PRO BONO AND HUMAN RIGHTS

2014

DLA CLIFFE DEKKER HOFMEYR

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INTRODUCTION

Cliffe Dekker Hofmeyr (CDH) is committed to respecting and promoting the rights entrenched in the Bill of Rights of the Constitution. As a corporate citizen, CDH is committed to facilitating access to justice for the disadvantaged and vulnerable, and providing legal services to non-profit organisations. These commitments form part of the offering of our dedicated Pro Bono and Human Rights practice. The practice group focuses on matters concerning access to information, gross human rights violations, teaching and training, rule of law as well as housing and refugee law.

Every lawyer in the firm is also called on to make a contribution in their own field of practice, which offers them the opportunity to fulfill their social responsibility commitments. Our young lawyers and candidate attorneys gain invaluable experience and perspective through exposure to a wide range of pro bono and human rights matters.

OVER THE PERIOD JANUARY 2014 TO NOVEMBER 2014 THE FIRM HAS DONATED IN EXCESS OF R10.5 MILLION IN PRO BONO LEGAL SERVICES TO INDIVIDUALS AND WORTHY CAUSES.
IN THIS NEWSLETTER WE REPORT ON SOME OF THIS YEAR'S PRACTICE HIGHLIGHTS.

APPOINTMENT OF NEW PRACTICE HEAD

On 1 August 2014 Jacquie Cassette joined Cliffe Dekker Hofmeyr's Pro Bono and Human Rights practice as a new director and as the Latter's National Practice head.

Jacquie practised as an advocate at the Johannesburg Bar for just over twelve years before she joined Cliffe Dekker Hofmeyr (CDH).

At the Bar she practiced mostly in the fields of constitutional and administrative law (public law), pension fund law as well as commercial law. She also has experience in the advertising industry, having acted as the Chairperson of the Advertising Industry Tribunal for a number of years.

Previous experience

Jacquie previously taught at the Wits Law School for several years before obtaining an LLM in International Human Rights Law at the University of Notre Dame, Indiana, USA.

After her year at Notre Dame she spent a year as an intern in the Office of the Prosecutor at the ICTY and ICTR in the Hague.

Jacquie subsequently returned to South Africa to serve as a research assistant to Justice Goldstone at the Constitutional Court. From there she was employed at the Office of the Public Protector as a Senior Investigator for two years, before joining the Johannesburg Bar where she practiced from 2001 to 2013.

SHE ALSO HAS EXPERIENCE IN THE ADVERTISING INDUSTRY, HAVING ACTED AS THE CHAIRPERSON OF THE ADVERTISING INDUSTRY TRIBUNAL FOR A NUMBER OF YEARS.

SECOND GLOBAL COMPACT COMMUNICATION ON PROGRESS

On 22 September CDH lodged its second United Nations Global Compact (Global Compact) Communication on Progress (COP) in which it provided a progress report on its actions in implementing the 10 principles of the United Nations Global Compact during June 2013 – September 2014. The 10 principles include commitments to respecting, protecting and promoting internationally recognised human rights as well as labour, environmental and anti – corruption law principles.

The Global Compact is a United Nations initiative which offers a practical framework for the development, implementation and disclosure by businesses of policies, strategies and actions to align their operations with ten universally accepted principles, designed to promote ethical, sustainable and legally compliant business models and conduct.

CDH joined as a member of the Global Compact in 2013. It is the only South African law firm to have done so. Part of its obligation as a member of the Global Compact is to publish an annual report or COP in which it communicates and makes public the progress it has made each year in implementing the ten principles. The COP is available on our website at http://www.cliffedekkerhofmeyr.com/export/sites/cdh/en/news/publications/2014/pro-bono/downloads/United-Nations-Global-Compact-Communication-on-progress.pdf

SUCCESS IN THE CONSTITUTIONAL COURT – ZIMBABWEAN TORTURE MATTER

In October the Constitutional Court handed down its decision in the matter of the *National Commissioner of the South African Police Service v Southern African Human Rights Litigation Centre and Others [2014] ZACC 30* – a matter in which the Pro Bono and Human Right Practice represented one of the *amici curiae* (Peace and Justice Initiative (PJI)) in the proceedings before the Constitutional Court. The case questioned whether the South African Police Service (SAPS) is obligated under domestic and international law to investigate crimes against humanity involving acts of torture (in this instance allegedly committed in Zimbabwe by Zimbabwean nationals) based on the principle of universal jurisdiction.

