
Monthly Report – NOVEMBER 2013

Projects Abroad Human Rights Office, Cape Town

SOCIAL JUSTICE PROJECTS UPDATES

Bonnytown

We planned a soccer tournament with the boys. Our purpose for the tournament was for the boys to build team spirit and healthy competition, with the hope of helping the boys to engage in activities that will draw them away from gangs, drugs and crime.

The tournament involved the dorms playing against each other.

Our second and third workshops at Bonnytown were on Xenophobia and Refugees. Some of the boys were saying that “the foreigners should leave our country as they are just taking our jobs”, however we showed them clips about what is going on in Somalia and Zimbabwe. It was hard to tell if the boys were paying attention as some of them were laughing at a picture of a starving child. Some of the boys were quiet and even told the other boys that were disruptive to keep quiet.

Our last workshop at Bonnytown we decided to play Pictionary with the basic Human Rights; it was fun and interesting, as well as an easy way for the boys to learn the different Human Rights and also to remember it.

At the end of the workshops the boys had a new perspective on how to think about foreigners.

Vredelus house

The first workshop we did was on Personal Development. We played an advert by Dove, where women had difficulties saying what they like about themselves, however found it much easier to say what they like about other women.

We did the Dove exercise with the girls as we wanted to see how they felt about themselves and each other. We were shocked to see that the girls were extremely confident and wrote down things about themselves and each other that we did not think they will write. “I like who I am”, “I like my private parts”, etc.

We also did a presentation on Gender Stereotyping and what people normally assume. We showed the girls a slideshow of straight men and women, who had ponytails, wore bags and wore suits. We wanted the girls to see that men and women could wear the same type of clothes, hair style, etc, and not be gender stereotyped.

The girls requested for us to do a workshop on the different countries that the interns are from. So the interns did a slideshow presentation about their home countries, Sweden, USA &

Germany. The interns gave a brief history about their country, the top tourist attractions, the music and the types of food their country is known for.

We also had Mariam from Sisters Incorporated go with us to Vredelus as she is a motivational speaker. Mariam spoke to the girls about her life, what she went through as a drug addict and alcoholic, how she found Jesus and how she overcame all her struggles. Hearing her speak was really life changing for some of the girls as they could relate to what Mariam was saying as some of them were in the same situation. The girls asked her a lot of questions about how she managed to change her life, what she did different and how she's doing things different now.

Capricorn Primary School

This month at the school we started our classes on workshops on HIV/Aids: What the children needed to know about the disease, how to prevent them from getting it, what to do when they or their family members have it. This was a really interesting workshop as the children knew a lot about HIV/Aids; however they still asked various questions.

We also did workshops on music and drama, as well as an art workshop. We wanted to do something fun with the children as we felt that they learn or take note better if we want to get a message across when we do our workshops in fun or interesting ways.

We had a workshop on Refugees and Xenophobia as well. We explained to the children what it is about, as the children were not aware of the terms "Refugees" or "Xenophobia". The children first said that they wanted Refugees to leave South Africa as they "steal our jobs". We showed the children a documentary about what is happening in the home countries of the refugees and how young children such as themselves were forced to be child soldiers. In the documentary there was a picture of a starving boy, one of the children in the class was really concerned about this boy and asked "if he was okay" and "did the boy and his family come to South Africa?". After the documentary the children said that in their area they had a lot of Refugees and that people didn't treat them well, but that they will treat the Refugees with respect as they no longer want to the Refugees to leave.

WOMEN'S SHELTERS

St Anne's

We attended St. Anne's for the first time this month since August. As it had been such a long time since we had been there, we had an informal session so that the ladies could get to know the interns, and learn about what it is that we do as an office and how we may assist them in the future. It went very well, everybody enjoyed it, and the topics ranged from the interns home countries and traditions to the racial divide in Cape Town.

