



# ACCESS TO JUSTICE IN A TIME OF CRISIS

ANNUAL REPORT

2020

**“ I think it’s important to stay optimistic and I also think it’s important to be able to adjust. We have to adjust; things are not going to just magically be the same. We have to be patient, creative, and see how we can redesign our world. ”**

**– Patti Smith, musician**



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## Letter from the Chair of the Board

No one could have predicted what lay in wait for the world at the beginning of 2020. We ended the year 2019 on a high note, having appointed a new National Director, Teresa Yates, and were looking forward to making good progress in 2020. Then the virus hit us, with the country recording its first COVID-19 death on 23 March. All ProBono.Org operations closed down from 20 March 2020, with Level 5 lockdown implemented on 27 March. This was reduced to Level 4 on 1 May and then to Level 3 on 25 June, when the offices reopened on a limited basis. Level 2 was announced on 18 August and then Level 1 on 20 September, with the whole country having to get used to the 'new normal'.

During this time, many people lost loved ones, businesses struggled and parents learnt how hard it was to teach their children due to remote learning and the country applauded the healthcare workers who worked themselves to the bone caring for the sick and dying.

It is with great pride that I can report that the staff and our panel of pro bono legal practitioners stepped up and continued to provide legal services to the needy as professionally and speedily as possible. They did this through dedicated phone lines, online consultations and webinars, making sure under difficult circumstances that those who most needed assistance were able to access a lawyer.

The board were most supportive as well during the lockdown period and beyond. Meetings continued and the board committees went on with the work of providing strategic support and advice to the management and staff.

I would like to extend our grateful thanks to all those donors and lawyers who continued to support the organisation during these tough times, times that look to be with us for the foreseeable future.

*Mohamed Randera*



## National Director's Report

The past year can be characterised as one of global disruption. The COVID-19 pandemic forced people throughout the world to pause our daily routines, to shelter inside, to cover our faces with masks and to keep washing our hands. The pandemic also highlighted the vast social, economic and political inequality present in South Africa and the rest of the world. ProBono.Org, like other organisations and businesses, experienced disruptions in our work and our ability to provide legal services to our clients. Just as I was settling into my sixth month with ProBono.Org, South Africa settled into a hard “level 5” lockdown which imposed strict stay-at-home measures in the hope of containing the spread of the virus that we knew little about.

Early in March 2020 ProBono.Org started making plans to continue our service to clients via remote connections. Our offices closed on 20 March after systems were in place to continue with remote legal services. We bought cell phones for all legal staff and set up dedicated numbers for all the legal clinics, e.g. housing, family law, labour law, etc. that clients could use to call or communicate via WhatsApp. We also coordinated with the public interest law group

(12 organisations) in setting up a hotline, managed by Lawyers for Human Rights, for COVID and other complaints. The contact details were put on all social media platforms. We also dealt with issues specific to COVID, for example, police brutality, unfair dismissals, retrenchments and salary cuts without due process, an increase in domestic violence, and evictions. The ongoing crises and civil society responses illustrate that there remain opportunities to use the law to ensure the progressive realisation of rights for the vulnerable. In the coming year we hope to build on this collaborative approach to ensure that the sector is able to meet the needs of the most vulnerable in society.

Organisationally we took the opportunity to look at internal systems and processes and finalised a new performance management system and salary structure policy. We also held regular one-on-one meetings with managers to gauge how they were coping. We are now better able to communicate and align our services across our three offices.

In June we re-opened our offices (Level 3). We had some funding to buy PPE equipment and we put up

plexiglass barriers around desks and purchased thermometers and sanitisers. All visitors and staff have to fill in a form about their health. Clients are now seen by appointment only to mitigate having large numbers of clients in the waiting area. They have to make an appointment to attend a specialised clinic. Lawyers are consulting with clients via MS Teams which has been working well. Some clients consult with our internal staff attorneys and interns. That approach will continue until COVID is more contained.

During the lockdown we also moved our attorney seminars and workshops online. We held many webinars, which will be highlighted in the regional reports that follow, and managed to train almost 300 paralegals from community advice offices in terms of our project with the Aids Foundation of SA. Attorneys were very willing to present webinars during this time and the online platform allowed for more participants as they had a national reach.

Our expectation is that there will be short disruptions in work at the office due to either isolated or community spread of COVID cases. We believe that the systems that we have put in place allow us to adapt quickly with little negative impact on the services we deliver.

To the staff of ProBono.Org, who balanced working at home with looking after children and parents and

holding at bay heightened levels of stress related to keeping yourselves and your families healthy and safe, I have deep gratitude for your perseverance and continued dedication to ensuring that we were able to provide support during difficult and challenging times. It is through your hard work that we have been able to continue to have an impact through provision of the highest quality legal services to the most vulnerable in our country.

Likewise, to the legal practitioners who remain a part of our clearinghouse I extend our gratitude for also staying with us during this year. Your ongoing legal services as well as support in presenting at webinars has helped ProBono.Org ensure that the pandemic did not lead to our turning clients away and also allowed us to carry on being a learning organisation.

I would like to finally thank the generous support of our donors who stayed with us during this tumultuous year. Your support has ensured that during the pandemic we were able to do the work you'll read about in the following pages. We hope that you will be confident that your support has had an impact on the lives of our clients and made an important contribution to advancing social justice in South Africa.

It is during times of crises that the challenge of holding societies together is felt most acutely. Access to justice and legal empowerment is a key component

to ensuring that our democratic institutions continue to prioritise the most vulnerable amongst us, and where they falter and fail, they are held accountable. As the COVID pandemic rages on, with unprecedented impact on lives, health systems and livelihoods, ProBono.Org remains committed to our mission to support the private legal profession and public interest organisations to effectively render access to justice and legal services. Thank you to all who continue to support us on this journey.

