

UMLUNGISI

STAKEHOLDER NEWSLETTER



CONSTITUTIONAL DEVELOPMENT AN IMPORTANT ROLE FOR LEGAL AID SA

In keeping with the values of defending the rights of vulnerable people affected by grossly unjust and inequitable laws and actions, Legal Aid SA has been involved in some defining court matters that seek to shape a desirable Constitution and common law in South Africa. These matters, handled by the organisation's Impact Litigation Unit, set legal precedent and impact a significant number of people.

The Impact Litigation Unit's involvement in the matter of Nicole Levenstein and 7 Others and the Estate of the late Sidney Lewis Frankel, saw judgment to the effect that section 18 of the Criminal Procedure Act is inconsistent with the Constitution,

and will see the law on prescription with regards to instituting prosecution include all sexual offences.

Legal Aid SA also funded the Women's Legal Centre in a matter that went before the Western Cape High Court, where the judgment handed down supported the creation of a legislative framework governing Muslim Marriages, which does not currently exist. This judgment has a far-reaching impact on ensuring that the rights enshrined in the Constitution are made a reality for all. The legal recognition of Muslim Marriages will provide legal protection and certainty to all Muslim women who have entered into marriages in terms of their faith,

so that upon the dissolution of marriage, their rights are not infringed upon and they too can claim benefits.

An ongoing matter that has appeared before the Constitutional Court argues that the Divorce Act is unconstitutional in so far as it only allows for redistribution of assets on divorce of spouses married out of community of property before 1984 or married under the Black Administration Act. Legal Aid SA is arguing that redistribution should also be available to spouses married in terms of the Transkeian Marriage Act.

Legal Aid SA appeared as an *amicus curiae* in the High Court in a landmark matter grappling with how banks should handle home repossessions. The court found in favour of the many friends of the court, ruling that the monetary judgment and execution against immovable property are intrinsically connected and must be brought in one proceeding and not piecemeal. All the facts should be placed before the court. When the court is appraised of all the facts, a decision on whether to place a reserve price on the sale of a house that may be sold in execution will be taken. This judgment will see more consistent judgments in home repossession matters, across the board.

Legal Aid SA works daily towards a vision where the Constitution is made a living document for all.



Legal Aid SA legal practitioners Thembela van der Berg, Chris Schuring and Lilla Crouse at the Constitutional Court

LEGAL AID SA SUPPORTS THE #100MENMARCH

Legal Aid SA's National Office and Upington Local Office took time out of their busy mid-year schedules on 10 July 2018 to join government and various social partners for the #100MenMarch as part of the centenary celebrations for former President Nelson Mandela and struggle stalwart Mama Albertina Sisulu. These stalwarts are celebrated for their contribution in fighting for human rights, especially those of women and children.

Initiated by the Government Communications Information System (GCIS), the march focused not only on celebrating the lives of these stalwarts but also on raising awareness of the scourge of violence against women and children. Thousands of men and women from various sectors of society, including government, business, labour, faith-based organisations, non-profit, media and other like-minded organisations marched from Pretoria's Church Square to the Union Buildings.

Legal Aid SA urges everyone to continue protecting and defending the rights of women and children to ensure a just environment that cares for all. Let us work together to ensure that women and children are safe.



Paralegal Chamila Arens from the Legal Aid SA Upington Local Office

OUR VISION

A South Africa in which the rights and responsibilities enshrined in the Constitution are realised to ensure equality, justice and a better life for all.

PROBONO.ORG AND STAKEHOLDERS EDUCATE ELDERS ON RIGHTS

Law NGO ProBono.Org used the month of August to educate and empower elderly women across the Gauteng province on various rights related to customary marriages, estates and marriage certificates, amongst other topics.

The main speaker of the event, UNISA Law Clinic's Sbongile Baloyi, gave extensive details on what the women needed to pay attention to and also provided them with steps to take to better secure their futures. She advised the elders to pay attention to their marriage certificates and ensure that the classifications of their marriages are

correct. Some of the other stakeholders involved were the Teddy Bear Foundation, South African History Archives and the Dobsonville Human Rights Advice Office.