The matter arose after the Southern African Litigation Centre (SALC) and the Zimbabwean Exiles' Forum (ZEF) submitted a dossier documenting the alleged torture of members of the Movement for Democratic Change (MDC) by Zimbabwean officials in Zimbabwe to the Priority Crimes Litigation Unit of the National Prosecuting Authority (NPA) and requested them to investigate these crimes. This request was made based on the belief that the NPA and the SAPS had a duty to investigate these alleged crimes under the Implementation of Rome Statute of the International Criminal Court Act (ICC Act) and South Africa's constitutional and international law obligations. The then Acting National Director of the NPA however declined to initiate an investigation. The SALC and the ZEF applied to the High Court for an order setting aside the decision not to investigate and the High Court granted the order.

The matter ultimately made its way on appeal to the Constitutional Court after the Supreme Court of Appeal (SCA) upheld the High Court's decision. The Pro Bono and Human Rights Practice assisted the PJI, which is a network of international criminal law professionals based in the Netherlands, to bring an application to be admitted as an *amicus* in the Constitutional Court proceedings. The mission of the PJI is to encourage national adoption of laws under which crimes against humanity, genocide and war crimes can be prosecuted.

In its submissions made to the Constitutional Court the PJI supported the decision of the SCA. It argued that as a party to the Rome Statute of the International Criminal Court (Rome Statute) and the Convention Against Torture (1984) (CAT) South Africa is obliged to investigate and prosecute cases of torture that fall within the ambit of crimes against humanity in terms of its criminal jurisdiction in line with these treaties, and that the ICC Act, read together with the relevant sections of the Constitution and International law (consonant with the principle of universal jurisdiction) empowered South African law enforcement agencies to investigate and prosecute crimes against humanity and other international crimes committed outside of South Africa even if those crimes had not been committed by a South African citizen or against a South African citizen.

In its judgment the Constitutional Court dismissed the SAPS's and the NPA's appeal and found that the SAPS was obliged to investigate the complaint because under the Constitution, the ICC Act and South Africa's International law obligations, the SAPS has a duty in certain circumstances to investigate crimes against humanity even if committed in another country. These circumstances include instances where the country in which the crimes occurred is unwilling or unable to investigate and, if on the facts and circumstances of the particular case, an investigation would be reasonable and practicable.