*Teresa Yates*

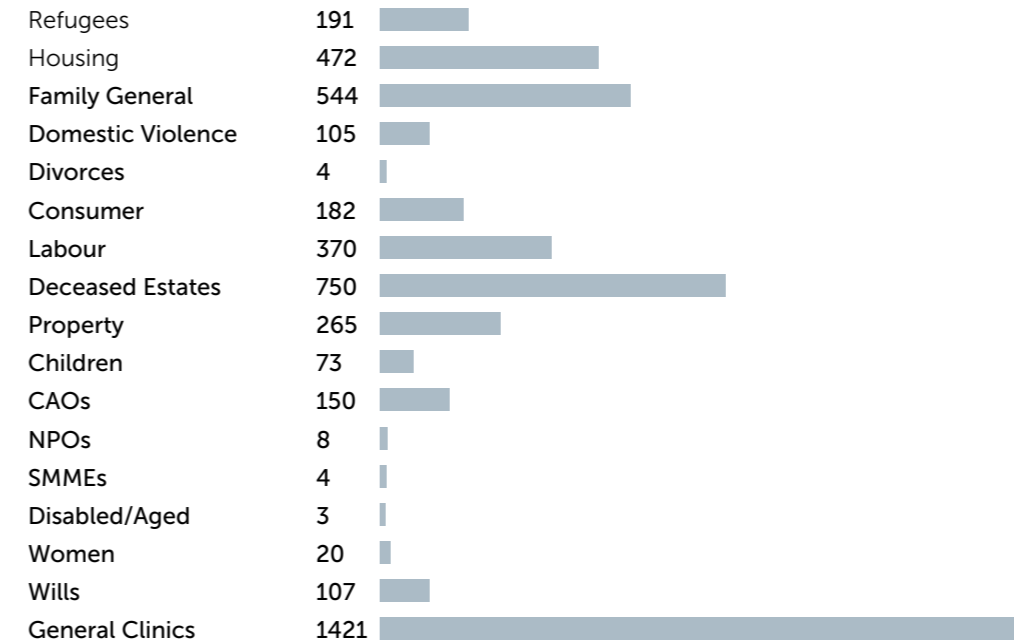
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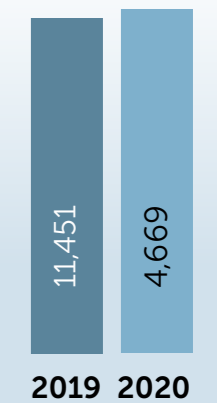
## Legal Clinics and clients

During the COVID-19 lockdown, clinics and help desks were not able to operate. We provided consultations via dedicated WhatsApp numbers for specific areas of law and slowly began to take clients by appointment only once restrictions eased in June 2020.

### CASES 2020



### CLIENTS SEEN



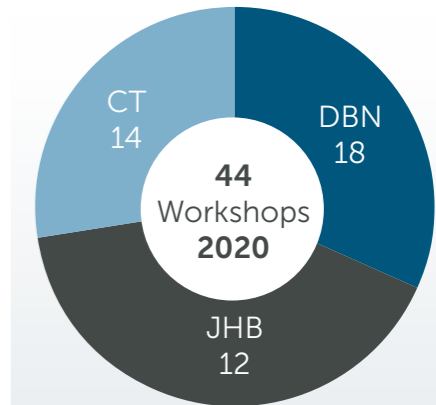


## Legal empowerment

Workshops and seminars for the legal profession were conducted online during the months of lockdown, which saw a greater number of people being able to attend as many had more time on their hands and were not restricted by geography.

The community workshops suffered however, with access to the internet and data proving an obstacle. Thanks largely to our Cape Town office, we managed to reach communities through information videos and fact sheets which we distributed online and also via WhatsApp.

### LEGAL PROFESSION

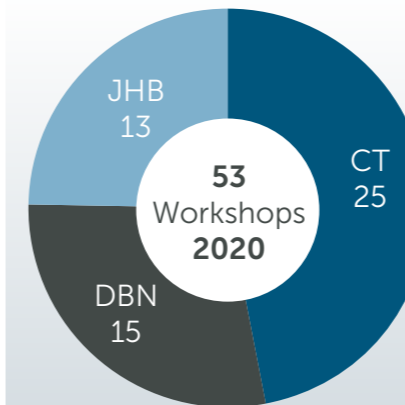


#### TOPICS

- Health care
- Labour law
- Police brutality
- Cyber security
- Insolvency
- Unlawful evictions
- Refugee law
- COVID-19 and employment
- Sex worker sensitisation

1,100 legal practitioners attended

### COMMUNITY



#### TOPICS

- Property and housing
- Title deeds
- Estate planning
- Gender based violence
- Social media
- Divorce and custody
- Eviction
- Refugee law
- Child maintenance

2,173 community members attended



## Johannesburg Office Report

In October each year we start winding down our legal clinics in preparation for the new year. We took our last bookings of clients at the end of October 2019 to allow us to use the month of November to make contact with the attorneys who took on cases during the year in order to obtain status updates and to contact clients with outstanding documents to make sure that their cases are ready for referral to attorneys in the new year. In mid-November we sent out our clinic rosters to legal practitioners in order for them to sign up for our clinics in 2020 which were due to start in February. As part of our preparation for the new year we interviewed candidates for the 2020 internships and made three appointments for the year.

When we resumed the clinics on 1 February 2020 there was already a buzz over the internet about the COVID-19 virus in Europe and it was only a matter of days before the first case was announced in South Africa. In a matter of weeks we were warned that the virus was spreading rapidly.

In light of the President's national address on 15 March 2020 and the further announcement on 23 March 2020 declaring the country to be in a state of emergency and the consequent lockdown of the

country, we had to suspend all the help desk services at the various courts and at our offices. We also suspended the intake of walk-in clients to our offices. In order to continue to provide our services, the in-house legal practitioners were provided with cell phones for their specific areas of work and were available to offer telephonic and email advice from home.

### Achievements

In March 2020 the Family Law Department collaborated with Werksmans attorneys and made comments/submissions on the Domestic Violence Amendment Bill of 2020.

During the lockdown there was a drastic increase and demand for legal assistance, particularly in cases relating to retrenchments and temporary relief funds for employees. The labour law department picked up around 89 enquiries on labour-related issues. This telephonic advice and service was provided to all members of the public and not restricted to those clients who qualified for pro bono assistance.