Many of the other speakers gave messages of support which inspired and motivated the elders to visit organisations which can assist in a variety of legal issues. Paralegal Portia Lesufi from Legal Aid SA gave additional information on the maintenance of children and access to the child, as many of the elders are affected by similar matters relating to their grandchildren. ProBono.Org also organised that the law practitioners



Portia Lesufi consulting with an attendee

present consulted with those who required legal assistance.

STAKEHOLDERS PARTICIPATE IN WORLD VISION EVENT IN IDUTYWA



Moloko Kobe addressing the audience

World Vision has taken the call to make the concept of child protection a living and constant element in communities and those organisations that serve them. Legal Aid SA joined the NGO at an event in Idutywa, promoting the theme "it takes a world to end violence against children".



The crowd of delegates and children at the event

World Vision invited relevant stakeholders to participate in dialogues to highlight a variety of issues to educate the audience on child protection.

Supervisory Legal Practitioner – Civil Moloko Kobe from the Legal Aid SA Butterworth

Local Office joined the invited stakeholders in discussing how the child protection system and the law work together to protect children, noting practises which yield a positive result in protecting children. Children were also given a chance to voice their views on their protection.

ROBUST DISCUSSION WITH WITS STUDENTS ON GBV AND THE CRIMINAL JUSTICE SYSTEM

The Gender Equity Office at the University of the Witwatersrand invited stakeholders in the criminal justice system value chain to a discussion on how the system responds to gender-based violence (GBV) in South Africa. The dialogue took the form of a panel discussion between students and officials in law enforcement, the legal fraternity and a victim of GBV.

The Gender Equity Office also took a positive step in providing students in attendance with self-defence items to further



Panellists at the GBV and Criminal Justice System dialogue

protect themselves against perpetrators of violence. Head of the Legal Aid SA Germiston Local Office, Aysha Ismail, gave details of how the justice system responds to GBV. Warrant Officer Mafuwa of the South African Police Service also explained the role of law enforcement agencies in cases of GBV. The dialogue gave the students an opportunity to engage robustly with the panellists on issues they identified as catalysts to either the success or failure of the criminal justice system.

SUCCESSFUL PARTNERSHIPS AID PUBLIC DURING NATIONAL WILLS WEEK 2018

The Department of Justice and Constitutional Development, along with multiple legal stakeholders, called on members of the public to support National Wills Week and have their basic wills drawn up at no cost. This crucial initiative seeks to raise awareness about the importance of drafting a will.

The launch of National Wills Week was successfully held in Daveyton township, Gauteng, where different speakers gave detailed information on the importance of wills. Various stakeholders, namely Legal Aid SA, South African Women in Law, Probono.Org and South African Law Society attorneys also set up service desks at the launch to help draft wills at no cost for community members,

mainly the elderly, from the surrounding areas.

Legal Aid SA's National Office, Gauteng Provincial Office and Benoni Local Office availed Paralegals and legal practitioners to participate in the launch of this initiative. Principal Legal Practitioner Alfred Nkwana from the Legal Aid SA Benoni Local Office spoke about the importance of having a will. "All people should have a will in place to ensure that the distribution of their assets at death is done according to their desires. It is important to have a legal expert assist in drafting your will as their knowledge and expertise will ensure that the will is valid, meets the requirements and that your assets are efficiently administered," he said.



Legal Aid SA Principal Legal Practitioner Alfred Nkwana speaking on the importance of wills

COMMUNITY RADIO PARTNERSHIPS BENEFIT BOTH RADIO STATIONS AND COMMUNITIES

“Community media is an important driver of media pluralism and freedom of expression. It is important that community media continuously receive the necessary support within their communities to ensure that there is an engaged and informed citizenry and audiences, specifically relating to government services in local communities”.



This message from the Media Development and Diversity Agency emphasises the role and importance of community radio in the development of public awareness and engagement.

Legal Aid SA has taken a firm stance to build relations with various community radio stations across the country in order to fulfil the vision stated above. The organisation has signed Memoranda of Understanding with seven community radio stations, where legal expertise and advice is shared with the listeners. Legal Aid SA has also played a significant role in keeping the radio stations relevant, by helping them to focus on current and trending topics in their communities and giving legal opinions on pertinent issues. Furthermore, the organisation also played an important role in assisting one of its media partners, *Moutse Community Radio Station*, to renew their license issued by the Independent Communications Authority of South Africa.

