

## **Monthly Report – October 2014**

### **Projects Abroad Human Rights Office, Cape Town**

This month we opened our doors to clients as we were closed the previous month.

Our volunteer numbers reduced significantly but has steadily increased and we now have twenty six volunteers.

When we re-opened our offices we were swamped with clients who chose not to seek assistance from any other organisation and waited till we re-opened.

### **Social Justice Projects Updates**

#### **Vredelus house**

##### Workshop one: Project Catwalk

One of the things we, as an office, focus on is doing activities that boost self-esteem and thereby build dignity. The right to human dignity is a constitutional right, and thus it is fundamental to us all.

Prior to attending Vredelus to do this workshop, interns had to gather newspapers, scissors, pens, sticky tape and accessories in order to participate in this particular workshop.

Project Catwalk is about the girls using their initiative and imagination to design a fancy outfit using the above materials in order to model the outfit on a makeshift runway.

All the girls, including interns, were split into small groups and each group then had to design a fancy outfit using newspapers, hats, earrings and rings. The girls also had to choose a team member to model the dress on the runway.

The girls took this activity seriously, as they all wanted to win, however there could only be one winner which depended on who the girls cheered the loudest for.

This workshop also promotes the spirit of team work, as well as helps the girls come out of their shell and to use their skills to create something extraordinary out of something so basic such as newspapers.

The volunteers, as well as the girls from Vredelus, really enjoyed this session and have requested to do this again in the future.

##### Workshop two – Relationships & Statutory Rape

Recently social media sites have been reporting under age boys/girls being in “relationships” with older men/women.

A recent article which appeared on a local Facebook page concerned a fifteen year old girl who was impregnated by her twenty three year old “boyfriend”; this, according to the law, is a criminal offence known as statutory rape.

We decided to have this workshop as it is important to talk about relationships with family and friends, as well as to raise awareness on statutory rape, as people often do not know that it is illegal to have sexual intercourse with a person below a statutorily designated age.

However, we mostly focused on statutory rape. Most cases that have been reported concern young girls being the victims, so it was really important for us to educate the girls on child sex laws and equip them with the necessary information which they can use to avoid becoming a victim.

Interns had to do research on the age of consent to sex in South Africa, as well as child sex laws. They then had to compile the research into a slideshow presentation in order to make it an interesting topic to present and discuss with the girls at Vredelus.

We started by asking “what are the different relationships you have?”; this was a pretty easy question, so it was not surprising when we got answers such as “relationships with family or friends”, or “relationship with my boyfriend or girlfriend”.

We explained that the different relationships we have with people define who we are, as well as helps build our character, so it was important to have relationships with people who influence our lives positively.

We then asked if anyone knew what statutory rape is – it was surprising that they did not know. However, they knew what “rape” meant as some of them had been victims of this horrendous act.

We also explained that statutory rape is a criminal offence and that it is committed when an adult sexually penetrates a person who, under the law, is incapable of consenting to sex.

A lot of the girls seemed interested in the presentation; however a few felt that it was an awkward topic to discuss as some of them had been placed at Vredelus due to being rape victims.

This was an interesting subject, which not only the girls learned from, but interns as well.

We have received positive feedback from some of the girls as well as the interns regarding workshops like these where our main aim is to raise awareness and educate.

### Workshop three – Social Networking

In modern times, social networking has rapidly soared to become one of the most common ways for people to exchange messages, dialogue and share information.

As a result, social media has played a large role in transforming the ways in which people communicate with one another. Just a mere decade ago people used to either meet for coffee, stop by one another's house or pick up the phone and call, but modern society is a fast paced world.

In a world dominated by technology, and many individuals possessing an innate need for continuous streams of information, social networking effectively fulfils the desire for both the ability to send and receive quick, if not immediate, responses.

Conducting a workshop about social networking was important for us in order to educate the girls as we wanted them to be aware of the negative and positive aspects of it.

