
Monthly Report – JANUARY 2014

Projects Abroad Human Rights Office, Cape Town

Our office re-opened on the 06th January 2014. Many of our project partners opened late in January, therefore we were only able to hold a few life orientation classes, as well as attend our legal clinic in Lavender Hill. We have however had an influx of refugee clients.

SOCIAL JUSTICE PROJECTS UPDATES

Bonnytoun

We only attended Bonnytoun twice this month as it was still closed when our office opened.

When we attended Bonnytoun, it was all of the current interns first time. We started each workshop with two ice breaker games, so that the boys and interns can get to know each other before we started our workshop. The first workshop we did was on self-image, as it was all the current interns first time at Bonnytoun, each intern had to take turns in presenting the slide shows. With this workshop the boys were made aware of what self-image is and what the concepts of self-image are. It was surprising to see that all the boys listened and participated in this workshop. The second workshop we did was on “Negative and Positive Peer Pressure”. We wanted to do this workshop as many if not all the boys at Bonnytoun were there due to giving into peer pressure and committed crimes because of it. The activities we had for both workshops were very interactive; we always divided the boys into groups with two interns in each group, as working in groups means the communication will flow better between the boys and the interns. The activities we had were designed for the boys to better understand what the presentation was about, for the boys to think about their future, what they have learned from being at Bonnytoun as well as giving them hope for a better and brighter future.

Vredelus house

We had the following workshops at Vredelus: goal settings, concepts of self-image and the negative and positive effects of peer pressure.

With each of the workshops at Vredelus the presentations were done and then we would divide the girls into groups with the interns. The girls felt more comfortable working in groups as they would then participate and ask questions. With each of the workshops the girls had a lot to think about, what they wanted for themselves someday, what they have learned from being at Vredelus, what the changes are that they have to make in their lives, etc. At first glance it would seem that the girls are confident about themselves, but when they would be divided into groups the girls would talk about them not feeling as though they are pretty or worthy to be like or loved. Many of the girls have hope for a better future when/if they are released from Vredelus. With each workshop the female interns were able to relate some of their experiences

with the girls at Vredelus, so it was an surprising experience for the interns and the girls to be able to motivate each other, as well as communicate effectively.

Capricorn Primary School

We were only able to attend the school project the 3rd week of January due to it being holiday and the first week of school, not having any Life Skills workshops.

This was also the first time the current interns attended the school project.

The first week we did positive self-concept, positive self-esteem and development of the self in society.

With each of the workshops at the school our presentation was about building the children's outlook on themselves, the relationships they have with their family, friends and peers. We wanted the children to start seeing themselves and everything in a positive manor. The activities we had we reflective, as well as interactive. The children were able to learn more about themselves and their peers, by writing and mentioning things that they like about themselves and others, as well as ways to boost your self esteem.

WOMEN'S SHELTERS

St Anne's & Sisters Incorporated

At St. Anne's and Sisters Incorporated we decided to give a presentation on the 20 years of Democracy and of three powerful women who were a part of it.

We asked the ladies, "is SA democratic?", "what is democracy?", "what is your role as a woman in South African democratic society?", "is there equality between men and women?", "will you exercise your right to vote?". To which the women responded "No, as it won't make a difference".

Then we started discussing, three women who did make a difference and fought for human rights and equality.

The three women we discussed were:

Miriam Makeba - Miriam Makeba, nicknamed Mama Africa, was a Grammy Award-winning South African singer and civil rights activist. In the 1960s, she was the first artist from Africa to popularize African music around the world.

Winnie Madikizela Mandela - Winnie Madikizela-Mandela is a South African activist and politician who has held several government positions and headed the African National Congress Women's League. She is also the former wife of deceased President Nelson Mandela.

Helen Suzman - Former Member of the Parliament of South Africa. Helen was a liberal South African anti-apartheid activist

We chose to discuss these women as these were women of power and of three extraordinary women of South Africa's past.

The ladies at Sisters and St. Anne's learned from each other regarding these 3 women. The discussion was interesting, as well as very informative.

The last workshop we held at Sisters and St. Anne's was about health and well-being, both physical (i.e. diet, exercise) and mental (coping with stress, relaxing the mind etc.). The interns did yoga with the women, which everyone really enjoyed.

LEGAL SERVICES

These are some of the cases interns are working on:

Sherwin Daniels

Tina, divorce and maintenance case:

Our client's case was closed previously, but has now been re-opened due to further instructions.

The client initially submitted an action to divorce her husband due to substance abuse on the part of the husband. PAHRO assisted the client in drafting the divorce summons which commences the proceedings in the Regional civil court, as well as the consent paper which details the terms of the divorce, specifically regarding the minor child born of the marriage.

The divorce action was called to court prematurely and as a result, the divorce order was granted on incomplete consent paper drafted.

The client now wants us to assist her in varying the terms of the order, therefore making provision for any drug testing of the paternal guardian, who has previously abused substances. The client further wants arrear maintenance from the father of the child, for the time period between separation of the marital parties to the time before the divorce. PAHRO will be assisting in this as well.