Lawtons Africa took three police brutality instructions as a result of the many assaults and unlawful arrest cases that were reported nationally



following action by the police and members of the South African Defence Force who were deployed in the townships.

The Rental Housing Tribunal, ProBono.Org and other organisations such as Ngifuna Ukwazi, Lawyers for Human Rights (LHR) and the Socio-Economic Rights Institute (SERI) wrote to the Command Council after witnessing illegal squatter evictions in Cape Town and Johannesburg (Lawley/Lenasia) to request that the Rental Housing Tribunal operate fully despite the whole country being in lockdown. This was to ensure that disputes could be attended to urgently and mediated upon amicably. This exercise proved to be a success and was a victory for our clients who were facing the challenges of being evicted by landlords during lockdown.

### Key Challenges

Our internship programme suffered during lockdown because we could not continue with the training and skills development for our interns effectively as they did not have their own laptops or internet access to work from home or even attend some of the many webinar workshops that we rolled out during the lockdown.

We resumed work at the office on 23 June 2020 when the lockdown regulations were relaxed. Staff worked on a roster basis with reduced working hours to limit

staff being overcrowded at the office.

The Family and Labour Department took in over 250 cases and the Housing Department 117 new cases just during the period from March to end May 2020 which put a lot of pressure on our in-house staff. Immediately after reopening the office we had to start dealing with the backlog of clients who were supposed to have attended the legal clinics between March and May 2020.

We also had to cancel all face-to-face consultations with clinic attorneys due to the pandemic and moved to virtual consultations to adhere to the regulations on social distancing. However, this still meant that we had to take the risk of having clients come to our offices by appointment so that we could set up virtual consultations using our laptops. We tried the option of clients consulting with attorneys via WhatsApp but this still proved to be an obstacle since our clients do not have enough data to be on a video call for 45 minutes or more.

We also saw a number of our attorneys withdraw from staffing our clinics and taking on billable cases due to the negative financial impact the lockdown had on their private practices.

Community Advice Offices were completely shut down and there was no activity during this reporting period, which also left community members

stranded who were used to being assisted by their local paralegals. Some of the paralegals tried to engage in community work such as the distribution of food parcels and assisting with deep cleaning of local schools.

Some of our projects that suffered during lockdown are the Black Administration Estates Act project which was closed because the Magistrates' Courts were also closed during the hard lockdown. The Family House project came to a halt, with many of the stakeholders not able to meet as some of the government departments had closed down operations. Lastly the number of clients seeking assistance in the refugee clinic dropped drastically. Only a handful of clients called in for assistance with renewal of their papers that expired during the lockdown but unfortunately we were of little help as the Home Affairs offices remained closed during this period.

### Looking forward

It appears that our office has become used to the new way we operate, even though we miss some of our colleagues who are working from home permanently. We also miss our community interaction programmes and we cannot wait to have those activities back in place.

*Nomaswazi Malinga, Regional Director*



“ During the lockdown there was a drastic increase and demand for legal assistance, particularly in cases relating to retrenchments and temporary relief funds for employees. ”



## Special Projects

### One Child a Year (OCAY)

The reporting period can be divided into two halves: pre-COVID and COVID-19. The first half was normal – a hectic last quarter of 2019 during which the project chased up referrals of cases and getting files in order before the slowdown which marked the start of the festive season. The first quarter of 2020 started like most previous ones – full of excitement and expectation for the first training events and finalising the Human Rights Festival on 21 March 2020.

However, everything stopped almost immediately with the announcement of a worldwide pandemic. Under tremendous pressure, all staff put plans into effect to ensure the continuation of our services, albeit on a smaller scale and using different methods. Telephonic and internet communication became the only choice.

Very soon, two burning issues regarding children came to the fore: the movement of children and education. Neither issue received clear answers and solutions from the government. Feedback from legal practitioners on our panel informed us that even

when the regulations on the movement of children were clear in certain instances, some presiding officers still had their doubts and refused movement of children and access to court by legal practitioners.

The second six months of the financial year looked bleak. It took weeks before we had clarity and the courts were able to publish guidelines for practitioners and the public. The challenges were many and intense, with a work situation barely functional.

The following Google reports speak for themselves:

**Covid-19 and African Children: The Untold Story** - <https://mg.co.za/article/2020-05-04-covid-19-and-african-children-the-untold-story/>

**Covid-19 Exposes the Underbelly of South Africa's Education System**  
<https://theconversation.com/covid-19-exposes-the-underbelly-of-south-africas-education-system-138563>

**Custody and Coronavirus - Family law**  
[www.divorcelaws.co.za > custody-coronavirus](http://www.divorcelaws.co.za/custody-coronavirus)

## Special Projects - One Child a Year (OCAY)

The main achievement of the OCAY project was that it was functional for at least 20 hours per week throughout all levels of the lockdown.

The project managed to turn a challenge into an achievement. The Strategic Platform Dialogues, which the project started in 2018-2019, did not capture a large audience at that time. During hard lockdown, we presented two Strategic Platform Dialogues via Zoom. Both dialogues were well attended - each by over 30 participants. Legal practitioners used the dialogues as an opportunity to voice and discuss their problems in practice during the pandemic.

As the webinars proved to be both cost and time effective, the Strategic Platform Dialogues continued. The third dialogue was presented in two parts during June 2020. The theme focused on improving practical skills to manage the professional / client relationship, such as conflict, handling emotions, relentless contact and demands for feedback, the overload of information, the lack of co-operation and clear instructions and the client's perceptions about the generation of fees.

Apart from handling children's cases, the project manager secured training for the ProBono.Org staff and presented a two-hour long training session to Teach South Africa teaching ambassadors. The focus

of the training was on how the Bill of Rights and the Children's Act impact on the relationship between children and TeachSA. Constitution Hill kindly made available 50 "slimline" booklets containing Chapters 1 and 2 of the Constitution, as well as over 40 versions of the full Constitution in the different vernaculars.