The second time we went to St. Anne's we decided to hold a general human rights workshop using the Universal Declaration of Human Rights. We discussed the rights in general, and

discussed how they apply in South Africa in relation to issues such as men/women and race. A vast array of topics were discussed, and interesting opinions were raised. It was very interesting, and the ladies asked for a copy of the human rights to keep for themselves.

The ladies had requested information regarding housing, and so we had prepared some information with regards to the rights and responsibilities of tenants. The ladies are anxious about where they will go once they leave the shelter, and so we will continue this theme by looking at other areas, such as housing subsidies. We opened a new case for one of the women, and they appreciated the information which we relayed to them. We then did a relaxation exercise and then proceeded to chat to the ladies while some of them had their nails painted.

Sisters Incorporated

We had Victoria from Projects Abroad Argentina accompany us w to Sisters Incorporated, so we held a discussion around the topics of freedom of expression and the Bill of Rights. However, the ladies at Sisters had an order of necklaces due, and so everyone got involved in helping them to meet their deadline while holding the discussion.

The girls finally had the opportunity to hold their dance class, as the aforementioned necklace order had been completed. Elise Nadeau from Canada lead the workshop, being a dance instructor, and the rest of the PAHRO interns joined in with the ladies. They all had so much fun that they spent the whole two hours dancing, and the staff and children in the crèche also joined in!

We decided to hold the same workshop as was held at St Anne's using the Universal Declaration of Human Rights. Again, interesting opinions were raised and everybody enjoyed the discussion.

The last Friday of the month, Sisters Incorporated had a clothing sale, which was attended by most of the PAHRO interns and by Miriam MacDonald.

LEGAL SERVICES

These are some of the cases interns are working on:

Maria Mulindi

- Sarah-Jane Childs from the UK was not at the office as she isn't feeling well, however Maria Mulindi discussed one of her Labour cases.

The client, who is a female from the DRC and works as a car guard.

Our client wrote an incorrect receipt for a customer at the car park. Upon realising this she approached the customer to rectify her mistake. The customer an adult Caucasian male responded to this by assaulting our client to such an extent that he dislocated her right

shoulder. Pictures were taken at the scene of the assault depicting a Caucasian male stomping his foot on a female lying on the ground with her hands raised to protect her face. He stopped when others came to her aid.

This Caucasian male opened a police case against our client, who was surprised to find that she was being charged with assault. We will be representing her at court and have started preparing her defence.

- Edward Griffiths from the UK is also working on a Labour case: Our client underwent incapacity proceedings at work. PAHRO is alleging that she is still fit to continue employment. Whenever the client was absent from work she has always provided the employer with medical reports for the days absent. Edward conducted research into incapacity proceedings and the procedure to be followed during the same and prepared a defence for the client. This was submitted to her Union representative to be used at her next hearing.
- Giulia Ceresa from Italy has previously discussed her case at our IRM. Our client a refugee had been raped in front of her son. Her son tried to protect her from the rapist; however he was then also sexually assaulted. We were trying to see if we could get the son and his younger brother, who had boils in his throat medical attention. We had wanted them to attend the Red Cross Children's hospital however we found out that they can only receive attention upon being referred by a doctor. The client did not have money for a doctor and the Doctor at the general hospital where the client took her children could not be reached to attend to a referral. We are happy to report that we requested another doctor to examine the children at no cost to the client and the doctor attended to a referral to the Red Cross Hospital. The client has an appointment for early next year which is the earliest available time due to the waiting list.
- Rebecca Linde from Sweden is also attending to a case where our client was raped. Our client was raped by 2 men in a minibus on her way to work. The driver and the two men refused to let her alight at the taxi rank and drove off with her. It was so horrible to hear. She came in a second time last week; she said she was ashamed to tell her full story. After the first incident her husband had distanced himself from her and had told her if she had been raped once she was likely to be raped again. To her dismay, this is what happened. She was at the Bellville taxi rank when she boarded a taxi that drove off quickly in full view of other people refusing to take on anymore commuters. Of the three men in the taxi one was part of the group that had raped her previously and even went as far as to ask her if she remembered him. She was raped, but this time around she did not open a case at the