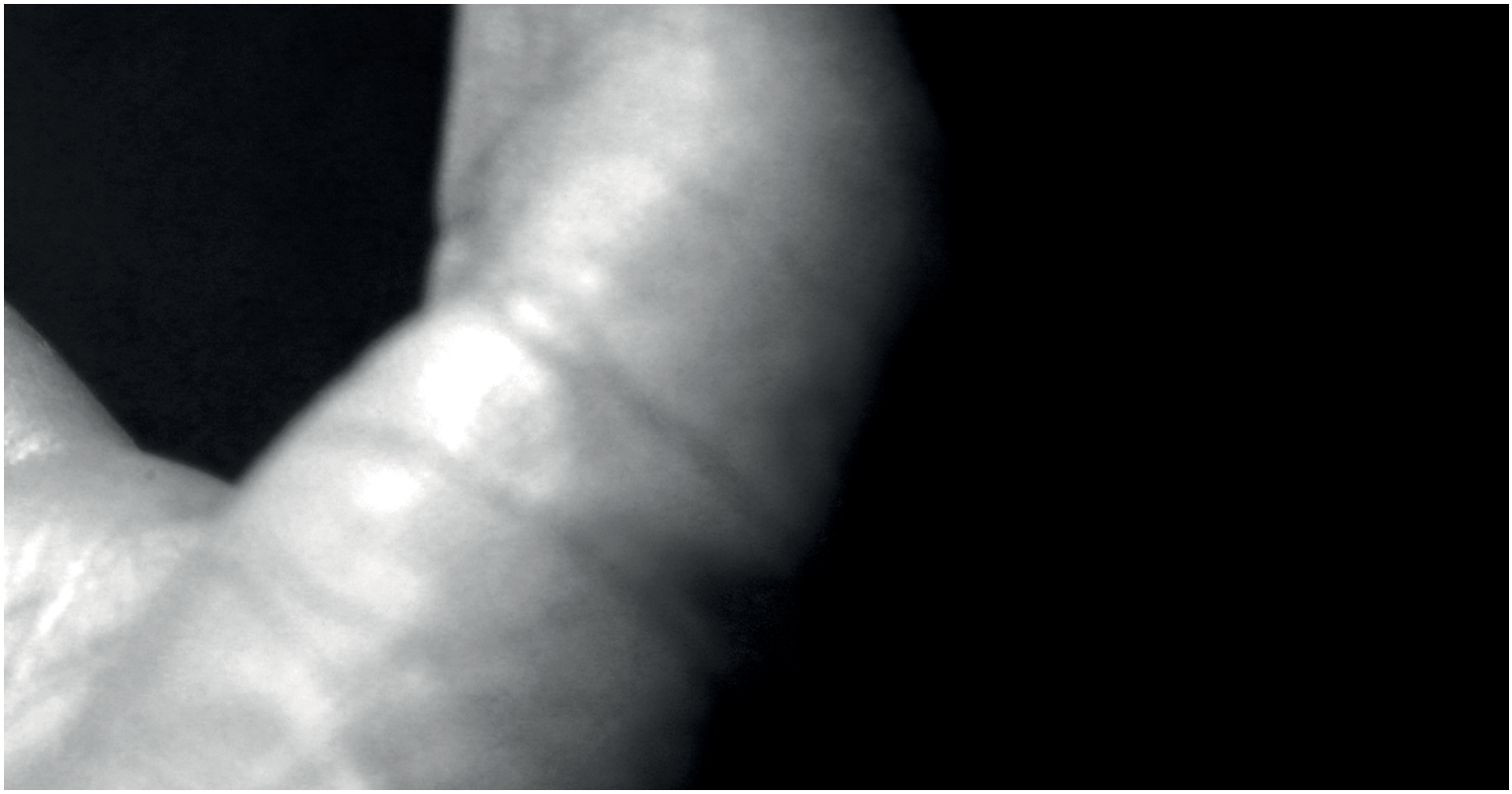
The Constitutional Court found in this instance that there was no evidence that the Zimbabwean authorities were willing or able to pursue an investigation and that it would be reasonable and practicable for the SAPS to investigate the complaint because of the proximity between South Africa and Zimbabwe, the likelihood that the accused would be present in South Africa at some point, and the reasonable possibility that the SAPS would be able to gather evidence that may satisfy the elements of the crime of torture. It also found that while the principle of non - intervention in another state's territory had to be observed, this would not be violated by an investigation conducted exclusively within South Africa. Due to the urgency of the matter the Constitutional Court chose not to remit the matter back to the High Court but rather ordered the SAPS to investigate the complaint.

GROUND BREAKING JUDGMENT HANDED DOWN BY THE SCA IN THE RICHARD MDLULI MATTER

In April 2014 the Supreme Court of Appeal (SCA) delivered judgment in a review application relating to the controversial withdrawal of criminal charges against the former head of Crime Intelligence, Mr Richard Mdluli (Mdluli), by the National Director of Public Prosecutions (NDPP). The review application was brought by Freedom Under Law (FUL) whom CDH represented throughout the proceedings.

