

Women's Legal Centre, Cape Town, South Africa

HRLA Bursary Report

I was the extremely lucky and gracious recipient of a HRLA bursary in 2013. I applied for the bursary having organised an internship with the Women's Legal Centre in Cape Town through a programme set up by City Law School. I had some years prior undertaken an internship at a feminist NGO in the Middle East and with my newly acquired knowledge from the BPTC I felt that I could contribute in a much more meaningful way at a similar organisation all these years later.

The Women's Legal Centre in Cape Town is a non-profit, independently funded law centre, started by a group of lawyers. The Centre seeks to achieve equality for women in South Africa. As access to justice is largely inaccessible to poor women, particularly black women, the WLC plays an important role in litigating in their interest and providing them with access to free legal advice. The Centre identifies five areas of strategic focus which are; violence against women, fair access to resources in relationships; access to land/housing; access to fair labour practices and access to health care (particularly reproductive health care).

In applying for the internship I had been asked to write a paper on the relationship between the Choice on Termination of Pregnancy Act 1996 and the right to conscientious objection in South Africa. The conflict between these two rights has been a cause of controversy within the country and in my paper I was required to explore the balancing of health care providers' rights to conscientious objection with the rights of women to make reproductive health care choices. This exercise provided me with the opportunity to gain an informative first insight into some of the legal challenges faced in South Africa.

After I received my bursary I put plans in to motion and flew out to Cape Town in August to begin my internship. On arrival at the downtown office of the WLC I was greeted by three other interns who were at various stages of their time at the Centre. One of the girls was also studying at City university and the other two were from the US and had both recently passed the Bar exams.

At the time I arrived the Centre was preparing for a two day symposium on the friction between the Constitution and traditional law in South Africa. This symposium was an international event and consequently there were a number of speakers attending from comparative jurisdictions including Malawi and Nigeria. My first task as an intern was to assist one of the attorneys in preparing her presentation for the conference. The attorney in question had taken a case to the Constitutional Court called *Bhe v Magistrate, Khayelitsha*

and the Court in making its decision had ruled that the customary rule of male primogeniture was unconstitutional. This had clearly been an enormous success for the Centre and one that had required the dedication and hard work of many people working at the WLC. In assisting her I proof read and edited her speech which provided an excellent opportunity for understanding the facts in the case and the principles that were challenged.

My next task was to assist another attorney at the centre in relation to a discriminatory policy within the South African Fire Service. The Centre had taken on the case of a woman who had been subject to a deduction in pay after notifying her employers of her pregnancy. The woman in question worked within the operational division of the Fire Service and had been put on light duties as a result of her pregnancy and had her pay cut. The crux of the matter was that male fire fighters who had sustained injuries and so were also assigned to light duties remained employed at their standard rate of pay. I conducted comparative research on discriminatory policies within the fire services in a range of jurisdictions, looking particularly at UK case law in relation to pregnant women at work. I subsequently attended a conference at the Chambers of a Barrister who was assisting on the case. Also in attendance was the woman in question and representatives from her Union. At the conference I was able to observe the parties narrowing the issues in the case and discussing a litigation plan.

The Centre are extremely pro-active in organising events and conferences that provide a platform for interested parties to discuss and progress women's rights issues. During my time at the Centre I attended the symposium on traditional law and the Constitution which drew together a wealth of information and experience from a distinguished set of speakers. In addition, the centre organised a conference while I was there on the rights of sex workers in South Africa. In assisting in the preparation for this I had conducted research on the rights of sex workers in the UK and internationally to make a comparison with the rights of sex workers in South Africa.

There were so many interesting projects being run by lawyers at the centre and so it was crucial for them to be at the forefront of developments both legal and political. In my first week I was asked to attend a committee meeting in Parliament as an observer. The committee were asking questions of the South African Police Force in relation to the progress they had made in responding to the very high numbers of women that were victims of domestic violence. At the meeting a police officer spokeswoman was required to provide answers to a set of questions that had been submitted by the committee. As an observer I was able to represent the WLC and report back to the Director on developments at the meeting. This was a huge privilege.

Spending time in other jurisdictions I believe is a very instructive and useful learning experience. I was, in addition, extremely pleased that my own legal knowledge and experience of UK law was able to positively assist the lawyers

at the WLC. In the kind of work they do and the cases they take on, predominately at the Constitutional level, it is essential to have comparative research and knowledge of how other jurisdictions have approached similar issues. I was very glad that I was able to assist in any way towards the incredibly important work that the Centre does and I leant a huge amount from undertaking an internship there.

Kate Jones