

HRLA Bursary Report

The Legal Resources Centre, Cape Town, South Africa

I would firstly like to thank the Human Rights Lawyers Association for enabling me to undertake a hugely rewarding internship at the Legal Resources Centre in Cape Town. Without the assistance of the HRLA, I would have been unable to complete the internship.

The Legal Resources Centre is a human rights organisation with branches throughout South Africa. Its primary function is that of a public interest law centre, conducting a large amount of impact and pro-bono litigation and providing free legal advice to numerous individuals. It also uses a number of other methods to further the practical application of those human rights embedded within the South African constitution. Such methods include participation in partnerships and development processes, education, advocacy for law reform and networking both at home and abroad. The South African Constitution is the supreme law of South Africa and is in many ways an extremely progressive constitution, for example providing for the realisation of socio-economic rights. The LRC works to ensure that such progressive ideals become a reality for all South Africans.

My role within the Legal Resources Centre was focused predominantly on Women's Rights. The main project I worked on was on the topic of implementation of the Domestic Violence Act in South Africa. The Domestic Violence Act seeks to protect victims of domestic violence by a number of methods including the granting of protection orders against offenders. A number of obligations are also placed on the police and the courts to assist victims, for example finding alternate accommodation for the victim if necessary. However, the Act has proved in some ways ineffective. The project was angled towards determining those areas within the Act which must be adjusted and amended to ensure sufficient protection for domestic violence victims. A majority of the issues I was dealing with on a day-to-day basis arose from the inaction of the police when faced with violations of the Act. Specifically the failure of the police to execute arrest warrants as required under the Act. A further barrier to the effective implementation of the Domestic Violence Act is a lack of knowledge on the part of both victims and government bodies in relation to rights and obligations under the Act. A prime example of this was seen in the arrival of clients at the LRC offices having been turned away from police stations and told that the police were unable to do anything to assist them.

As part of the Domestic Violence project in the LRC I conducted research for desktop and literature reviews and also did a lot of work with clients. Clients would be assisted by the LRC in all stages of the protection order process, from applications for protection orders to representation at the magistrate's court when the matter was due to be finalised. I assisted in all stages of this process and frequently attended court and observed proceedings. As the project also involved organising workshops on domestic violence I was also involved in the organisation and presentation of a number of such workshops.

A further area I was involved in which came under the sphere of women's rights was that of the rights of sex-workers. Sex-workers in South Africa suffer major human rights abuses and are frequently unable to access the justice system due to the circumstances in which such abuses occurred. I attended a number of workshops run by an NGO advocating the decriminalisation of sex work in South Africa and benefited greatly from hearing both former MPs and sex-workers argue persuasively on the issue. Connected to the issue of sex-workers rights is that of trafficking and I also conducted research on the South African Prevention and Combating of Trafficking in Persons Bill.

The LRC also provides a drop-in legal advice service and a majority of those making use of this service are refugees and asylum seekers. Therefore I was also involved in assisting refugees and asylum seekers with issues such as appeals against a refusal of refugee status and other matters such as housing and obtaining social assistance. My work involved activities such as writing heads of argument for refugee appeals and I also represented a client at the Refugee Appeals Tribunal.

These have been my main memories of my activities in Cape Town, however every day in the LRC involved undertaking a variety of different and previously unattempted tasks. The exposure I got to human rights litigation in the LRC was a hugely beneficial experience and has further solidified my career goals. Access to justice is of course one of the most important means of addressing human rights violations and my time working in the LRC gave me an in-depth understanding of public interest law. For this I would once again like to thank the Human Rights Lawyers Association.

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