The matter went to the SCA on appeal against a decision of the North Gauteng High Court in which FUL successfully obtained an order by the High Court setting aside various decisions by the NDPP and the National Commissioner of Police (Commissioner) to withdraw numerous serious criminal charges and disciplinary proceedings instituted against Mdluli. The charges had been controversially withdrawn by the then Acting NDPP and the then Acting Commissioner after Mdluli's legal representatives made representations to the President, the Minister of Safety and Security, as well as the Special Director of Public Prosecutions (SDPP) and the then head of the Special Commercial Crimes Unit (SCCU). Pursuant to these representations Mdluli's suspension as head of Crime Intelligence was also lifted and he was reinstated into office as the head of Crime Intelligence with effect from 31 March 2012.

Writing for the majority of the Court, Brand JA confirmed the High Court's decision to set aside the withdrawal of certain criminal charges (fraud and corruption charges) but upheld the appeal against the High Court's decision to set aside some of the other criminal charges, including a murder and other related charges. The SCA also overturned the High Court's order ordering the NDPP and the National Commissioner to proceed with the criminal prosecution and the disciplinary proceedings without delay. It found that such an order amounted to undue interference with the functions of the executive and transgressed the doctrine of separation of powers. In making its decision the SCA was required to consider the question whether the decision to discontinue the prosecution against Mdluli fell within the ambit of an exception under s1 of the Promotion of Administration Justice Act, No 3 of 2000 (PAJA) which excludes a decision to "institute or continue a prosecution" and was thus not reviewable in terms of the PAJA.



Following principles established in various English cases, Brand JA concluded that the underlying policy principles in respect of decisions to prosecute or not to prosecute also applied to a decision to discontinue or continue a prosecution. Finding no reason to distinguish between these types of decision he agreed with Navsa JA in DA & others v Acting NDPP that "decisions to prosecute and not to prosecute are of the same genus and that, although on a purely textual interpretation the exclusion in s1 of PAJA is limited to the former, it must be understood to incorporate the latter as well." Both decisions accordingly fell within the exception provided for in s1 of the PAJA and were not reviewable under PAJA. This finding by the SCA lays to rest the recent uncertainty in our law on this point.

Importantly however, he found that because both types of decision involved the exercise of public power they were reviewable on the basis of the constitutional principle of legality, a principle which the SCA stressed was an "evolving concept in our jurisprudence and whose full creative potential will be developed in a context driven and incremental manner." For present purposes it could, however, be accepted with confidence that a review founded on the principle of legality included review on the grounds of irrationality and on the basis that the decision maker did not act in accordance with the empowering statute. The judgment accordingly underscores the important principle that in a constitutional democracy all exercise of public power is subject to the Constitution and reviewable on this basis.

On the facts of the case the SCA rejected 'out of hand' the SDPP's version of events in relation to the withdrawal of the fraud and corruption charges and found that the decision was not in accordance with the dictates of the NPA Act and for this reason alone could not stand. It however found that the head of the SCCU's explanation as to why he withdrew the murder and related charges was not irrational (because he was awaiting the findings on an inquest into the murder and wanted to avoid a fragmented trial). The Appeal against the High Court's setting aside of this decision had therefore to succeed.

The SCA however noted the NDPP's concession at the hearing that there was no answer to the proposition that at least some of the murder charges were bound to be reinstated now that the findings of the murder inquest had been made available. In light of this concession an undertaking was made by the NDPP's counsel and later reduced to writing to the effect that:

- the NDPP will take a decision as to which of the 18 charges are to be reinstated and will inform FUL of that decision within two months from the Court's order; and

- if the NDPP decides not to institute all 18 charges, he will provide FUL with his reasons for that decision during the same period.

This undertaking was incorporated into the SCA's order.

Subsequent to the SCA's order we have been advised by the NDPP that he has decided to reinstitute various of the criminal charges. We have also been advised by the State Attorney that the Commissioner will proceed with the disciplinary proceedings against Mdluli.

JUDGMENT HANDED DOWN IN THE R2K NATIONAL KEY POINTS REVIEW APPLICATION

On Wednesday 3 December 2014, judgment was handed down in the South Gauteng High Court in the matter of the Right2Know Campaign & Another v the Minister of Police and Others upholding Right2Know (R2K) and SAHA's application to enforce a request for the disclosure of the places that have been declared National Key Points (Key Points) under the National Key Points Act, No 102 of 1980 (the Key Points Act). Both R2K and SAHA were represented by CDH's Pro Bono and Human Right's Practice.