Unfortunately, not all the plans to achieve specific goals were realised due to the lockdown. We had to cancel three meetings during which the Draft Rules of the Children's Court would have been discussed; one Children's Court training workshop for legal practitioners and a dialogue session on the plight of undocumented minors and the children of refugees to be held during the Human Rights Festival at Constitution Hill.

Our concern that the COVID-19 lockdown and epidemic would force most legal practitioners to change over to economic survival mode resulting in little room for pro bono work proved to be unfounded. Legal practitioners have been accepting referrals. The project manager has also been working her way down the list of legal practitioners, making courtesy calls to them and following up with practitioners who have had the virus.

We started to deal with undocumented minors not as a separate project, but to incorporate the cases under the main OCAY project, based on merit, public

interest and vulnerability. The court ruling (CA 319/2018) [2020] ZAECGHC 43 (19 May 2020) went a long way in assisting unmarried fathers not only to register their children under their surnames, but also in the absence of the children's mothers.

Apart from new challenges brought about by the pandemic, former challenges remained. They are limited staff capacity to meet the ever-growing need to assist children in their quest to secure their rights; the challenging nature of Children's Court cases; recruiting legal practitioners to accept cases of this nature; costs pertaining to disbursements and fees of other experts; and systemic challenges of government institutions being understaffed, under-resourced and demotivated.

The past year taught us that if we can adapt quickly to change and project certain steps necessary to ensure the effective functioning of the OCAY project, we will have a good measure of success.

*Elsabe Steenhuisen*



**“ The main achievement of the OCAY project was that it was functional for at least 20 hours per week throughout all levels of the lockdown. ”**

### AFSA/Global Fund

In South Africa over the last decade the number of new HIV/AIDS infections each year has been steadily declining. Still, as of 2019, approximately 13% of people in the country were living with HIV/AIDS. This amounted to about 7.6 million – of whom 4.8 million were women, 2.5 million men and 300,000 children. In that same year, 58,000 people died of tuberculosis (TB) and approximately 36,000 of this group were HIV positive. According to the World Health Organisation, even as its overall numbers decrease, South Africa continues to have one of the highest rates of new TB infections globally. Moreover, despite its decline, TB was the leading cause of death in South Africa in 2020 and the interconnections between HIV and TB are indisputable. As one South African health official observed, the war against TB will never be won unless the country wins the war against HIV.

In the context of these two diseases, major strides have been made in the fight against stigma and discrimination, but human rights abuses persist. There are still too many instances of persons infected and affected by HIV/AIDS and TB being denied services, evicted from their homes, targeted with unfair labour practices and subjected to other rights abuses.

Against this backdrop, ProBono.Org received a grant in 2019 from the AIDS Foundation of South Africa (AFSA) as part of a larger three-year programme funded by The Global Fund to Fight AIDS, Tuberculosis and Malaria. Within this human rights-focused initiative, ProBono.Org has been tasked with overseeing the legal support services component of a programme called “Reducing Human Rights Related Barriers to HIV & TB Services for Key and Vulnerable Populations.” Specifically, ProBono.Org helps to provide legal support to members of key and vulnerable populations (KVPs) including women and girls, adolescents and young people, LGBTIQ+ people, sex workers, people who use drugs, and other marginalised groups who face barriers in accessing HIV and TB services.

To deliver this support, ProBono.Org teamed up with several service providers to offer, amongst other things, paralegal training; legal practitioner training and recruitment; human rights training for community-based activists, law enforcement officials, traditional leaders and community policing forum members; and strategic litigation case identification, facilitation and support. Plans that were conceived in 2019 and early 2020 had to be amended and altered with the onset of the COVID-19 virus and the associated lockdown restrictions mandated under the National State of Disaster in March 2020.

For instance, regarding paralegal training: during the first quarter of 2020, ENZA, one of our partners in this effort, developed an in-person training programme for paralegals affiliated with community advice offices (CAOs) supported by the Foundation for Human Rights (FHR), Legal Aid South Africa and other partners. Training sessions were to take place weekly over several months. By the end of March 2020, however, this approach had to be changed. With input from ProBono.Org and other partners, ENZA worked to convert the in-person curriculum to an online educational format that covered not only topics relevant to combatting stigma and discrimination against KVPs, but also modules focused on the rights-related impact of COVID-19 including a focus on gender-based violence.

Presently, we are pleased to report that since the training commenced in March 2020, over 300 paralegals have successfully completed the online course and received certificates. Moreover, the feedback received in respect of the curriculum and teaching was overwhelmingly positive. Indeed, the post-course evaluations revealed that the participants found the training to be relevant, valuable and empowering. They reported that not only was their knowledge increased but their confidence and commitment were bolstered as well.

**“ There are still too many instances of persons infected and affected by HIV/AIDS and TB being denied services, evicted from their homes, targeted with unfair labour practices and subjected to other rights abuses. ”**

In conjunction with the paralegal training, ProBono.Org supports 35 FHR-affiliated community advice offices (CAOs). Since the inception of this programme, over 3,000 cases have been registered by paralegals. When necessary, they have referred matters to ProBono.Org, Legal Aid South Africa or other entities; however, in the vast majority of these cases, the paralegals have been able to address the needs of the clients by providing services in the form of verbal advice, mediation, letter drafting and communicating with the police. The incidents that these community-based workers have dealt with include matters involving gender-based violence, evictions, denial of public services, employment and labour issues and HIV discrimination, amongst others. Again, many of the paralegals who have gone through the customised training have reported that it has left them better prepared to deal with issues presented by persons facing violations and discrimination stemming from their HIV/AIDS or TB status.

In addition to its work with paralegals and advice offices, over the course of the last few months, ProBono.Org has also hosted several webinars for legal practitioners to develop expertise in human rights and HIV and TB law and practice. The presenters have been lawyers, advocates, civil society leaders and academics with extensive expertise and experience and the webinars have

dealt with a variety of topics including the criminal justice system and HIV/AIDS; the legal framework protecting persons with TB; the impact of HIV/AIDS and TB on the LGBTIQ+ community: the law and remedies; and using the Equality Courts to combat HIV/AIDS and TB discrimination. The objective behind the webinar events is to provide opportunities for attorneys and advocates to learn more about the legal issues confronting members of KVPs and possible legal interventions that could be used to protect and promote their rights with the expectation that this will result in a larger number of practitioners offering pro bono services to members of these communities.

