

Celebrating women's pro bono work

This Women's Month we are featuring some of the women legal practitioners who do such wonderful work for our clients. Many of them staff our legal clinics, attend at help desks, conduct workshops and webinars and provide advice, as well as taking on cases. We appreciate all of you for the good work that you do.



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We invite you to visit our Facebook and Twitter pages for the profiles that we are putting up throughout the month.

Staff news

Welcome to the twins!

Cape Town staff attorney Naeelah Williams gave birth to twins Amaan and Dayaan on 18 June 2021. Mother and babies are all doing well.



Write for us



We would like to invite legal practitioners to contribute to our bi-monthly newsletters by writing an article of up to 400 words (one page) on a topical issue of law. Please indicate your interest to the editor at margaret@probono.org.za

The deadline for articles for the next issue will be:

1 October 2021

Undocumented children's project taking shape

by Karabo Mokgathe,
Johannesburg intern

This project is being enabled through the support of Misereor and aims to assist at least ten children annually for a period of three years with acquiring documentation that will assist in putting the children into school and reuniting them with their loved ones.

During the fourth week of March 2021 the regional director, a staff attorney and an intern from the ProBono.Org Johannesburg office undertook a road trip of approximately 1,400 km to and from Limpopo province in the north of the country where a large number of migrants cross the border with Zimbabwe, including many undocumented minors. The project objectives require a collective effort and a number of potential collaborators were contacted and six meetings were held in a space of three days in three different towns - Polokwane, Makhado and Musina.

The first meeting was with Advocate Shirami Shirinda of KOTI Research and Legal Resources Centre. The meeting took place at his office in Makhado. Adv Shirinda is a community activist who is committed to assisting the less privileged, and he related some touching stories of situations in his town.

There has been an influx of unaccompanied children in the town of Makhado. Their arrival gave some farm owners in the area an opportunity of using the children as cheap labour on their farms which



infuriated Adv Shirinda and he took it upon himself to intervene with little to no resources in order to enforce section 28 of the Constitution, which protects children from exploitative labour practices, from work that is inappropriate for the child's age, and work that puts the child's education and physical, mental, spiritual, moral and social development at risk.

During the interventions Adv Shirinda realised that incorporating these children into the community is no simple task. The children did not have legal documents to allow them to be enrolled in the schools in his area. The court had to intervene with an order which will see principals allowing these children into the schools since section 29(1) of the Constitution states that "Everyone has the right (a) to basic education".

Another meeting was held in Musina, which is one of the towns with a high influx of unaccompanied children who are fleeing the situation in countries like Zimbabwe. Here we met two paralegals from the Messina Legal Advice Office. The meeting informed us that some community

members are trying to assist the children to have access to education while their papers are being sorted out.

The organisation is working with Lawyers for Human Rights and the CWN Children's Project which has safe houses for some of the children who came to South Africa hoping for a better life.

Anna Mdanga, one of the volunteers at the CWN

boys' home, related the same struggle of children in acquiring documents. As at Makhado, the children had to seek court interdicts in order to attend school. Another obstacle came when the children needed to progress to secondary school, with some principals not recognising the court orders and demanding identity documents and birth certificates. But the Messina Legal Advice Office with the assistance of Lawyers for Human Rights came to the rescue of the children.

Encouraging meetings were also held with the Polokwane Society of Advocates and Save the Children (Polokwane). As a result, the project will see community advice offices, children's rights organisation and legal practitioners coming together with one vision of seeing the rights of children being protected and a child being accounted for in the South African register.

We hope that working together with one vision will see what started as a dream becoming a reality. ●

Former President Jacob Zuma's imprisonment linked to KZN and Gauteng Riots

By Asanda Conjwa - Administrator, Cape Town

A few weeks ago, South Africa experienced a spate of riots where a number of shops, factories and warehouses in KwaZulu-Natal and Gauteng were looted and destroyed, leaving over 300 people dead.

Various publications reported that this was the worst violence that South Africa has witnessed since the 1990s, which begs the question - what then caused the unrest and violence of such magnitude after 27 years of democracy? It is common cause that the unrest came after the incarceration of former President Jacob Zuma, who was sentenced to 15 months' imprisonment for contempt of court for defying the Constitutional Court order to testify at the State Capture Commission of Inquiry probing his involvement in corruption when he was President from 2009 to 2018.