The request was made against a background of serious and widespread concerns relating to:

- allegations of excessive and improper reliance on the Key Points Act by public officials to restrict various activities including media reportage and political protest; and
- misappropriation of public funds for the improvement of private properties declared Key Points.

The Minister and Deputy Information Officer had refused to disclose a list of the places declared Key Points on unsubstantiated grounds relating to the safety of individuals and the protection of private property.

In a judgment which makes some important findings concerning the application of PAIA and the proper interpretation of the Key Points Act, Sutherland J dismissed the respondents' request for him to take a judicial peek at the records in issue before ordering their disclosure because

they had not attempted to justify the need for the Court to do so. He cautioned that the judicial peek remedy should not be used merely to require a court to perform the very exercise the respondents were themselves obliged to undertake in terms of PAIA, namely to go through the records in issue and decide what should or should not be disclosed.

Having found that no case had been made out by the respondents for him to take a judicial peek, Sutherland J also went on to dismiss the respondents' contention that the Key Points Act prohibited disclosure of the identity of the places declared as Key Points. Had the Act intended for the identity of Key Points to be kept secret, so the learned judge held, it would have contained express provisions to this effect.

On the contrary he accepted the submission of the amicus curiae (M&G Media Limited) that any finding that the Key Points Act prohibited disclosure of the identity of Key Points would render s10 of the Act, which makes it a criminal offence to perform various acts related to Key Points, unconstitutional. The principle of legality requires full disclosure of the identity of Key Points so that people can know what conduct may be unlawful.

Sutherland J also held that the respondents had not provided any evidence to support their bald allegations about national security and safety concerns as they had been required to do. According to Sutherland J the "rationale offered by the respondents [was] spoilt by the conduct of the Government itself, because evidence was adduced of ministers having furnished details of key points to Parliament for the whole world to know. . ."

Sutherland J concluded that given the serious allegations concerning abuse of the Key Points Act and the failure to set up a special account for the recovery of public moneys expended on private property declared Key Points (in circumstances where under the Act private owners were required to bear the costs of securing them) there was a need for transparency in order to repair public confidence. He accordingly ordered the respondents to supply all the names of places or areas that have been declared Key Points within 30 days of the judgment.

REPAIR OF PROTEA GLEN HOMES

Our Pro Bono and Human Rights Practice's (Pro Bono Practice) ongoing efforts to assist a very large, poor community of home owners in the Northern Soweto suburb of Protea Glen - whose houses were allegedly wrought with structural defects - has finally paid off. The affected community, which comprises over 20,000 homes, was unable to obtain any redress from the responsible home builder through their own interventions and accordingly approached us for pro bono assistance.

With our assistance, members of a sample group of the community lodged complaints with the National Home Builders Registration Council (NHBRC). As a result the NHBRC recently conducted inspections of the homes of the sample group and has directed the home builder to effect various structural repairs to all of the homes. A second sample group are set to have their complaints finalised and lodged with the NHBRC soon and we hope to achieve a similar positive outcome for these community members.

To assist the rest of the community, we prepared memoranda (translated into various languages) detailing the procedure to be followed by home owners to lodge their grievances individually with the NHBRC. These documents were circulated throughout the community to ensure that everyone was informed of the steps that they could take to seek redress from the NHBRC against the home builder individually.

As the struggle of several home owners draws to a close our hope is that the community will have a better understanding of their rights and that home owners will be vigilant in future, not hesitating to hold home builders accountable for sub-standard service.

FRAUDULENT MARRIAGE RECORDS?

The Pro Bono and Human Rights Practice recently took steps to lodge a court application for a woman who has been unable to obtain the assistance of the Department of Home Affairs (Department) to expunge an erroneous and possibly fraudulent entry of a non - existent marriage against her name in the Department's marriage register.

The applicant discovered the supposed marriage by chance one day when she went to the Department for a new identity document after hers was lost. She was advised that according to the Department's marriage register she is married to a person whom she has never met and whose whereabouts (if he in fact exists) are unknown.