The interns researched various websites and browsed through various articles in order find a way to make this presentation interesting and interactive.

With the information obtained, we created an interactive slide show presentation about social networking.

We started this workshop by asking the girls what they knew about social networking and what kind of social networks they use.

Most of the girls replied with Facebook, Mxit and WhatsApp, them being the most popular social networks in South Africa.

We then spoke about the following topics:

- The importance of keeping in touch with people
- Meeting new people
- Information sharing (what you should and should not share with people)
- Online stalking and predators
- Cyber bullying
- Online dating

We also explained to the girls that the internet and social websites could become addictive and that there is actually a disease called “Internet Addiction Disorder”.

The girls were showing interest and were engaging by both asking and answering questions.

Through this workshop, our main aim was to educate the girls on not sharing important information, such as your address, identity number etc, as well as how to be internet safe, not trusting people you don't know, meeting strangers in secluded places, sending explicit pictures or messages, putting yourself in situations that you are uncomfortable with and ensuring that you do not jeopardise your reputation.

We also showed the girls two videos: the first one was about a man explaining how internet obsession can make you anti-social and affect you negatively. The second video was from the show “Catfish”, where people were online dating/chatting for several years without meeting each other in real life, established a connection and then found out that the person they were chatting to were not really who they have claimed to be. We linked this video to the misuse of photos and information and that you should not be too trusting of strangers.

The girls understood the information they received from us, so hopefully they will keep in mind not to over share information the next time they use social networks and to ensure that they are comfortable with whatever situation they find themselves in.

## Workshop four – Fire Safety

Due to recent fires in various townships of Cape Town, numerous shacks have been destroyed, which has resulted in hundreds of people becoming homeless. Thus we decided to run a workshop on fire safety.

An alarming number of people do not have knowledge of basic fire safety, which can result in people's lives being at risk.

The PAHRO interns researched recent articles about fires in Cape Town, and the devastating consequences thereof, as well as looked into different fire safety information tips.

All the research was compiled into a slideshow presentation which was presented to the girls and the rest of the PAHRO interns who attended Vredelus.

We started the workshop by asking the girls if they knew what fire safety information is vital to know and we were surprised with some as the answers received, such as “run to the nearest exit”, “do not use the elevator” and “stop, drop and roll if caught on fire”.

In the presentation we explained that all fire safety equipment should be clearly labelled and easily accessible, with instructions on how to use them being visible; knowing the necessary information can prevent major fires.

Proper safety protocol, such as stop-drop-and-roll manoeuvres, should also be taught to everyone, and it is important that regular training should be provided in order to refresh one's memory. We also explained that most people assume a simple smoke detector will suffice, but then they forget about fire hazards.

We showed the girls a report by the U.S Fire Administration that from 2001-2004 there were 452 civilian deaths from fires in homes with smoke detectors, underlining the importance of staying current with all your safety measures.

Another aspect of fire information we shared is called “separation and containment”. Separation means keeping flammable materials away from fire hazards; for example, it is a bad idea to store paint or turpentine in the same room as a furnace. Containment involves having ways to keep the fire from spreading. Keeping fire hazards in separate rooms with fireproof doors can mean potential fires won't spread to other areas of the house. At the very least, containment will give family members more time to escape before becoming trapped

However, as many people in the townships of Cape Town do not have smoke detectors, it is important that they know the basic fire safety information and we are hoping that the girls at Vredelus will share what they have learned with their family and friends.

This workshop was not only received positively by the girls of Vredelus, but by the interns as well, as workshops like these help save lives and are educational.

## **Bonnytoun**

### Workshop one – Football game

Due to the boys not getting to do outdoor activities often, and due to previous requests, we decided to have this football game between PAHRO interns and the Bonnytoun boys.

The purpose of this match was for the interns and boys to bond in a different social setting, as well as for the boys to work together as a team, to find solutions and strategies on how to win the game.