However, a week before former President Zuma's imprisonment, a number of his supporters were seen picketing outside his Nkandla residence in an attempt to protect him and to threaten those who were planning to enforce the Court order that he be jailed. This defiance is noteworthy when as a nation we take pride in the fact that we live in a democratic state where the law has to run its course and no individual is above the law.

On Wednesday 7 July 2021 just before midnight the former President handed himself over to the Estcourt Correctional Centre. Immediately thereafter the riots broke out and for days we watched as parts of KwaZulu-Natal went up

in flames and hundreds of citizens embarked on a looting spree and vandalised malls, factories and warehouses. We observed the South African Police Services being overwhelmed by the chaos and the violence spilling over to parts of Gauteng. President Cyril Ramaphosa addressed the nation a few days after the riots started, attributing aspects of the riots to ethnic



mobilisation. However, the government's stance changed to insurrection in the days following the President's address.

Again, we ask what then could be the real cause of the riots? Was it insurrection, ethnic mobilisation or other factors? There may very well be more that the government is unwilling to take into account. Perhaps the unrest started off as a way for pro-Zuma supporters to demonstrate their loyalty, which then might have led to the comments relating to ethnic mobilisation. South Africa is a fairly young democracy and there are numerous issues that have been categorically ignored by the

government since it came into power. However, some of these issues were put under a microscope during the unrest. We saw the riots developing into something else; we saw issues of criminality, racial tension and poverty coming to the fore.

The question then is – what has the government been doing to take care of the vulnerable for the past 27 years? What have they been doing to ensure that no 84-year-old would leave their comfortable home to loot a bag of maize-meal?

Moreover, the lack of unity and urgency in the ruling party became evident. After the riots there were rumours that the government was warned of the riots beforehand, but that they failed to act speedily and swiftly enough to avoid the eruption of chaos. We do not know what the true story is, but if they had noticed what was happening in Nkandla, days before Mr Zuma's imprisonment, the impact of the riots could perhaps have been minimised.

What happened in those few days left us as citizens with a lot of questions: could this be the way civilians are saying "enough is enough" to the government? Could the riots be the way citizens are forcing the government to listen, again? Could this be the future of South Africa or was it a once-off situation? As much as the government is saying that the riots were an orchestrated attempt to topple the government, these are the questions they should ask themselves, seeing how easy and willing the citizens were to go through with the plan. ●

ProBono.Org has a number of interns who are LLB graduates and assist our staff attorneys for a period of one year. As part of their training we encourage them to write articles for our newsletters. The following are some of their reflections on topical issues that they have chosen to express. Note that the views expressed are their personal opinions and do not necessarily reflect those of ProBono.Org.

COVID-19 and the vaccine

By Bontle Eulanda Singo, Johannesburg housing intern

A year ago in March, South Africa woke up to the news that a terrible disease/virus had been found in KwaZulu-Natal. A great anxiety hit the country because we had watched China and other countries struggle with this horrible virus that had claimed many lives. In a period of two weeks the virus had spread to several provinces and the anxiety became even greater.

Within a period of four weeks our country was shut down by our President and his cabinet, declaring the country to be in a state of national disaster. We began to learn new ways of living: to wash our hands regularly, sanitise our hands using an alcohol-based sanitiser (something that some

of us did not know existed), we had to cover our noses and mouths with face masks, we had to learn to keep a safe distance from other people and we also learned new ways of greeting each other.

Our Constitutional rights were limited. All these changes were difficult for everyone, but we endured the year with the hope that by the end of 2020 everything would go back to normal. We lost many lives because of this virus. Sadly, the virus did not go away but continued into 2021. This virus not only claimed lives but also left a wound in our economy. Most businesses not regarded as essential had to shut their doors, people were left hungry, the unemployment rate increased drastically, and many people lost their homes. Throughout the year there was an urgent drive globally to find a vaccine that would prevent people getting fatally ill and dying. Our government agreed that a vaccine would help our nation to prevent further economic loss and loss of life and livelihoods.

A vaccine was introduced in South Africa in 2021 and the first rollout was administered to our health care workers in April 2021. The introduction of the vaccine raised many theories, myths and opinions. This caused further anxiety which is understandable. Many people in the country started to divide because of these uncertainties.

Some people are happy and more than willing to be vaccinated, but sadly some are not.

I am going to be writing on behalf of those who are not happy or are not welcoming the idea of vaccination and I am going to be slightly controversial.

