to continue with this holiday tradition for many years to come. ♦

SPECIAL PROJECTS, CSR
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Wrapping up the year with SOS Children's Village



As one of its final corporate social responsibility initiatives for the year, CDH will support the 80 children of the SOS Children's Village in Thornton, Cape Town through an initiative rolled out by our Cape Town practice. This truly deserving non-profit organisation is a sanctuary for many orphaned and abandoned children.

Over two weeks in November CDH's Cape Town office came together to donate funds and essential items, toys and treats to the children of the Thornton Village, which included toiletry items, educational supplies, treats and sweets, small toys and pocket-sized hand sanitizer for each child. A monetary donation will also be made by the firm. The initiative is ongoing as at the date of this newsletter's publication, and the practice looks forward to handing over the contributions of the office and firm in support of this very deserving organisation.

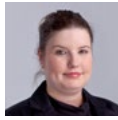
CDH is proud to have supported the incredible work being done by the various SOS Children's Villages throughout the country. ♦

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

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