Attempts to engage the Department have not succeeded. The consequences for the applicant of the erroneous entry are significant. As a result she has been unable to marry her long standing partner and may potentially be held liable for the debts of an unknown person. Accordingly, we have taken steps to launch a High Court application on her behalf. As a first step, an interlocutory application for authority to use substituted service in respect of the unknown and untraceable 'husband' had to be launched. This application was heard on 18 November 2014 and an order granting leave to make use of substituted service was obtained on that date. Once substituted service has been effected, the main application to compel the Department to expunge the marriage from her records will be launched.

SAHA/TRC

A High Court application in an ongoing matter in which the Pro Bono and Human Rights Practice has been assisting the South African History Archives Trust (SAHA) to obtain the transcripts of all the hearings conducted by the Truth and Reconciliation Commission (TRC) from the Department of Justice and Constitutional Development Services (Department) was launched in the South Gauteng High Court in September. This follows an unsuccessful request for the information having been made in terms of the Promotion of Access to Information Act, No 2 of 2000. We hope the matter may resolve itself or be heard before the end of the year.

ANGOLAN ASYLUM SEEKER

The Pro Bono and Human Rights Practice has been assisting an asylum-seeker, from the Angolan province of Kabinda, with her ongoing application for formal refugee status in South Africa.

The individual remains severely traumatised by the horror of the events which forced her to flee her home country with her minor children. She remains heavily dependent on the generous support of various individuals and NGO's. Her initial application for asylum was refused by the relevant Refugee Status Determination Officer (RSDO) and an appeal to the Refugee Appeal board (RAB) against this decision has been pending for a substantial period of time. Some 14 months following her hearing before the RAB, a decision is yet to be handed-down and we intend to bring proceedings in the near future to review their failure to make a decision.

In the meantime the Government has, in the years after her arrival in South Africa, instituted a programme to repatriate Angolan refugees after having taken an executive decision that Angola is stable and safe enough for their return. The repatriation programme has been contested by some Angolan refugees who feel that their claims for asylum are factually unique.

The administration of the repatriation programme has caused uncertainty and, for our client, resulted in a refusal on several occasions by the Refugee Reception Office to extend her asylum seeker permit notwithstanding the fact that the outcome of her appeal hearing is still pending. This left the client in an untenable position: unable to trade and earn enough to feed her children owing to a constant fear of arrest and possible deportation.

Before launching an urgent application to force the Department of Home Affairs to extend her asylum seeker permit, we sent a representative from our Practice to accompany the client to the Refugee Reception Office in Pretoria in a final effort to negotiate the extension of her permit based on the particular exigencies of her case.

After much persistence and skilful negotiation on the part of our candidate attorney Matthew Rheeder, we are pleased to report that the client had her permit extended for a period of six months without the need to resort to court.

The extension will allow her to live and trade in peace and dignity while she awaits the finalisation of her appeal.

EVENTS

DOING PRO BONO IN BRAZIL: PRACTICES, INCENTIVES AND PERSPECTIVES

Tricia Erasmus from our Pro Bono and Human Rights Practice was invited to participate in a Brazilian pro bono exchange course titled "Doing Pro Bono in Brazil: practices, incentives and perspectives". The project was hosted by the DIREITO GV Law School's Graduate Program (GVlaw) in partnership with New Perimeter, PILnet - Public Interest Law Network and Pro Bono Institute in Sao Paulo during 24 – 28 March 2014.

The course aimed to raise issues and promote a debate on the possibilities, incentives and ethical issues surrounding pro bono and public interest law practices in Brazil. Speakers provided a comparative overview on pro bono models around the world, including: Brazil, United States, Australia, China, Europe and South Africa. Furthermore, Cliffe Dekker Hofmeyr was the only South African firm invited to provide a unique African perspective to the course.