Lastly, ProBono.Org is also collaborating with Her Rights Initiative and the Women's Legal Centre in investigating the possibility of launching strategic litigation to redress violations inflicted upon HIV positive South African women who were sterilised either by force or coercion while in government hospitals. To date, more than 70 women have come forward and requested legal representation to help them (i) obtain redress for the physical, psychological and emotional damages caused by these unlawful practices of the state and (ii) have the practice of forced or coerced serialisation of HIV positive women, or any woman for that matter, declared unconstitutional.

From its work in this programme, ProBono.Org can attest that there is a great need for the types of interventions outlined above. The Global Fund human rights programme will end in March 2022 with the hope and expectation that these various efforts to protect the rights of persons living with HIV/AIDS and TB and combat stigma and discrimination will continue and expand in the context of South Africa's continued fight against both these dreaded diseases.

*Alice L Brown, Programme Manager*



**“ ...many of the paralegals who have gone through the customised training have reported that it has left them better prepared to deal with issues presented by persons facing violations and discrimination stemming from their HIV/AIDS or TB status. ”**

## Durban Office Report

**While the world tries to regain some semblance of normality and South Africa continues the roll out of its vaccine programme and makes inroads into regaining its feet, legal practitioners who have been hard hit by the pandemic struggle more than ever. The legal fraternity was, for the most part, severely affected for several months, crippled by a virus that made no allowances for their livelihood.**

Many firms were forced to retrench staff, several smaller firms were forced to close as they did not have the financial resources to remain open without fees coming in and some sadly lost staff to the virus. Those who remain have been required to absorb the workload of absent colleagues and to try to recoup their losses. Others are desperately seeking new opportunities.

Our office also encountered challenges in meeting our deliverables and while we were not able to achieve all that we set out to do, we shifted our attention and were able to adapt and ensure that the legal needs of the most disadvantaged members of society were met. We learnt to work remotely, using online platforms to engage and assist our clients. Staff were provided with the knowledge and means to connect with community organisations, government

departments and the general public to create awareness of our services and how we could be contacted during the lockdown. We were fortunate in this regard as our offices' vast network was an asset in achieving this task.

The biggest challenge that we face during this pandemic is the inability to hold community seminars. With restrictions on the number of people allowed to attend public gatherings and concern over the spread of the virus, this method of educating the public remains closed to us. While we still face challenges in this regard, we have created videos and pamphlets as an interim measure to bridge the knowledge gap. Lack of resources such as electronic devices and data meant that we have been restricted in conducting webinars for communities. We were however able to arrange a number of webinars for legal practitioners, as we knew that one of the biggest challenges during the early stages of lockdown was the lack of learning resources for younger practitioners. These proved very successful and are invaluable in assisting practitioners in staying abreast of changes in the law as we move between various lockdown levels.

At a time like this, it would be easy - indeed, only

natural - to lose focus on the need to undertake pro bono work. But it is now, more than ever, that those who lack financial resources require assistance. Many have lost their jobs, homes and even family members, some of whom were the sole breadwinners. The clients who approach us are more than ever in need of our assistance and, through us, the assistance of the legal practitioners. All consultations with clients were done remotely at the beginning of lockdown and since this was lifted we continue to work this way to ensure the safety of all concerned. Many legal practitioners, especially those at the Durban Bar, are to be commended for their continued dedication to pro bono work at a time when it would be easy to lose sight of the needs of others. Furthermore, we applaud all the new practitioners who were brave enough to sign up to our panel of pro bono attorneys and undertake pro bono work during this time. It is the unflinching dedication of these practitioners that makes the legal profession such an inspiring field to be in.

The most important lesson that we as an office and non-profit organisation have learnt during this time is that commitment is key. The adage

is true that if one really wants to do something, one will find a way. As an office, we have been able to achieve what we have because we are dedicated and committed to our goal of providing free legal assistance to the financially needy. We remain committed to the transformation of the legal sector, to encouraging practitioners to give back to the community and are unwavering in our goal of creating a culture of pro bono in the legal community.

*Shamika Dwarika, Regional Director*



## Cape Town Office Report

**The COVID-19 pandemic undoubtedly affected the operations of ProBono.Org's Cape Town office in 2020 and resulted in an abrupt halt to all planned collaborative access to justice initiatives.**

In light of the regulations pertaining to social distancing, we were unable to plan and arrange face to face legal education community workshops since ProBono.Org staff and private legal practitioners could not go out into communities.

Drawing on the support of our pro bono legal partners, the Cape Town office created a special project to provide a measure of education on rights and legal services during the nation's lockdown. We collaborated on the production of community focused videos produced in English, isiXhosa, isiZulu, Sesotho and Afrikaans and accompanied by educational fact sheets. Some of the topics covered by the videos were retrenchments, health and safety, public transportation under lockdown regulations, basic obligations of employers and employees, reduction in salary, leave provisions, working from home and the Unemployment Insurance Fund. Use these links to access the videos:

[https://www.probono.org.za/covid-19-video-resources/;](https://www.probono.org.za/covid-19-video-resources/)

[https://www.probono.org.za/covid-19-public-transport-fact-sheets/;](https://www.probono.org.za/covid-19-public-transport-fact-sheets/) <https://www.probono.org.za/resources/#tab-1594807886353-6-5;> [https://www.probono.org.za/resources/#tab-1596108633745-6-4.](https://www.probono.org.za/resources/#tab-1596108633745-6-4)

In addition, we held 19 workshops and three webinars for communities with a total number of 1,068 attendees during the 2019/2020 financial year. The key areas of law covered were wills and deceased estates, domestic violence and harassment, family law and customary marriages.

We held nine webinars for legal practitioners with a total number of 458 attendees. Some of the topics were ethics in the legal profession, data protection and cybersecurity under COVID-19, the procedure for class action litigation, developments of competition law under COVID-19, as well as evictions and the homeless under COVID-19 alert level 4.