Legal Aid SA remains dedicated to establishing partnerships which add value to community media and their audiences.

WSU JURIDICAL SOCIETY OUTREACH EMPOWERS LAW STUDENTS

The Legal Aid SA Eastern Cape Provincial Office and Mthatha Local Office attended an outreach event organised by the Walter Sisulu University Juridical Society of Law Students at the Nelson Mandela Drive Campus in Mthatha in August. Over 800 students ranging from first year to Masters level showed up at the event held in the Unitra Great Hall.

The Head of the Legal Aid SA Mthatha Local Office, Nolitha Jali, was the keynote speaker at the event. She was supported by the Provincial Human Resources Manager, Thenjiwe Magazi, who gave more information about Legal Aid SA's Candidate Attorney Recruitment Programme to students. They took the opportunity to ask questions and to interact with legal practitioners from the Legal Aid SA Mthatha Local Office about the everyday tasks of legal practitioners. The students also discussed ways to work together with the organisation while they are still studying, such as offering vacation work so students receive valuable practical experience during their studies.



Eastern Cape Human Resources officials and legal practitioners giving learners insight into the Legal Aid SA CA recruitment process

STUDENTS INSPIRED BY WOMEN PROFESSIONALS

Rosebank College recently held a Women's Seminar, inviting various female speakers from different professions to inspire female students. Legal Aid SA's legal practitioners Carla Dooling and Lisa Dibakwane responded to the invitation to empower young female students with information on the organisation and the industry they work in. The event also featured other inspirational speakers from various industries such as iLead, Virgin Active, Nedbank and Amka.

Stakeholders shared much useful knowledge with the students, with the hopes that this will empower them in terms of health, finance, legal and self-defence awareness. Carla and Lisa gave legal information and advice on issues related to students, such as which rights they are entitled to when it comes to eviction and domestic violence. The students were reminded that when it comes to intimate relationships, they are not entitled to any maintenance if they are not married to their partners.



Legal Aid SA legal practitioners engage with Rosebank College students

UNISA STUDENTS GET GUIDANCE AT CAREER FAIR

Legal Aid SA participated in the UNISA Career Fair held in Rustenburg where various stakeholders engaged with students on numerous career opportunities. Participants were drawn from different industries in both the private and public sector.

Legal Aid SA employees informed students of the organisation's mandate, encouraging them to consider the organisation as a possible employer.



Human Resources and Administrative officials from Legal Aid SA engage with students at the UNISA Career Fair

MANDELA MONTH INSPIRES LEGAL AID SA STAFF ACROSS SA

Nelson Mandela International Day 2018 marks 100 years since the birth of Nelson Mandela. The Centenary is an occasion to reflect on his life and legacy, and to follow his call to make the world a better place. South Africans and many people across the world participate in various acts of generosity in order to make a difference in the lives of the indigent and vulnerable.

Legal Aid SA staff participated in the festivities of the month by giving back to the communities they serve with legal aid.

In Eastern Cape, legal practitioners from Graaff-Reinet, Somerset East and Cradock joined hands with a local municipality who identified homes that needed assistance. In Western Cape, the Legal Aid SA Athlone Local Office staff made financial contributions which made it possible to buy care packs for vulnerable community members in their immediate area. In Northern Cape, the Legal Aid SA Upington Local Office joined hands with the Department of Social Development and handed out food parcels at a nearby old age home.



Pictures (from top): Legal Aid SA staff in EC painted a house

Legal Aid SA staff in NC at an old age home

WC Legal Aid SA staff with food parcels

LEGAL AID SA MALL ADVERTISING CAMPAIGN



Gugulethu Square – Cape Town



KwaMashu Mall – KwaMashu



Waterfall Mall – Rustenburg



Soshanguve Crossing Mall – Soshanguve



Bochum Plaza – Bochum

NATIONAL WILLS WEEK – THROUGH THE LENS ...

Below are some photos of National Wills Week 2018 events in different provinces:



Gauteng – Legal Aid SA Benoni Local Office



Limpopo – Legal Aid SA Tzaneen Local Office



Northern Cape – Legal Aid SA Victoria West Satellite Office



KwaZulu-Natal – Legal Aid SA Durban Local Office