police station. She did not want the investigating police officers coming to her house and questioning her lest her husband find out about the second incident. She has therefore not spoken about it. She later found out she was pregnant, and she attended the Somerset West hospital to have an abortion; she said this decision and the action itself distressed her. We have referred her for trauma counseling and have been following up on the police investigation. We found out later that they had closed the file for lack of evidence. We discovered that there is a database for known sexual offenders at the police station where the client reported her case; she however had not been given an opportunity to look at this database in the hope that there may be a picture of any one of the perpetrators that she may be able to identify. We have spoken to the investigating officer who has instructed that our client may come down to the station to peruse the database. We hope there may be leads to follow on this and the perpetrators will be brought to justice.

- Christine Waldener from Canada attended to a group of women who worked as Car guards at the N1 Shopping Mall. The ladies worked under the umbrella of the Gold Mile company. This company ceased to rent the parking space from the Mall and moved away. A new Company took over renting the parking space and the new owner of this company informed all the female car guards that they will not be registered to work as car guards at his company because he does not believe in working with female car guards. Christine attended to research and established that the car guards are not employees but are classified as independent contractors as such they do not have a claim for unfair dismissal. In any event any claims that they would have to raise regarding dismissal would have to be against Gold Mile and not the new company. If the female car guards are to have a case against the new company it would be on the basis of discrimination based on sex. As the ladies are not classified as Independent contractors they do not therefore have a case based on the Employment Equity Act which only deals with employees or the Labour Relations Act which also only covers employees. They therefore would have to base their case on the Promotion of Equality and Protection from Unfair Discrimination Act (PEPUDA). We also found out that they would be in a position to institute an action based on this Act in the Equality Court. We will call in the client to discuss the next action to be taken.
- Robert Bradshaw also from the UK is also working on a Property matter: The client is a resident of Walacedene Township. The township of Walacedene instituted a case in the Constitutional Court that became precedent for the application of the right to housing in the Constitution in South Africa.

The case was brought under the name of Irene Grootboom who we were surprised to learn passed away in 2008 before receiving the house awarded to her by the court.

The client came in to seek our assistance with the acceleration of promising housing to the township community, a number of whom are living in squatter conditions.

We have scheduled a meeting with the Ward Councillor to discuss this matter further in order to understand what has caused the lengthy delays and what is being done about this.

- Hanna Vult Von Steyern from Sweden attended to a client who was raped. It is a similar case to the one Giulia is working on. Our client pointed out the offenders on the sex offenders' data base. The client is still experiencing trauma from the incident. She keeps feeling like people are staring at her, touching her, pulling her. She says she realises it's all in her mind but she cannot help it. Unfortunately the trauma centre that she previously attended is fully booked and they do not know when they will have an opening to slot her in for sessions. We asked the client to wait at the office while Hanna looked up various trauma counselling facilities. Hanna went through a long list of these and was fortunate to find a trauma centre in the Mitchell's Plain area where our client lives. We were able to get her an appointment for the 20th November 2013. It has been a struggle following up with the investigating police officer in this case. However we spoke to another officer who checked up on the case and informed that the case may have been closed for lack of evidence. As of now our priority is enabling our client to get back on her feet through counselling.
- Maria Mulindi is currently working on Labour case, where our client was dismissed without 1 month's notice. Our client then took the case to the CCMA, where he was successful in winning his case. However the client did not received the money awarded to him. The client then went back to the CCMA and to the Labour Court. The client then came to see us in order for us to assist him getting the money awarded to him. It now transpires that our client had used his brother's documents as his own as his permit has expired. Maria then informed the client that he cannot use falsified documents as it is illegal; however he has said that his brother gave his permission for the client to use his documents as the brother was back in their home country. Maria also told the client that she cannot help him as what he has done is fraudulent, to be working under his brother's name and using his documents. The client did not want to understand and instead accused Maria of denying him his Human Rights, because if he does not get the money then he will not be able to

support his family. I explained to him at length that as an officer of the law it would be illegal for me to represent him on this basis and this would prejudice the office and the work we do.