Neil, refugee case:

Our client is an asylum seeker refugee, who has four children, three of which are currently joined to her refugee file. Her last born daughter is yet to be joined to her file as a dependant.

PAHRO has written numerous letters to the relevant offices in order to have the above attended to by the relevant officials, without success.

Neil then accompanied the client to the offices, upon arrival; Neil realized that the lives of refugees in SA was not easy.

The lines were extremely long and refugees were uncertain as to what was said by officials, due to the language barriers.

Officials at the Department of Home Affairs informed Neil and our client to return within two weeks. After the two weeks lapsed, Neil and the client returned to the DHA, where he stated that he was the legal representative of the client, and in doing so, bypassed the long lines. Upon reaching the front desk, Neil was able to organize the paperwork for our client, and have the youngest daughter joined to the file.

The case has now been closed.

Corinna, rental dispute:

Our client approached us after she had been living without electricity in her apartment for one month. Her complaint was that the Landlord/Lessor of the property has not paid the electricity bill, and that she was now prejudiced, having to live by candle light during the evenings, all her frozen food going bad due to no refrigeration and having to shower in cold water for the entire month.

Prior to occupation of the said property, the client paid a deposit in an amount of money, which the landlord/Lessor refused to refund to her, as he was under the impression that she as the lessee defaulted on payment of the electricity bill.

Upon examination of certain documents, including the agreement of lease and municipality records in relation to the said property, we discovered that the client only moved into the apartment on the 01st May 2013, and that the electricity arrears on 02nd May 2013 was R1000.00, according to the municipality records.

We were then convinced, even more than before, that our client had a strong case.

With all relevant information collected by previous interns in relation to this case, we were finally in a position to negotiate/mediate with the Lessor and the Lessee.

Sherwin and Corinna held the above mention negotiation/mediation and managed to reach a settlement with both the client/lessee and the landlord. Our client was awarded a monetary settlement.

Corinna drafted a settlement agreement which we had signed in our office and witness by two other interns.

The case is now closed.

Miriam MacDonald

Dorcas, housing case:

Our client paid a private housing organisation, called Mammias Housing Project R12 800.00 in 2006. The client was put on a housing list, however the client later found out that her name was taken off the list even though she has paid a deposit. We discovered that the project still exists, however it is stalled due to the person in charge dying. We contacted the Department of Human Settlements in order to find out what happened. 30 Houses out of the 370 were build by the housing project. The client now wants her R12 800.00 back as she is currently living at St. Anne's shelter.

Maria Mulindi

Jacomijn, property case:

Our Client is staying unlawfully on an open plot in the Hillview Township, with a group of people/squatters. Our client is also a member of Hillview Plots Associates. The owners of the plot now want to evict the client and the rest of the squatters. The client came to us looking for information about her rights and the rights of the other unlawful occupiers on the plot.

Jacomijn then did research on the rights of unlawful occupants/squatters and found that "The Prevention of Illegal Eviction from Unlawful Occupation of Land Act No 19 of 1998 (PIE) governs the eviction process. It provides procedures for eviction of unlawful occupiers and prohibits unlawful evictions.

We will now try and mediate with the landowners as it is very important that the landowners know all the relevant circumstances. Especially if a PIE procedure would follow. .Case law made it clear that the owner or person in charge can only place before the court the circumstances within their knowledge. It is the duty of the plaintiff to also bring the personal circumstances of the defendants to the attention of the court. The applicant must therefore make every effort to obtain these personal details.

Anna, divorce case:

Our client is in the process of a divorce from her husband. The deed of settlement has been signed, however there is a disagreement regarding immovable property, spousal maintenance

and liability of debt. We have e-mailed the client's attorney and will meet with the client soon in order to work on an agreement, which will suit the client and her soon to be ex-husband.

Marie-Claire, refugee case:

Our client was raped by two men; however there was a third man present. One of the men work at a taxi rank in her neighbourhood and she recognises him from the rape. The client went to the police station and informed them, however the police do not want to take her to the rank so that she can point him out. It is unclear if he is one of her attackers. After speaking to the police again, they agreed to give her a photo parade of criminals in order to see if she recognises anyone.

The client came in the same day in order to speak to us regarding being assaulted by her ex-husband's ex-mistress and two of the ex-mistress's friends.

The client now fears for her life, so we are now in the process of getting a protection order for herself and the children.

Alyssa, labour case:

Our client used to work for a company which contracted him out to another company called First Air Group. As soon as he was transferred, he started experiencing problems. They sent him to disciplinary hearings for insignificant things, without naming the specific instances when he went against instruction. The client was dismissed for failing to sign in and out of the security OB book on site. He was the only building manager in the whole company that this duty was imposed upon so strictly. Upon his dismissal he also had two grievances against two superiors in the company pending that were simply never dealt with.

He took the issue to the CCMA where he had a mediation hearing, but unfortunately could not come to a settlement, so he is progressing on to the next stage which is arbitration and this hearing will be 28 February 2014. We are hoping he can get 6-9 months' salary in compensation as well as his end of year bonus (as he was dismissed days before that was payable).