

4 September 2018
New Commerce Building, West Campus, Wits University

8:30 – 9:00	Registration	NCB Foyer
9:00 – 9:15	Welcome & Opening Remarks Professor Wesahl Domingo, Head: Wits School of Law	NCB1
9:15 – 10:15	Keynote Address The Honourable Madam Judge L.T. Modiba Judge of the High Court of South Africa, Gauteng Local Division	
10:15 – 10:30	Programme & Social Media Briefing	
10:30 – 10:45	BREAK	
10:45 – 12:15	Parallel sessions	

- **Hosting communities, land rights and mines**
Lawyers for Human Rights
NCB2

Rural South Africa continues to be a space where millions of people live with insecure land rights, with substantial consequences in relation to the loss of their homes, ploughing and grazing fields, and access to natural resources. This is a particular challenge for mine-hosting communities, which are burdened with mining activities on their land. This session will discuss the available legal remedies and/or strategies, if any, available to communities who wish to challenge the presence of mining activities on their land, as well as the particular impacts of mining on hosting communities, including on women. This exploration will be guided through an analysis of the Mining Charter and the Wilgespruit matter, which highlights the complexities that rural communities face in hosting mining operations on their properties, and when they challenge threats to their historical land rights.

Facilitator: Michael Clements, Lawyers for Human Rights

Speakers: Mpule Pheto, Wilgespruit community

Prof Danie Brand, Free State Centre for Human Rights (University of the Free State)

Wandisa Phama, Centre for Applied Legal Studies

- **Public interest and claims sounding in money: Are we providing access to justice?**
Equal Education Law Centre
NCB3

This session asks whether we are failing to provide access to justice for those whose claims sound primarily in money, especially in instances where cases may not be linked to systemic issues which our organisations have identified, but where potential claimants are poor and unable to pay for legal services. An additional question linked to this is whether, strategically, we want to be claiming the

State's financial resources for individuals, families, or communities as compensation. The panel will also examine the public interest law conundrum of acting in your client's best interest, where those interests sound in money, while seeking to balance broader societal and systemic goals.

Facilitator: Daniel Linde, Equal Education Law Centre

Speakers: Sheniece Linderboom, SECTION27

Lunga Siyo, Johannesburg Bar

Sheena Swemmers, Centre for Applied Legal Studies

12:15 – 13:15 **NGO Marketplace & Lunch**

NCB Foyer

13:15 – 14:45 **Plenary session**

Transformation – forging ahead with clear guidelines

NCB1

ProBono.Org

The question of transformation remains an important consideration for the future of the public interest law sector and the practice of law as a whole. This year, we take stock and re-evaluate the processes and discussions that have taken place since 2016 when the first demand for tangible changes were made. What lessons, challenges and achievements have been experienced in order to ensure that the sector has a sincere commitment to the question of transformation? Is it time to have a charter that will serve as a policy guiding document? This panel will look within and beyond the sector at how the question of transformation can go beyond discussions, to the development of a charter or guiding document on transformation.

Facilitator: Tshenolo Masha, ProBono.Org

Speakers: Mari van Wyk, Lexus Nexus

Silomo Khumalo, Black Workers Forum

Lisa Chamberlain, Centre for Applied Legal Studies

Luyanda Nyangiwe, Thulamela Chambers

Ntombi Bhengu, Socio-economic Rights Institute

14:45 – 15:00 **BREAK**

15:00 – 16:30 **Parallel sessions**

- **Activist intimidation: A threat to social justice**

NCB2

Centre for Applied Legal Studies

Social justice activists are facing both more frequent and more varied threats because of their activism. As a result, social justice work is becoming more challenging and/or continues to be a challenge. In this session, the Centre for Applied Legal Studies will launch their research report titled 'Victimisation Experiences of Activists in South Africa'.

The panellists in this session will discuss the following:

- 1) The various threats (and their nature) that activists are facing, which may include discussing the negative infringements into rights such as expression, access to information and protest;

- 2) Legal framework and litigation strategies to protect and promote the rights of activists facing threats (including the use of regional and international obligations); and
- 3) Innovative ways in which the sector, and particularly donors, could respond to the various threats in order to avoid the clamping down of activism, dissent and opposition.