The majority of the people in our country are uneducated due to its history of discrimination, and the idea of

people not wanting to be vaccinated is not shocking. We all know that "Knowledge is power" and I do not think we are given enough knowledge about the COVID-19 vaccine. Most of the vaccinated people or those willing to be vaccinated have done their independent research on the vaccine, but

what about people who are uneducated who cannot do research and whose only access to information is through social media? What about the people who think social media news and opinions are authoritative? Do we have effective platforms to educate them about the vaccine and do they have access to the information required for them to make an informed decision regarding the vaccine?

I do not think so. Remember when the HIV virus appeared in South Africa? I was very young at the time, but I remember that the government and NGOs ran huge education campaigns about the virus. I remember seeing a condom at the tender age of nine years, I remember an NGO named "LoveLife" moving from school to school, village to village, township to township educating young and old about HIV and AIDS, its prevention and answering a lot of questions from the communities. Although we feared it, we were well informed about it and had access to information about the virus. I personally wish the same can be done with the virus we are facing currently.

I believe this will help communities make an informed decision on whether to have the COVID-19 vaccine.

"Education is Power"



South Africans looting for social security?

– A personal reflection

By Khanyisa Molaoa – Johannesburg intern

South Africa is one of the most unequal and poverty stricken countries in the world. After 26 years of democracy there is still a large number of people who are unable to access the basic goods and services needed to survive. 70% of the land and wealth in South Africa is owned and controlled by the 20% minority. The majority are living in absolute poverty, with measly means of survival, with limited to no access to food, health care and shelter. The demographic mostly affected by poverty is the black population.

COVID-19 has had a dire impact on the economy of South Africa. It has affected the socio-economic conditions of many who found themselves having to lower their standards of living and has had a disastrous impact on the lives of people living below the poverty line. The pandemic has stripped many people of their food and job security and as a result they find themselves unable to provide for their families.

The recent violent unrest we witnessed in the country in July 2021 was a glaring reflection of the true state of the economic and mental conditions that poor people of South Africa are experiencing. The chaos and looting that was sparked by the arrest of former president Jacob Zuma was further fuelled by the frustration and desperation of the destitute and impoverished. Criminals and vandals took advantage of the civil unrest and committed acts of mass destruction and arson, but many poor people saw this as an opportunity to feed their families.

With job losses during the pandemic, the hard lockdown and subsequent movement restrictions implemented in the country exacerbated the situation; people could not access services and goods, health facilities and means of transportation. Workers



in the restaurant and beverage industry lost their only source of income, those with informal employment such as waste pickers and street vendors were not allowed to work. Anger was further kindled by the numerous stories of corruption rife in our country - stories of tenders for PPE and food parcels being given to government officials and their associates and exploiting COVID relief funds to enrich themselves.

Section 27(1)(b) of the Constitution of the Republic of South Africa states that “everyone has the right to have access to sufficient food and water.” It is further stated in section 27(2) that “the state must take reasonable legislative and other measures, within its available resources, to

achieve the progressive realisation of each of these rights.

People have the right to have access to means that enable them to feed their families and to go about this in a safe and dignified manner. That right has been stripped away so that it got to a point where people resorted to looting; men, women and children were caught on camera carrying mealie meal, boxes of tinned fish, vegetables and other provisions on their heads and running for safety. It was easy for people least affected by hunger and poverty to point out how undignified the looters were, which shows that it is easier for people to criminalise poor black people than to empathise with them. Those people’s dignity was



taken away by their circumstances and they resorted to means that no human being should have to resort to.

Over the past few days we have seen the food that was retrieved from the looters being burnt. The apathy and disregard our leaders display towards their jobs is difficult to fathom or quantify. Before all this happened, people used to joke that being President was Cyril Ramaphosa's side job and our deputy president seems to have checked out of his position completely. These jokes were made at a time when things didn't seem urgent, where their slow reaction or inaction to events happening in the country was perceived as an inconsequential annoyance. This lack of action has led to what we see today, when matters are

more urgent and they are forced to take action. Their burning of the confiscated goods makes little sense in a country that has 40% of its population living in poverty, when they have the power to do good and donate the goods to orphanages, homeless shelters or distribute them as food parcels to people struggling during these economic hard times. This leads to the question of whether this apathy was directed at their jobs or at the people of this country?

The actions of a state's citizens during a crisis is a reflection of its government. Most people feel that the President and government officials have failed to protect the right and interests of the people. ●



In celebration of 15 years in existence, we have redesigned our website, which we hope you will find interactive and easy to navigate.

See www.probono.org.za



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