

HRLA BURSARY REPORT 2014

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Thanks to the generous financial assistance of the Human Rights Lawyers Association, I was able to carry out a six-month internship at the Women's Legal Centre in Cape Town, South Africa. I would like to express my sincere gratitude to the HRLA for this assistance, without which I would have been unable to carry out the internship for the length of time that I did. As an intern at the WLC, I was able to participate in extremely interesting work and acquire valuable insights into international human rights law. I know that this life-changing experience will continue to progress my career as an English lawyer.

The WLC is a not-for-profit law centre, established in 1999, providing free legal advice and representation for financially and socially disadvantaged women in South Africa. The centre is staffed by five attorneys, who specialize in the fields of domestic violence, healthcare and reproductive rights, access to land and housing, fair access to resources in relationships, and employment rights.

One of my first tasks at the WLC was to research precedents in the fields of law that the centre specializes in. My findings were to be used to compile a user-friendly guide, enabling clients to understand the legal principles that were relevant to their own cases. Undertaking this research involved reading many important Constitutional Court judgments. I was particularly interested in the way that legal challenges were framed in light of the Constitution, and the positive rights granted to South African citizens, such as the right to education and the right to healthcare, compared to the more negative rights granted by the ECHR. It was also fascinating to see the way that the Constitutional Court was responsible for determining the parameters of these rights, often having to weigh the interests of the claimant with the capacity of the South African state to provide for such interests. For example, in the case of [Soobramoney](#), the terminally-ill appellant argued that the failure of a South African hospital to provide him with life-prolonging treatment was a violation of his right to state-funded emergency medical healthcare. The court disagreed, making a distinction between patients who were terminally ill, and those who had suffered a sudden catastrophe. The former were held to fall outside the orbit of the Constitutional right, in order for the country's healthcare budget to be preserved.

Since its establishment, the WLC has conducted 'impact' litigation: precedential cases that (usually) reach the Constitutional Court, and have the potential to change the lives of a large number of South African women. During my time at the WLC, the case of [Ngewu](#) was heard by the Constitutional Court. In *Ngewu*, the claimant female challenged the constitutionality of her ex-husband's employers' rules governing the time frame for payment of the percentage of his pension owed to her under their divorce decree. The court held that the claimant was entitled to her percentage at the time of divorce, and not, as the rules stated, when her ex-husband stopped working for his employer. It was fascinating to be able to discuss the outcome in depth with the lawyer who had worked on the case, and consider its potential impact on employers throughout South Africa.

The WLC made the complaint which initiated the Khayelitsha Commission of Inquiry, set up by the Premier of the Western Cape to tackle complaints regarding police inefficiency made by hundreds of residents of Khayelitsha, the third largest township in South Africa. Preparations for the second,

substantive phase of the inquiry were a major focus of the WLC whilst I was interning. I was seconded to assist advocates leading evidence at the inquiry by reviewing documentation sent to them by the Western Cape Police Department, and I was later responsible for compiling media reports of incidences of sexual violence and police negligence to be presented as evidence before the Commission. Attending the hearings in Khayelitsha, presided over by the English born ex-Constitutional Court judge Kate O'Regan, and meeting members of the Khayelitsha community was a real highlight of my time in South Africa.

The internship was very well-structured. There was a steady flow of interesting work, but also freedom and flexibility to conduct my own research and follow my own interests. I was able to write a number of blogposts about feminism in South Africa, which allowed me to digest and reflect upon my experiences. Guest speakers attended the WLC to give talks about topics such as the proposed new DNA Bill, and there was a great deal of collaboration with other civil society groups in Cape Town, particularly when it came to orchestrating the joint response to the government about the proposed Women Empowerment and Gender Equality Bill. The geographical proximity of the WLC to Parliament (Cape Town is South Africa's legislative capital) meant that I was often asked to attend Committee meetings and take notes about legislation likely to impact upon women.

Terrible rates of gender based violence in South Africa gave the work of the WLC a sense of urgency and relevance. It was a pleasure to work alongside feminist lawyers who shared many of my own values, and refreshing to be in a country which celebrates its main human rights instrument (the Constitution). Being in South Africa when Nelson Mandela (a keen advocate for women's rights) passed in December was an honour and a privilege. I spoke to attorneys at the WLC who could remember the speech given by Mandela outside Cape Town City Hall twenty-three years earlier, immediately after his release from Victor Verster prison in 1990.

I will retain a passion for all things South African for the rest of my life. I know that gaining an interview, and subsequently a pupillage this year was due in no small part to the experiences and perspectives that I gained at the WLC. I am indebted to the HRLA for their generous bursary scheme.