We observed a much higher attendance at webinars during the pandemic than at seminars held before and will continue with these going forward, since the majority of legal practitioners have indicated that

online attendance is preferable and more convenient for them.

Furthermore, we saw 867 walk-in clients, which is significantly lower than the number of clients seen during 2019 owing to the pandemic. As soon as South Africa's hard lockdown was implemented, the Cape Town office also participated in a national COVID-19 Legal Support Hotline, while having a dedicated WhatsApp number to offer telephonic legal advice and assistance.

While we may have experienced a decline in the number of clients contacting us for assistance, we started seeing a slow and steady increase in client numbers once the office reopened in June 2020. However, in order to abide by the regulations and to mitigate any risk, we initially limited our number of client consultations to four or five per day and gradually increased it as the lockdown levels were lowered.

A total of 227 clients attended our legal clinics, with 74 matters being taken on by the legal practitioners staffing these. The large majority of these matters related to housing, wills and deceased estates.

The Cape Town office also partnered with ten private law firms during the annual National Wills Week and drafted approximately 100 wills for clients.

It is evident that the pandemic has affected each and every individual in one way or another the world over. It has forced organisations to relook at how they have done their work in the past, but more importantly, has also encouraged ProBono.Org to establish creative ways for pro bono work to be undertaken by private legal practitioners. The Cape Town office has certainly demonstrated its resilience by successfully navigating these unprecedented times and continues to adapt, learn and grow.

*Uzair Adams, Regional Director*



## Pro Bono Awards 2020

### Johannesburg

Given this year's extraordinary circumstances, the annual Pro Bono Awards were held online on 29 October 2020. It was extremely gratifying to see how many of our legal practitioners and other guests were able to join the event, even though we were not able to meet in person.

In his welcome address, Chair of the Board, Mohamed Randeria paid tribute to the volunteer efforts of the many members of the legal fraternity who managed to continue to assist our clients during the lockdown, by consulting with clients by phone or virtually. "In addition, legal education did not stop. We have seen the attendance and participation of some 500 lawyers in Johannesburg alone." In addition to the webinars, through the AFSA project over 300 paralegals have received training in various community advice offices countrywide.

We were honoured to have Constitutional Court Justice Leona Theron give the keynote address. "Doing good has been proven to make us happier and more fulfilled, she said. "There is a strong positive association between volunteering, life satisfaction and general health. Pro bono work does not only benefit those who receive the work. It has a much larger impact. It makes employees feel happier and more engaged. It also builds better lawyers, often creating training opportunities for younger lawyers. Firms that support pro bono work enjoy a competitive advantage. Young talent is not only attracted by exciting work and reliable income but also by the opportunity to feel fulfilled and to perform what they inherently feel to be their duty as citizens".



## PRO BONO 2020

### ANNUAL AWARDS CEREMONY

#### The Johannesburg pro bono award winners were:

Housing	Naledi Motsiri – Werksmans
Deceased Estates	Mahlape Mohonoe
Refugees	Katekani Mashamba
Conveyancing	JD van der Merwe – Bowmans
Family Law	Marinus Labuschagne – MCV Inc.
Labour Law	Naledi Motsiri – Werksmans
Community Advice Office	Rita Tladi – WATLA (Women and the Law)
SMME Award	Sushila Dhever – Fasken
Wills	Brenda Rangata – Maponya Attorneys
Child Law	Kruger Engelbrecht
Large Firm	Fasken
Medium Firm	Klopper Jonker Attorney
Small Firm	Jacobs Attorneys
Advocate Award	Nkabane Zwane
Outstanding Student at a University Law Clinic	Heinz Hartzenberg – University of the Western Cape

#### There were also three Special Mentions:

- Fasken was acknowledged for their dedicated work over the years at the NISAA and FAMSA legal clinics in Soweto.
- Bowmans was given a special mention for their work at the domestic violence help desk at the Randburg Magistrates' Court.

#### And

Jazz Vilakazi for his availability to assist ProBono.Org clients, often at short notice.





**PRO BONO 2020**  
ANNUAL AWARDS CEREMONY

## Durban

The meaning of thank you can never be underestimated. That's why the Durban office of ProBono.Org held their first ever virtual Appreciation Day on Friday 30 October 2020. This is an annual event to give back to those legal practitioners who have gone above and beyond in providing free legal assistance to those who cannot afford it. ProBono.Org cannot provide a legal service to the needy without the dedicated practitioners from private practice who give freely of their time. The event showcased the most helpful legal practitioners in a number of categories, who received certificates for their efforts. Our keynote speaker, Judge Edwin Cameron, reiterated the importance of doing pro bono work and the value of social justice in South Africa. Judge Cameron is a former Constitutional Court Judge and the current Inspecting Judge for the Judicial Inspectorate of Correctional Services (JICS), the oversight body for the Department of Correctional Services. It was an honour to have him deliver the keynote address for our office as it illustrated the value of the work that we do. As always, the event was attended by members of the legal community, attorneys and advocates alike, as well as some of our

committed sponsors and stakeholders in the field of social justice.

As an office, the issue of gender-based violence has always been a critical one. A number of the clients that approach our office for legal assistance do so because of gender-based violence. We were therefore pleased that we were able to show our appreciation to practitioners who work tirelessly in this field. Our ongoing efforts in this regard are illustrated by the 49 community seminars that we held in 2019, many of which dealt with topics such as Gender Based Violence, Femicide, Domestic Violence and Protection Orders. In addition, we are passionate about our work with the elderly and we held a number of seminars on Wills and the importance of having a Will. Our Wills project continued throughout the year and we assisted 280 elderly clients with having their Wills drafted. This was our fifth annual Appreciation Day Event and while we were hesitant as to how we would hold this event online, we realised that now, more than ever, practitioners need motivation to continue doing pro bono work and so we forged ahead with what turned out to be a great success.