Facilitator: Lubabalo Mabhenxa, Centre for Applied Legal Studies

Speakers: Patrick Ndletshe, Treatment Action Campaign and SECTION27
Nicolette Naylor, Ford Foundation
Dr Esther Gumboh, Centre for Applied Legal Studies

- **Demystifying abortion – Reclaiming women’s rights to their bodies** **NCB3**
Women's Legal Centre; Sexual and Reproductive Justice Coalition

The Choice on Termination of Pregnancy Act 1996 (CTOPA), provides the legal context in which a pregnancy may be terminated. However, the effective implementation of the CTOPA is restricted by a myriad of challenges. Currently, many facets about abortion have intentionally remained a mystery to many women, depending on their context, including: whether it’s even legal to have an abortion or to be turned away for religious views, who can perform an abortion, how dangerous is it to have an abortion and the State’s obligation to provide safe and legal abortion services.

The panel will focus on information about abortion that is not widely shared with women in South Africa, and will speak to the gaps in public knowledge about abortion which hinder women’s ability to exercise the bodily autonomy and self-determination underpinned by the CTOPA. The implementation of safe and legal abortions is simple and possible.

Facilitator: Seehaam Samaai, Women’s Legal Centre

Speakers: Mandivavvira Mudarikwa, Legal Resources Centre
Prof Cathy Albertyn, Wits School of Law
Matokgo Makutoane, Soul City
Bongiwe Gumede, Legal Resources Centre

- **Recourse against collapsing municipalities** **NCB4**
The Dullah Omar Institute

Reports about municipalities collapsing under the weight of corruption and maladministration are becoming all too common. The consequences are dire: basic services are not delivered, Eskom and the Department of Water Affairs (threaten to) disconnect entire towns and the sheriff auctions computers, furniture and refuse trucks. What happens when a municipality collapses? Is there a legal framework that protects citizens against a failed local state?

Facilitator: Prof Jaap de Visser, Dullah Omar Institute

Speakers: Makhozi Khoza, Organisation Undoing Tax Abuse (OUTA)
Dr Tracy Ledger, Public Affairs Research Institute (PARI)

17:30 for 18:00 Book Launch

Public Interest Litigation in South Africa, Jason Brickhill (contributing editor)

Venue: Postgraduate Centre, Faculty of Commerce, Law and Management, West Campus

5 September 2018
New Commerce Building, West Campus, Wits University

8:30 – 9:00 **Registration** **NCB Foyer**

9:00 – 9:10 **Programme & Social Media Briefing**

9:20 – 10:50 **Plenary session**

Sexual harassment in the civil society sector **NCB1**
Lawyers for Human Rights; Centre for Applied Legal Studies; Gender Equity Office

A facilitated working session, aimed at identifying, sharing, and assimilating best practice principles for eradicating sexual harassment from the public interest law sector. Together, participants will interrogate the nature and impact of our respective institutional responses to date, and unpack the practical implications of, and resources necessary for, victim-centred policies and processes. Participants are encouraged to bring their own organisations' sexual harassment and disciplinary policies to the session.

Facilitator: **Crystal Dicks, Gender Equity Office, Wits University**

10:50 – 11:05 **BREAK**

11:05 - 12:35 **Parallel sessions**

- **The State v Her: The use of women's bodies as a sacrifice** **NCB2**
Socio-economic Rights Institute

The panel is aimed at finding solutions directed at addressing the issues faced by women when protecting their rights. It will also highlight gaps in the criminal justice system and focus on litigation and advocacy strategies which the sector could adopt.

Facilitator: **Maanda Makwarela, Socio-economic Rights Institute**

Speakers: **Seehaam Samaai, Women's Legal Centre**

Yolanda Dyantyi, Activist

Dr Aisling Heath, Gender Health Justice Research Unit

- **The power of agency: Tenant advice assemblies and justice for evictees** **NCB3**
Ndifuna Ukwazi & Reclaim the City

This session will be built around 'The Power of Agency' in relation to movement lawyering; specifically the possible benefits and tensions that exist in lawyers working closely and taking instruction from social movements. The session will encourage lawyers to be mindful and interrogate the way we take instructions, as well as the legal and political consequences of how we

take instruction and litigate strategically. Ndifuna Ukwazi will present their 'Advice Assemblies' as one of its initiatives aimed at facilitating and empowering agency.

