

# PRO BONO AND HUMAN RIGHTS ALERT

## IN THIS ISSUE

### 'I DECIDE = I AM' EXHIBITION IS LAUNCHED IN SOUTH AFRICA

Cliffe Dekker Hofmeyr's Pro Bono and Human Rights Practice (Pro Bono Practice) is partnering with the Centre for Human Rights, Faculty of Law, University of Pretoria, in its initiative to reproduce the Exhibition "I Decide = I Am" by the Bulgarian Centre for Not-For-Profit Law Foundation in South Africa.

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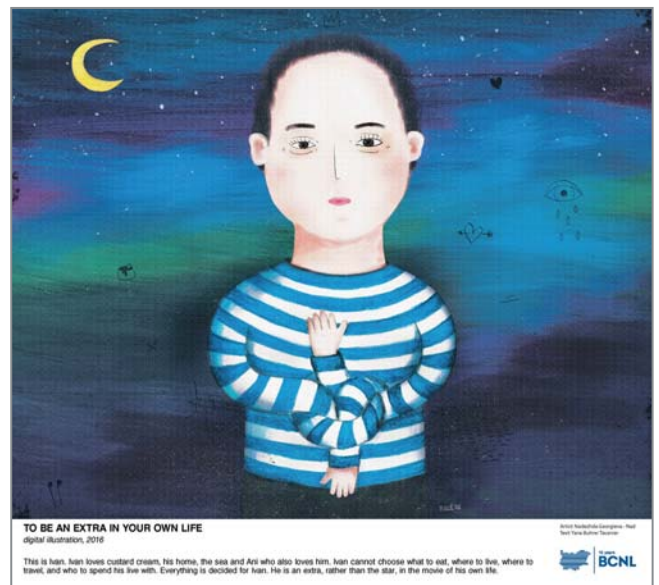
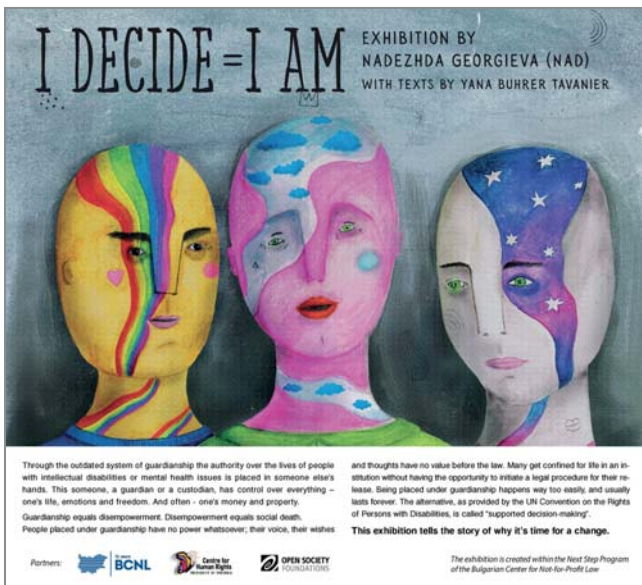
On 19 June 2017 the I Decide = I Am exhibit was launched in South Africa. It has been exhibited in Ireland, Switzerland, Peru, Bulgaria among other countries.

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Through the distinctive narratives of sixteen persons whose legal capacity has been painfully renounced because of their psychosocial or intellectual disability, this immensely provocative exhibition authored by Bulgarian illustrator, Nadezhda Georgieva, and award winning journalist and human rights activist, Yana Buhner Tavanier, featuring emotive art works by South African artist Daniel Mosoko which recount the recent Life Esidumeni tragedy, conveys a strong call for legislative reform. The exhibition is in addition infused with

poignant vernacular audio narratives of South Africans living with a psychosocial or intellectual disability that vividly express the painful reality of a deeply vulnerable and marginalised community.

On 19 June 2017 - I Decide = I Am, which has been exhibited in Ireland, Switzerland, Peru, Bulgaria among other countries, as a creative and emotive vehicle for raising awareness of the many forms of discrimination faced by persons with psychosocial or intellectual