### The Durban pro bono award winners were:

<b>Deceased Estates help desk</b>	Priyanka Govender – Legator McKenna Incorporated
<b>Consumer Law help desk</b>	Kerry Forbes – Kerry Forbes and Associates
<b>Ntuzuma help desk</b>	Sanelisiwe Nyasulu – Garlicke and Bousfield
<b>Housing help desk</b>	Vinay Yetwaru – Vinay Yetwaru Attorneys
<b>Refugee help desk</b>	Mellisha Hurchund – Mellisha Hurchund Attorneys
<b>Umlazi help desk</b>	Craig Weston – NSG Attorneys
<b>Labour Law help desk</b>	Thulisiwe Ngcobo – Daly Morris Fuller
<b>Family Law help desk</b>	Romy Simmons – Barkers Attorneys
<b>Most helpful big firm</b>	Garlicke and Bousfield Inc.
<b>Most helpful medium firm</b>	Barkers Attorneys
<b>Most helpful small firm</b>	Shashi Marajh and Company
<b>Highest number of attorney seminars presented</b>	Nike Pillay – Livingston Leandy
<b>Highest number of community seminars presented</b>	Shaista Singh – Shepstone and Wylie



**PRO BONO 2020**  
ANNUAL AWARDS CEREMONY

**Cape Town**

ProBono.Org Cape Town reached a milestone by hosting its inaugural Legal Practitioner Awards Ceremony, held virtually on 11 December 2020. This milestone would not have materialised if not for the time, effort and commitment of the practitioners who support our work in making access to justice more realisable for those who we know need it most.

Judge Chantel Fortuin of the Western Cape High Court delivered the keynote address. “Like other professionals, lawyers do not function in a vacuum. We practise our skills within the communities we serve,” she said. “If we don’t make justice accessible to all, it will put our democracy at risk, a democracy which each one of us is entitled to. As the COVID saying goes: If one of us is not protected then none of us is protected. In our case: If one of us does not have access to justice then none of us has access to justice”.

Several of the legal practitioners present at this inaugural awards ceremony have walked the journey with the Cape

Town office from the very start when it opened in a tiny office in Khayelitsha in 2017.

Paying tribute to the selfless efforts of our pro bono legal practitioners, Judge Fortuin added: “To those practitioners who agreed to provide their services to vulnerable members of our society, I want to say that you are actually contributing to the transformation of our society into a true constitutional democracy.

You are fortunate to be practising at a time when our Constitution is in place. You are fortunate to practise at a time when equality is considered to be one of the most important rights in our Bill of Rights. Let the constitutional principle of equality guide you when you work with ProBono.Org in future”.

We take this opportunity once again to thank all pro bono legal practitioners to whom we paid tribute by way of awards and to all those who continue to support our work. May we unite in forging new pathways to making access to justice a reality for all.

**The Cape Town pro bono award winners were::**

<b>Family Law</b>	Carter and Associates
<b>Wills</b>	LDS Attorneys & Associates Inc.
<b>Deceased Estates</b>	Colin Geoffreys Inc.
<b>Housing</b>	Norton Rose Fulbright SA Inc.
<b>Conveyancing</b>	Joe Van Rooyen – Stopforths Inc.
<b>Most active newly recruited legal practitioner</b>	Anina Botha – Ashman Attorneys Inc.
<b>Most active Community Based Paralegal</b>	Mr Mugidien Barnes – Heideveld community.
<b>Advocate Award</b>	Adv David Simonsz
<b>Most COVID responsive practitioner</b>	Nicki van’t Riet – Norton Rose Fulbright SA Inc.
<b>Candidate legal practitioner training and development award</b>	Elke Herbst – Bisset Boehmke McBlain.
<b>Most legal practitioner webinars</b>	Cliffe Dekker Hofmeyr
<b>Most community focused videos</b>	Norton Rose Fulbright SA Inc.
<b>Most community webinars</b>	Natasha Wagiet – ENS Mitchells Plain
<b>Most actively involved in legal clinics</b>	Norton Rose Fulbright SA Inc.
<b>Small Law Firm</b>	Joe Van Rooyen – Stopforths Inc.
<b>Medium Law Firm</b>	Anikha Abarder – MacRobert Attorneys
<b>Large Law Firm</b>	Norton Rose Fulbright SA Inc.

**Special Mentions**

- Odette Geldenhuys from Webber Wentzel was given a Special Mention for her eagerness and her assistance to ProBono.Org’s Cape Town office. She has remained readily available when approached, even at short notice, for which we thank her.
- Adv Robert Stelzner SC, Adv Rabie and Dr van Helden of the Giant Periwinkle, were recognised for their sponsorship of the prizes the winners received as part of our token of appreciation.

## ProBono.Org Staff and Directors 2020

### Johannesburg

<b>Teresa Yates</b>	National Director
<b>Nomaswazi Malinga</b>	Regional Director
<b>Pretica Singh</b>	Finance Manager
<b>Margaret Fish</b>	Grants, Operations & Communications Manager
<b>Elsabe Steenhuisen</b>	Children's Project Manager
<b>Mpho Mogodi</b>	Staff Attorney, Housing & Refugees
<b>Given Mazibuko</b>	Office Manager
<b>Fina Diba</b>	Administrator
<b>Nonkulumo Zuke</b>	Receptionist
<b>Nonkululeko Nomatshaka</b>	General Worker
<b>Alice Brown</b>	AFSA Programme Manager
<b>Ongezwa Gontshi</b>	AFSA Financial Administrator

#### Interns

Tebogo Makwala  
Sifo Ngubo  
Zanele Malindi  
Senzo Gama  
Zandi Mahlangu  
Phindile Penelope Cele  
Mukhethwa Chauke  
Muchengeti Hwacha



### Cape Town

<b>Uzair Adams</b>	Regional Director
<b>Naeelah Williams</b>	Staff Attorney
<b>Asanda Conjwa</b>	Administrator

#### Interns

Melissa Engelbrecht  
Shadreck Masike  
Matthew December



### Durban

<b>Shamika Dwarika</b>	Regional Director
<b>Gugulethu Makhanya</b>	Administrator
<b>Seshni Govender</b>	Staff Attorney
<b>Nicole Dayanand</b>	Staff Attorney