Facilitator: Chriscy Blouws, Ndifuna Ukwazi
Speakers: Lumumba Chia, Reclaim The City
Mbekezeli Benjamin, Equal Education Law Centre
Maxine Bezuidenhout, Ndifuna Ukwazi

- **Report Launch: The State of Protest in South Africa** **NCB4**
Right2Protest Project & Right2Know Campaign

The Right2Protest Project (R2P) is pleased to launch the first annual *State of Protest* Report. The launch will be marked by a panel discussion on key challenges to the right to protest in South Africa today.

Facilitator: Mluleki Marongo, Right2Know Campaign
Speakers: Busi Zasekhaya/ Stanley Malematja, Right2Protest Project
Bongani Xezwi, Right2Know Campaign
Dr Carin Runciman, University of Johannesburg

12:35 - 13:35 **Lunch**

13:35 - 15:05 **Parallel sessions**

- **Should public interest organisations use political lobbying as an advocacy tool for social justice?** **NCB2**
SECTION27

In the run-up to the 2019 elections, a debate about the political role of public interest law organisations in society is apt. Direct and indirect lobbying strategies are utilised by organisations. This session seeks to facilitate a debate about what is appropriate in the current political climate.

Facilitator: Thabang Pooe, SECTION27
Speakers: Lindiwe Mazibuko, Apolitical Academy
Ishtar Lakhani, Sex Workers Education and Advocacy Taskforce
Mark Heywood, SECTION27

- **Collaboration between civil society and government to promote access to justice** **NCB3**
Centre for the Advancement of Community Advice Offices of South Africa

This session will attempt to show how beneficial it would be if government and civil society organisations collaborate in order to deliver access to justice. Efforts have been made for the institutionalisation of Community Advice Offices, and a permanent partnership between these grassroots institutions and government through the Department of Justice & Constitutional Development will speed up this process in order to deliver access to justice to marginalised communities. The session aims to influence positions and behaviours across the entire value-chain of justice delivery in South Africa in order to foster greater synergy, mutual support and collaboration.

Facilitator: Margaret Kusambiza, Community Advice Offices of South Africa
Speakers: Seth Mnguni, Ntsu Community Advice Office (Mabopane)
Senior Magistrate Ruben Jantjies, Garankuwa Magistrates Court
Langa Mtshali, National Alliance for the Development of Community Advice Offices

- **Accessing sexual reproductive rights in South Africa** **NCB4**
Legal Resources Centre

The 1994 International Conference on Population and Development in Cairo was responsible for expanding the understanding of reproductive health from family planning and maternal health to include the right to Sexual Reproductive Health (SRH). South Africa has since developed an internationally recognised progressive legal framework regarding SRH where reproductive health, gender equality and diverse sexual orientations were included in the Constitution. Access to SRH services are now guaranteed in South African laws.

While South Africa has very good policies in place, we still face one major challenge: effective implementation. HIV, sexual and gender-based violence, and unwanted pregnancies continue to undermine the health and wellbeing of large numbers of our population, with young women being most vulnerable. Therefore, we must continue to strive for reproductive justice, which means ensuring that all South Africans have access to all SRH services, regardless of their race, sex, gender, income or social class.

Facilitator: Nasreen Solomons, Women's Legal Centre
Speakers: Zukiswa Ngobo, Sisonke
Lungile Mabaso, You Are Not Alone Foundation
Elgene Roos, Legal Resources Centre

15:05 – 15:15 **BREAK**

15:15 – 16:45 **Plenary session**

Social Justice Manifesto **NCB1**
SECTION27

The aim of the panel is to identify key demand/priority areas we would like to see in the next 5 years reflected in political party manifestos. We hope that from the discussions during the session, we are able to put together a manifesto that is launched in the new year. This will require collaboration, even after the Public Interest Law Gathering. Representatives from various organisations that advocate for social justice will present key issues in a specific area of work, and an open discussion after the presentation will allow attendants to comment and contribute to the development of the manifesto.

Facilitator: Tendai Mafuma, SECTION27

16:45 – 17:00 **Closing**