WOMEN IN INSURANCE SEMINAR

In September Cliffe Dekker Hofmeyr hosted a breakfast seminar for Gauteng Women in Insurance (GWII) which was facilitated by Jacquie Cassette. GWII provides a forum for women within the short-term insurance industry. Its aim is to assist in enhancing the position of women in the industry, facilitate networking opportunities, help develop members' personal and professional goals and to promote and debate insurance and other relevant issues.

The purpose of the seminar was to open a high level discussion within the industry about the extent to which the achievement of gender equality in the industry remains a challenge and to start identifying solutions and a way forward.

Some of the issues discussed included the question why women, although well represented at the lower levels in the industry, remain under represented at senior management level. Also discussed was the extent to which women earn less than their male counter parts and why, as well as possible solutions for the disparities which currently exist within the industry.

The panel comprised a number of high level people associated with the industry, including Caroline da Silva (Deputy Executive Officer: FAIS at the Financial Services Board), Julia Graham (Director of Risk Management and Insurance at DLA Piper, President of FERMA), Thokozile Ntshiqa (Executive Manager, Stakeholder Management at SASRIA), Wayne Abraham, Managing Director of AIG Africa and Board Member of IISA and SAIA) and Seamus Casserly (Director of first Equity Risk Management and Past President of FIA) all of whom offered differing personal perspectives on the experience of women in their industry and what needs to be done by women themselves, by leaders in the industry and possibly by government in order to address the problem. Both panelists and delegates were invited to form part of a focus group which will be tasked with taking the initiative forward.

The event was attended by over 50 delegates. Proceeds from the event amounting to R55,000 were donated to UNICEF SA.

NEW PERIMETER SPECIAL ECONOMIC ZONES LECTURES

Lawyers from New Perimeter, DLA Piper's non-profit affiliate dedicated exclusively to global pro bono work, along with DLA partners from the US, Dubai, Moscow and Cézanne Britain of our Johannesburg office travelled to Cape Town during the week of 15 September 2014 to lecture the LLM International Trade and Investment students at the University of the Western Cape on special economic zones.

The lectures were held at our Cape Town office.

The lectures focussed on the national, regional and international context of special economic zones. In this regard the lectures covered an introduction to special economic zones, history and development trends, the reasons for establishing special economic zones, attracting foreign direct investment, legal policy and requirements, legal options and regulatory framework methods of dispute resolution, standards of protection and investor remedies, partnership agreements in the development of special economic zones, case studies on Ghana and Kenya. South Africa's special economic zones were also looked at closely, in light of its recent policy and legislative changes.

NATIONAL SCHOOLS MOOT COURT COMPETITION

The National Schools Moot Court Competition (NSMCC) is a nationwide non-profi t initiative aimed at facilitating access to legal education by providing practical training to aspirant lawyers. This is achieved through the hosting of a nationwide, high-school level moot court competition connecting learners with the legal industry and the law. The theme for the 2014 Competition revolved around the right of learners to freedom of expression in the school environment.

CDH, led by both its Pro Bono and Human Rights Practice and our Knowledge Management team, played an active role in supporting this year's competition. Over the year, CDH hosted training workshops for participating learners from a variety of backgrounds. The firm first hosted a legal research and writing workshop at its Johannesburg offi ce for participating Gauteng learners and later hosted an oral advocacy workshop at its Cape Town offi ce for participating Western Cape learners.

Many staff members from various practice areas also availed themselves to serve as Adjudicators in both the provincial and national elimination rounds of the Competition. The responsibilities of an Adjudicator included presiding over participating learner's arguments and scoring them based on various grounds of competency in order to determine the advancing teams. More importantly, Adjudicators also provided valuable feedback and encouragement to participating learners following their arguments. This crucial part of the process aims at developing practical skills in aspirant lawyers, with many learners incorporating this advice into their arguments and presentation thereof going forward.

Tricia Erasmus, who served as an Adjudicator at the provincial elimination rounds of the Competition commended the confidence with which the learners presented their arguments as well as the structure of the arguments themselves. Other staff members who served as Adjudicators at the national semi-fi nals of the Competition similarly echoed the sentiment that the performance of the participating learners was of an exceptional quality, highlighting the value of the prior training provided to the participants.