The boys really enjoyed the match and appreciated that we have honoured their request. By good teamwork and skills the boys managed to win the game and were rewarded with a much valued trophy, as well as juice and scrumptious oranges.

### Workshop two – Relationships & Statutory Rape

This was the same workshop which was done at Vredelus; however, we felt that the response was rather awkward as some of the boys had been placed at Bonnytoun for sexual offences.

### Workshop three: Social Networking

We did the same workshop as was done at Vredelus, although we focused more on the boys being respectful of girls' choices when they say "no" (to requests for explicit pictures, sexting, etc.); when the girls feel uncomfortable in a situation; or when they do not want to share personal information on social networks.

The boys seemed interested and focused during the workshop, and they asked questions about what they should do in certain situations. They engaged in conversation with the rest of the boys and interns.

### Workshop four – Fire Safety

This was the same workshop as was done at Vredelus.

The boys were not focused in the beginning; however, when we mentioned the recent fires and how the basic fire safety information could save their house or the lives of themselves and their family, they began to listen attentively.

### Workshop five – Football game

This was our second football game at Bonnytoun this month, however this was with a different dormitory.

Unfortunately the boys of Bonnytoun did not win the game, but they still enjoyed playing football and being outside, bonding with the rest of their team and interns.

After the game the boys and the interns enjoyed juice and oranges together and once again the boys requested to have more outdoor activities, as they really enjoy this different setting.

## **Ottery Youth Care**

We have been unable to attend Ottery Youth Care and Education Centre in the mornings due to new structures being implemented. However, in the last week of the month we were able to attend twice in the afternoon.

### Workshop one: Team Building

This was our first afternoon workshop in a while, so we decided to make it a fun session.

This was a team building session, so we divided the boys and interns into groups and asked them to make a human pyramid. The group whose pyramid stayed up the longest or was the highest won some sweets.

This was a fun activity as it allowed for the boys and interns to get to know each other, bond and practice team-building skills.

### Workshop two – Role Models & Educational Quiz

We started by explaining why positive role models are important and how the boys should choose a role model.

When asked if the boys had positive role models most of them said “yes”, however it was clear that most of their role models were not positively influencing their lives due to them ending up in Ottery Youth Care, or them still having the mentality that being in gangs or using drugs is “cool”.

After we explained what positive role models are, we broke the boys into groups for them to discuss the aspects of a positive role model, as well as for them to see what they had to change about themselves in order for them to one day be a positive role model.

We also had an educational quiz, which was on the history and geography of South Africa.

The boys really enjoyed this as they got to learn more about their country, such as the landmarks, popular sports, politics and the different cultures. Seeing that this was a quiz, it was interesting to see how much the boys knew and how keen they were to share their knowledge.

We will be doing a more detailed workshop on the history and geography of South Africa in the future, as there are so many interesting facts and myths about our beautiful country.

## **Women’s Shelters**

**Sisters Incorporated** resumed in week three due to the ladies all having jobs or voluntary positions.

### Workshop one – Oscar Pistorius

There were initially two women present for the session; however this increased to five as three ladies returned from their appointments. Miriam MacDonald and Molly Stephens also

had a consultation with one of the resident women, having previously assisted her brother with a divorce matter. This new case involves a land claim, as her family had been forcibly removed from the District Six area.

The volunteers began by introducing themselves to the ladies, as none of them had attended before. They spoke a bit about themselves and where they are from, and then started up a general conversation with the women. They had prepared a discursive workshop regarding the Oscar Pistorius trial, given that the sentencing in this landmark case had been handed down just two days before. This took the form of looking at the circumstances from different angles, such as what if the perpetrator had been a black man without such great financial means?; what if the victim had been male and the shooter female?; and the issue surrounding Oscar Pistorius' right to privacy. The women did not know the facts of the case but were keen to learn more about it, and got involved in comparing the trial to hypothetical alternatives, especially when it came to discussing the sentencing, at which point the question surrounding the death penalty was raised. The volunteers had planned to play a game towards the end of the session; however the conversation took over the two hours!