Sherwin Daniels

- Julien Richard from France is currently working on a Refugee case: Our client from the DRC belonged to an opposition party of the government. Her parents were killed in front of her and her children. Our client managed to escape leaving her children behind. The client fled for her life not knowing what happened to her children. She then heard that her children were living with relatives, but our client doesn't know if they are okay or not. The client's application has been rejected and Julian is now assisting her with drafting an appeal. This case was really touching as it seemed so unreal that these sort of things can happen to people.
- Edward Griffiths is working on a case where our client was told by the landlord that she owes money for electricity bills. We contacted the City of Cape Town, they did not want to release information regarding the bill. The client then brought us the electricity invoices and we discovered that the landlord overcharged our client for arrears on the electricity bill by the previous tenant. We then contacted the City of Cape Town the accounts department and they then forwarded us the invoices showing that there were arrears on the account before the client moved in. We have now sent the landlord the invoices and a letter showing that our client is not responsible for the electricity bills being in arrears.
- Christian Cooper, a Global Gap intern from the USA, is working on a refugee case: Our client wanted to apply for a visa to the USA to study. She is currently in South Africa but from Nigeria. She was rejected due to not having strong ties with South Africa. She had already paid for all the fees required. She applied twice but got rejected both times. We are now going to complain to the consulate.

Miriam MacDonald

- Marte Klausen from Norway is currently working on a Property matter: Our client's father died, however she is not his biological child. Our client is the executor of the property, however the sister and the mother wants to sell the property and hired an attorney to do so. Our client's signature was forged on the documents in order for her mother and sister to

sell the property. Marte went to collect an affidavit in order to present it to the attorney hired by the mother and sister, to say that they have forged our client's signature.

Court Appearances:

- Michelle Potters from the Netherlands and Sherwin attended court on the 01st November 2013 for our client who was arrested for possession of cocaine. At court, the case was called in first, so we were done in less than hour. The case has been postponed until 07 April 2014 as the drugs was sent away to the lab for testing to determine whether or not it was cocaine in the client's possession.
- Marte Klausen from Norway discussed the below in our IRM before going to court with Sherwin on the 25th November 2013.

The last court appearance for our client was on the 05th September 2013, when he was released on bail.

Sherwin has given myself and 4 other interns the task of preparing an application for the discharge of the accused and therefore an acquittal in terms of Section 174 of the criminal procedure act, 51 of 1977.

This application is usually brought when there is no evidence before the court that the reasonable man can possibly convict on.

We have thus drawn up an application in terms of Section 174, taking into consideration all the relevant arguments we can use and case law.

- Sherwin, together with volunteers and interns, attended the Wynberg Magistrate's Regional court in order to attend the trial of our client. He was accused of theft of a motor vehicle, theft out of a motor vehicle, armed robbery and house-breaking. The case had previously been postponed from the 5th of September until the 25th of November, for trial purposes. When we got to court, the fourth accused in the matter was not present and a warrant of arrest was issued. The prosecution and our PAHRO representative, together with the Legal Aid attorney, came to a consensus to separate the trials of the three accused before court from the accused who was absent.

After the consensus, the State provisionally withdrew the charges against the accused 1 to 3, the 3rd being our client, due to the complainant being untraceable

Food Drive

We had a food drive for the vagrants in Parow on the 14th November 2013. We decided to do something different and made hot dogs for the vagrants.

Below is some of the feedback we received from the interns.

- Edward Griffiths from the UK - It was nice, but there was the feeling that we could have done more, but we are also unable to feed everyone.
- Hanna Vult Von Steyern from Sweden - I enjoyed the food drive yesterday. People really appreciated it. It was nice that we went to the people as opposed to the people coming to us.
- Julien Richard from France - it was hard hearing that some of the people had to collect food for their wife or their 3 children that were unable to walk. The people also did not like the mustard.