One of the two teams that successfully advanced to the National finals of the Competition was Gibson Pillay Learning Academy, a Gauteng school that participated in CDH's July legal writing and research training seminar hosted by the Johannesburg office. They faced Grenville High School from the North West at the finals which were hosted at the Constitutional Court of South Africa on Sunday, 12 October 2014.

The finalists appeared before a panel of five illustrious Adjudicators including Justice Sisi Khampepe, Justice Mbuyiseli Madlanga, Judge Jody Kollapen, Advocate Mcaps Motimele SC and Professor Ann Skelton. Proceedings were opened by an address from Professor Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, followed by a speech presented by Deputy Minister of Basic Education, the Honourable Enver Surty.

Finally, in an inspiring speech, Brent Williams, CEO of CDH provided both perspective and encouragement to participating learners, emphasising the vital role of the law as a tool for justice and social change, as well as the responsibility lawyers have in promoting a just society.

After a lengthy and tense set of arguments, the Adjudicators finally found in favour of Grenville High School. Justice Khampepe delivered 'the judgment' of the panel, providing particularly detailed, useful and encouraging feedback and advice to all four of the fi nalists. Impressed by the level of talent displayed, CDH was moved to offer significant financial support to all four fi nalists in the form of a bursary should they decide to study law. We wish the finalists all the best and look forward to seeing what the next generation of young leaders has in store for the future.

SOUTH AFRICAN HUMAN RIGHTS COMMISSION - BUSINESS AND HUMAN RIGHTS STAKEHOLDER DISCUSSION

On 30 September representatives of the Pro Bono and Human Rights Practice attended a consultative roundtable discussion on business and human rights, organised by the Gauteng provincial arm of the South African Human Rights Commission (SAHRC). The discussion was a follow up to a national discussion hosted by the SAHRC in February 2014 which commenced a broader national discussion around the Ruggie Principles (UN Guiding Principles on Business and Human Rights).

The purpose of the discussion was to identify challenges in advancing the promotion of human rights by and in the private sector and to explore modes and means through which this can be achieved along with the role bodies like the Commission can play in this process.

Jacquie Cassette served as one of the panelists and addressed the forum on the usefulness or otherwise of Corporate Social Responsibility as a Vehicle for the Implementation of Human Rights. Other panelists included Joshua Loots from the Business and Human Rights Project, Centre for Human Rights, University of Pretoria, Professor Bonita Meyersfield from the Centre for Applied Legal Studies, Umunyana Rugege from s27 and Adv. Maria Ria Nonyana Mokobane from the Department of Trade and Industry.

Representatives from various stakeholders attended and participated in the discussion.

INAUGURAL PROBONO.ORG AWARDS CEREMONY

This year Probono.Org hosted the very first pro bono awards ceremony in South Africa in honour of those who have donated their time in the form of legal services or training during the course of 2013. The aim of the event was also to celebrate the important work done by those in the pro bono and human rights sphere and to increase and encourage the involvement of the legal profession.

The ceremony was held on 7 October 2014 in Johannesburg and was well attended by many individuals in the legal profession including attorneys, advocates, mediators and members of the press.

We are proud to report that our senior associate, Tricia Erasmus, won the award for the full time pro bono attorney with the highest number of pro bono hours for the period of 2013, which is a great achievement, while our former Director, Christine Jesseman, won a special mention award for her outstanding contribution to the field of human rights law.

PANEL DISCUSSION WITH CLASSIC FM RADIO STATION

On 24 November Johan Botes, a director from our Employment Practice, and Jacquie Cassette participated in a fascinating live studio debate hosted by Tamara LePine Williams of Classic FM about some of the ethical and legal considerations arising out of Facebook and Apple's recent announcement that they would be providing women employees with a new and innovative elective 'egg freezing' benefit.

While both cautiously welcomed the move as one which has the potential to benefit women in the workplace, both warned of the possible unintended, negative consequences for women and the numerous legal complications which may arise. Dr Nicholas Clark, a reproductive medicine specialist who also sat on the panel, provided specialist medical input on some of the science and the reasons why women are electing to use the procedure.

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