#### Workshop two – Clothing sale preparation

We did not hold a workshop on this day, as the volunteers assisted in the preparation for another clothing sale fundraising event.

The volunteers then attended the sale the following day, Friday 31st October.

St Anne's was cancelled for the first two weeks due to the ladies all having jobs.

**St Anne's** was cancelled for the first two weeks due to the ladies all having jobs.

#### Workshop one – Mental and physical health

There were four women at the shelter, and so three volunteers did a presentation on mental and physical wellbeing. As a lot of the ladies often disclose that they have anger management issues, we covered issues such as controlling stress, different relaxation techniques and the benefits of exercise. The ladies were very talkative about how they try to maintain a healthy balance, for both themselves and their children. The group spoke for an hour and a half, and then they played a word game until the end.

#### Workshop two – Basic First Aid

There were 5 ladies in attendance, 2 of whom were new. The volunteers had prepared a workshop on basic first aid; this was done in a theoretical capacity, as opposed to physical, as we do not have trained first aid workers. It revolved around some basic myths about what to do and what not to do in certain circumstances, such as how to treat minor burns and wounds. A couple of the ladies believed that you should use butter for the former, and sand for the latter. They also talked about how certain over-the-counter medicine can have detrimental effects on one's health, which prompted one of the women to contact her doctor to ensure that she is taking the correct medication. Following the workshop, the ladies and volunteers engaged in some general chat, and then played a game which everybody really enjoyed. The ladies seemed to really enjoy the morning, and were very engaged throughout.

### Workshop three – Oscar Pistorius

This workshop went very much the same as the one held at Sisters Incorporated. Again, the ladies were uncertain of the facts of the case, but became very involved in discussing different scenarios which might have played out had the financial and social circumstances of the perpetrator been different. The general feel from each of the shelters was that the sentence of five years, of which he may only serve ten months, did not fit the severity of the crime. There was also a lot of discussion about how the victim, Reeva Steenkamp, has often been disregarded (at least in international media) in the sense that she was referred to as “Oscar’s Girlfriend”, without taking her credentials as a Law graduate and successful model in her own right into account. Following the discussion, the volunteers and ladies played a word game, which is always very popular among the women, and then just had a chat together.

### **Legal Services**

#### **Maria Mulindi**

##### Ryan Clarke – Refugee Runaway Case

Our client is a fifteen year old Kenyan national.

He migrated from Kenya in order to come and live with his uncle in Cape Town. He came to Cape Town with the help of his uncle’s friend; however his uncle’s friend only travelled to Johannesburg, where our client was placed on a train to travel to Cape Town on his own.

Upon arriving at Cape Town train station his backpack was stolen which contained all his documentation and contact details for his uncle.

The client informed us that he had since been living on the streets, but after calling numerous shelters to find a place for him we discovered that he had already been living in a shelter since his arrival in Cape Town and that he had been legally placed at the shelter through a Social Worker.

Upon speaking to one of the staff members at the shelter where the client had been placed, we were informed that he had run away the previous night as he felt he did not fit in. We now realise that he had run away and came to our office in order to seek assistance with locating his uncle.

We found the client a place to stay at another local shelter. We also e-mailed the Kenyan Embassy requesting information regarding his uncle’s address and contact details.

##### Hannah Sills – Pyramid Scheme case

Our clients came to us in 2012 with a complaint about a company RRR-Link (SA) ltd. They had been misled into paying R995 in the thought of gaining employment. However, this never happened. After complaining to the Companies & Intellectual Property Commission (CIPC) where we were then referred to the Nation Consumer commission (NCC), but we have still had no response from them regarding our complaint.