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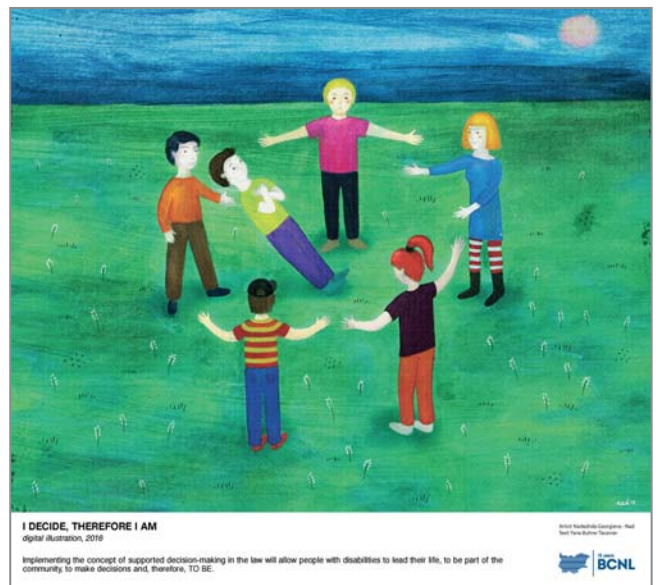
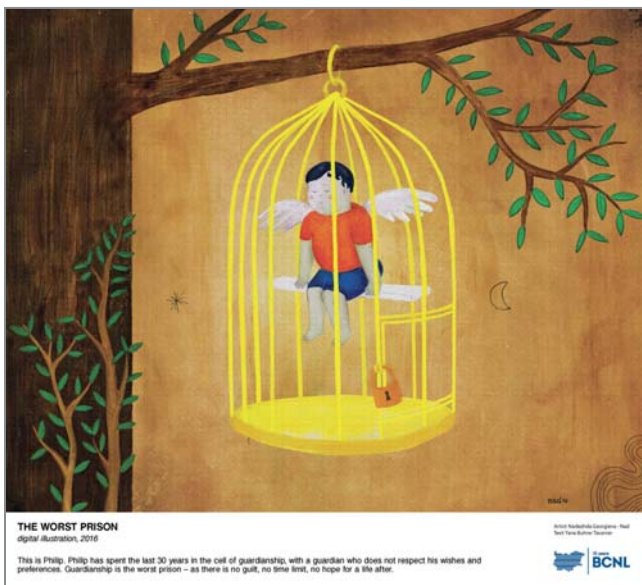
*Notwithstanding that South Africa unreservedly ratified the UNCRPD and its Optional Protocol in 2007, South Africa has yet to take any concrete steps towards reforming its laws regarding the capacity of persons with psychosocial or intellectual disabilities in conformity with Article 12.*

disabilities pursuant to being deprived of legal capacity, opened here in South Africa. The exhibit calls for law reform in accordance with Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which affirms unequivocally that all persons with disabilities have full legal capacity and are entitled to equal recognition before the law – which right is indispensable to the exercise of the right to access to justice guaranteed by Article 13.

The exhibit was officially launched in South Africa at an opening event held at the head offices of the South African Human Rights Commission (SAHRC). Jacquie Cassette, National Practice Head of the Pro Bono Practice, took part in a panel discussion at the opening in which she presented on the current legal position in South Africa regarding the legal capacity of persons with psychological or intellectual disabilities.

Jacquie reiterated the urgent need for law reform here in South Africa to safe guard the rights of persons with psychosocial and intellectual disabilities through appropriate mechanisms that recognise and promote the inherent dignity, equality and autonomy of affected persons.

Notwithstanding that South Africa unreservedly ratified the UNCRPD and its Optional Protocol in 2007, South Africa has yet to take any concrete steps towards reforming its laws regarding the capacity of persons with psychosocial or intellectual disabilities in conformity with Article 12. Article 12 requires governments to replace guardianship models with supported decision making models that give effect to the will and preference of persons with a psychosocial or intellectual disability to the full extent possible. Despite having been a signatory to the UNCRPD for almost a decade, our legal system



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*The exhibition will tour multiple organisations on monthly rotations and will make its way to CDH's offices in October where a closing ceremony will be held.*



continues to follow what many regard as an outdated "medical" / "substituted decision making" model in terms of which persons considered by the law to be "mentally ill" or "unable to manage their affairs" are not recognised as having legal capacity and require formally assigned curators or administrators to make substituted decisions on their behalf.

Prior to being exhibited at the 5th Annual African Disability Conference on 7 and 8 November 2017 at the Centre for

Human Rights at the University of Pretoria, the exhibition will tour the following organisations on monthly rotations: SAHRC for the remainder of June 2017; South African Federation for Mental Health in July; the Pan African Parliament in August; Gauteng Premier's Office in September; and it will finally make its way to the offices of CDH in October 2017, where a closing ceremony will take place.

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*Jacquie Cassette and Tricia Erasmus*

## 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](mailto:jacquie.cassette@cdhlegal.com)



**Tricia Erasmus**

Senior Associate  
Pro Bono and Human Rights  
T +27 (0)11 562 1358  
E [tricia.erasmus@cdhlegal.com](mailto:tricia.erasmus@cdhlegal.com)

**BBBEE STATUS: LEVEL THREE CONTRIBUTOR**

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 3 BBBEE verification under the new BBBEE Codes of Good Practice. 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.

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**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](mailto: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](mailto:ctn@cdhlegal.com)

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