#### Interns

Thulisile Method Buthelezi  
Ntandokazi Nozipho Shazi  
Sinothile Emelda Zondi  
Siyabonga Zondi





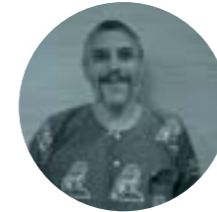
## Directors



Mohamed Randera



Ilan Lax



Janet Love



Khalik Mayet



Meluleki Nzimande



Sayi Nindi



Teresa Yates



Wendel Bloem



## Financials 2020

### STATEMENT OF FINANCIAL POSITION AS AT 30 SEPTEMBER 2020

PRO BONO ORGANISATION NON  
PROFIT COMPANY REGISTRATION  
NO. 2007/002099/08

	2019 R	2019 R
<b>ASSETS</b>	10 636 012	14 124 945
<b>Non current assets</b>	191 692	176 455
Equipment	191 692	176 455
<b>Current assets</b>	10 444 320	13 948 490
Accounts receivable	353 591	232 504
Investments	8 474 288	9 632 888
Cash and cash equivalents	1 616 441	4 083 098
<b>Total assets</b>	10 636 012	14 124 945
<b>RESERVES AND LIABILITIES</b>	10 636 012	14 124 945
<b>Reserves</b>	2 088 161	4 682 726
Accumulated surplus	1 896 469	4 506 271
Equipment fund	191 692	176 455
<b>Current liabilities</b>	8 547 851	9 442 219
Accounts payable	57 941	209 830
Deferred income	8 173 812	9 004 301
Provision for leave pay	316 098	228 088
<b>Total reserves and liabilities</b>	10 636 012	14 124 945

## STATEMENT OF COMPREHENSIVE INCOME FOR YEAR ENDED 30 SEPTEMBER 2020

PRO BONO ORGANISATION  
NON PROFIT COMPANY  
REGISTRATION  
NO. 2007/002099/08

	2020 R	2019 R
<b>INCOME</b>	<b>12 457 521</b>	<b>10 782 771</b>
Grants and donations	11 925 018	10 059 320
Interest received	338 046	691 502
Administration fees received	194 457	31 949
<b>EXPENDITURE</b>	<b>14 909 767</b>	<b>9 858 161</b>
Advertising and marketing	-	-
Annual report	-	32 688
Assets expensed directly	13 448	5 518
Audit fees	48 184	48 184
Award ceremony	-	-
Bad debts	-	-
Bank charges	22 582	22 315
Computer expenses	135 786	53 799
Consulting fees	939 447	130 893
Courier and postage	14 627	6 883
Directors emoluments	1 233 431	1 242 944
Equipment hire and maintenance	273 696	328 015
Evaluation	-	-
Insurance	52 169	51 971
Interest and penalties - SARS	-	-
Office supplies	120 652	151 738
Printing and stationery	61 844	60 826
Provision for leave pay	88 010	(13 914)
Refreshments and entertainment	-	2 261
Rent, parking, water and electricity	1 300 310	1 297 445
Repairs and maintenance	11 272	8 061
Salaries, wages and contributions	6 091 153	5 425 822
Secretarial fees	760	4 632
Seminars and workshops	3 669 592	489 701
Staff recruitment	2 225	-
Staff training	41 274	9 410
Subscriptions	31 518	25 475
Telephone	281 579	233 606
Unrealised loss	254 827	-
Travel and accommodation	97 700	193 528
Website costs	37 275	27 370
Workmen's Compensation	-	18 990
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>	<b>(2 452 246)</b>	<b>924 610</b>
BALANCE AT BEGINNING OF YEAR	4 506 271	3 659 888
TRANSFER TO EQUIPMENT FUND	(157 556)	(78 227)
BALANCE AT END OF YEAR	1 896 469	4 506 271

## GRANTS AND DONATIONS FOR THE YEAR ENDED 30 SEPTEMBER 2020

PRO BONO ORGANISATION NON  
PROFIT COMPANY REGISTRATION  
NO. 2007/002099/08

### GRANTS AND DONATIONS RECEIVED

	2020 R	2019 R
<b>GRANTS</b>		
Anglo American Chairman's Fund	200 000	200 000
Constitutionalism Fund	2 500 000	1 500 000
C S Mott Foundation	1 244 375	1 059 203
Embassy of Ireland	350 000	-
AFSA/Global Fund	4 611 681	86 383
H C I Foundation	153 500	308 000
Millennium Trust	-	2 232 360
Open Society Foundation	230 459	800 000
Raith Foundation	2 010 003	2 134 667
The ELMA Philanthropies	-	-
SASSETA	45 000	-
<b>DONATIONS</b>		
AAC Fund	-	90 000
Birmingham University	-	70 907
Bowman Gilfillan Attorneys	175 000	185 000
Butterworth LexisNexis	-	30 000
Cliffe Dekker Hofmeyr	75 000	100 000
Cape Law Society	-	150 000
Fasken Martineau	100 000	200 000
Foundation for Human Rights	-	48 000
Gauteng Law Council	-	150 000
Investec Women's Trust	-	250 000
R B Hagart Trust	-	250 000
Johannesburg Bar Council	100 000	200 000
KwaZulu-Natal Law Society	-	31 500
Legal Aid SA	-	-
Open Society Foundation for South Africa NPC	-	-
Other Foundation	-	21 900
Webber Wentzel	-	200 000
Werksmans Attorneys	100 000	-
Sundry donors	30 000	11 400
	11 925 018	10 059 320

## Donors

Bowmans  
Charles Stewart Mott Foundation  
Cliffe Dekker Hofmeyr  
Constitutionalism Fund  
Embassy of Ireland  
Fasken  
HCI Foundation  
Johannesburg Society of Advocates  
Lexis Nexis  
Open Society Foundation for South Africa  
The Raith Foundation  
SASSETA  
Webber Wentzel



[www.probono.org.za](http://www.probono.org.za)



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**telephone:** 087 470 0721 **fax:** 086 665 6740