Looking more closely at this company we have found out that they have recently gone into

liquidation and are a subsidiary company of Moulmed. We have also found that RRR-Link SA (Ltd) are acting in the same way as a pyramid scheme. The main characteristics match; 1) compel individuals into making a payment to join an organisation, 2) the profit comes from the intake of new clients and not the sale of any goods, 3) the scams always lead to the company eventually collapsing. This breaks laws in both the Bank Act and the Financial Advisory and Intermediary Service Act 2002.

We plan to now write again to the CIPC & NCC stating what we have found and saying that we expect a response within 7 days otherwise we will have to lodge a complaint to the public protector.

## **Miriam MacDonald**

### Molly Stephens – Land Claim

This matter concerns a client who is resident at Sisters Incorporated. Miriam MacDonald and Molly Stephens consulted with her at the shelter. PAHRO has previously assisted her brother with a divorce matter, which they were very satisfied with and grateful for. She has now approached us to assist with a land claim.

The application for restitution of land rights re-opened in July 2014, in order to allow claimants another opportunity to receive compensation following the initial period for making a claim closed in 1998.

The client's family had been residents on Gordon Street in District Six, from where they were forcibly removed during the apartheid era. Her parents have both since passed away, and our client really feels that, had circumstances been different, she would not have ended up living in a shelter for abused women, as there would have likely been more opportunities available to her.

The family were removed to Hanover Park in the Cape Flats, where our client's father tried to turn their new residence into a home. Following his demise, they were forced to move again, and our client eventually ended up getting involved in the wrong crowd, which eventually led her to her current living conditions. Her brother has psychological problems, and she feels that she abandoned him in his time of need. She now wants to secure a home for herself, her daughter and for her brother, and to fulfil their father's last wish that his children and grandchildren would have a place to call home.

### Simona Manolova – Child Maintenance

On Wednesday 29th October, Miriam and Simona attended the maintenance office at Wynberg Magistrate's court with our client and her daughter-in-law.

Our client's daughter passed away, leaving young twins, whom our client and her husband now look after. There had been a maintenance order in place for the deceased to receive R600 per child per month. However, upon her demise, this was never transferred to the grandparents of the twins, and their father ceased making payments.

Simona assisted our client with filing the necessary paperwork for the enforcement of the maintenance order, as refusing to comply with a court order is a criminal offence, and

changing the payment to be in our client's name. We now await a court date.

## **Sherwin Daniels**

### **Criminal Law Cases**

#### Bonnytoun

Our client has been charged with the following offences: murder, possession of ammunition, possession of unlicensed firearm, contravention of section 9(1) (a) of act 121 of 1998 and contravention of section 9(2) (a) of act 121 of 1998.

On the 8th of October, Sherwin, together with intern Jelena Davidovic, had a consultation with our client at Bonnytoun Detention Facility in order to discuss the statements made against him by State witnesses, and his version of events as to what transpired on the night in question. The facts, as per our client, are as follows:

There was a crossfire shooting between two gangs in Athlone. Our client, who is resident in Athlone, ran out onto the streets to see what was happening and saw the two gangs shooting at each other, engaged in a crossfire. He further states that he saw the person responsible for shooting and killing the deceased, and that he was merely an innocent bystander. After the shooting, a police officer approached our client and informed him that he had to leave that area. Our client refused to leave, saying that it would look suspicious if he did (as if he was fleeing the scene due to guilt). The police officer left, but returned shortly after with another officer, who searched him and then arrested him. The client was released from custody on the same night. The day after he went back to the place of incident and the police arrested him again, this time, keeping him in custody.

One of the eye witnesses for the State claimed that she saw our client shoot the deceased. However, all the witness statements are inconsistent.

On the 22nd of October, Sherwin and Jelena Davidovic appeared in court on behalf of our client. The Prosecutor read the charges against our client, who pleaded not guilty. The date for the trial was set for the 20th of January 2015.

#### Pollsmoor

##### New Cases:

“On Thursday 23rd October, I went with the criminal attorney, Sherwin, to meet two new clients, who are currently incarcerated in the notorious Pollsmoor prison, awaiting trial. We are only able to assist clients at Pollsmoor who are accused of 'petty crimes'. The first step we had to take was to ensure that those we met were in fact those we could provide legal assistance to. The guards, despite our instructions, brought two men who we were unable to help. These men had to be sent away.

We were left with two men, who stood accused of crimes which we were able to defend them for. We interviewed them in one of the court video link rooms, with no guard present; an unnerving experience!

Our first new client stood accused of assault occasioning grievous bodily harm (GBH). He

wished to plead not guilty. The client claimed that he was watching some minstrels performing in the street outside of his house. His friend, who had drunk too much, was vomiting at the time. A woman came out of the neighbouring house, and began to shout at them. At this point, someone threw a large stone or brick, hitting the woman in the face and causing her a reasonably serious injury. The client claimed to us that he had not even seen this happen. However, his friend (who the client claims likes to 'play around') blamed him for throwing the object at the woman. The client maintains it was in fact this friend who threw the object. Two days after the incident, the police came and arrested the client, as the woman had apparently reported him as the perpetrator of the assault upon her. The client's bail had been denied, due to him having several pending cases related to attempted murder and possession of illegal ammunition. He therefore had to remain in Pollsmoor until his upcoming trial.

The second new client was a previous client of ours, who was once again in Pollsmoor. The client was accused of housebreaking with intent to steal and theft. The previous case which we had assisted him was also a theft, which the client had been convicted of. This client wanted to plead guilty, as he had effectively been caught 'in the act'. One evening, the client broke into a shed, intending to steal hardware from within it. However, a loud alarm went off, and he was forced to flee the scene. The next morning, the client tried to go back to the shed to retrieve the goods which he had attempted to steal. He discovered four grinders, which he placed into a bucket and tried to make off with. However, he was spotted leaving by a taxi driver, who kept him in place until the police arrived and arrested him. This client had been unable to afford bail, so he was also stuck in Pollsmoor until his trial. The client was very upset about this, as he had wanted to be home for Christmas.” –By Jack Harrison

### **Moot court**

On Friday, 17 October 2014, the volunteers took part in a moot concerning the case of our client who was arrested for suspicion of possession of stolen goods. The teams were as follows:

Prosecution: Edward Keeling, Francesco Belloni, Simona Manalova, Patricia Lam;

Defence: Jack Harrison, Christian Tabler, Phoebe Richardson, Agness Moerman.

The prosecution charged the client with Inability to give satisfactory account of possession of goods suspected of being stolen (contravention of section 36 of the General Law Amendment Act 62 of 1955). The prosecution argued that all the elements of the offence were present in this case. The goods were 760 litres of diesel. The goods were found in possession of client and his brother by having direct control of the goods in the car. There was a reasonable suspicion that the goods have been stolen, due to the quantity, time of arrest and no reason given by either client or his brother. The last element, the accused must be unable to give a satisfactory explanation of the possession was also present. As in the case of Shakane (1998), explanation or reaction when asked where the accused obtained the property or who the owner thereof, may well be relevant in deciding whether there was a reasonable suspicion.

The defence argued that the client was not in possession of the goods, as it was his brother driving the car and the client was hitch hiking his way to Zimbabwe and met his brother on the road. The defence argued further that the client was not aware of the goods. When asked why the client had diesel on his shoes, the defence argued that the Bakkie (pick-up truck) had a big compartment and the window must have been open and the diesel was spilled. Also, the

client was expressing his right to remain silent and not give an account when arrested by the police.

After both arguments were presented, it was open to the volunteers and staff members of PAHRO to vote either guilty or not guilty, based on the aforementioned argument. The vote was 10 (guilty) to 8 (not guilty) in favour of the prosecution.

### **Conclusion**

We will be moving offices in the month of December, so we are currently busy notifying all our clients of our move. We still look forward to receiving new and old clients in the month of December.

Most of our project partners also close within the first two weeks of December, so our Social Justice Workshops will be limited or reduced.