
Human Rights Lawyers' Association Bursary Report 2016

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On my second day in Cape Town, with the backdrop of Table Mountain in the heart of the city's Central Business District, I arrived at Constitution House to begin my three-month internship at one of the country's most influential NGOs – the Women's Legal Centre (WLC). The WLC is an independently funded non-profit Law Centre, whose mission is to advance women's legal rights and gender equality in South Africa. They do so through their strategic litigation, advocacy work and free legal advice service across their core impact areas: gender-based violence, health care, relationship rights, labour, land and housing, and sex workers' rights. As a Legal Intern, I was primarily involved in their public interest and constitutional law casework, although gained exposure to all aspects of the WLC's wide-ranging and fascinating incentives.

From the outset, the working culture of the WLC was warm, welcoming and inclusive. Interns were encouraged to voice their opinions and to work collaboratively with the Centre's Attorneys and Paralegals. By the end of my second week, I had already experienced the breadth of the WLC's workload. I assisted on local causes, including a personal law workshop empowering Muslim women, as well as contributing to the Centre's global outreach, offering services and solidarity to worldwide gender struggles. For instance, I researched the role of women's militia groups in the Kurdish Liberation Movement for our Director's opening address at a Kurdish Human Rights Action Group conference. During the event, it was fascinating to hear about these experiences directly from a Women's Protection Unit commander, who fights Isil on the frontlines, and to see my research in real terms. Another early assignment involved analysing and editing submissions by UNAIDS and the International Community of Women Living with HIV, for a human rights challenge in the Kenyan High Court against health care facilities, who had sterilised women without their informed consent. This litigation highlighted the 'double discrimination' of the practice, as involuntary sterilisations are mostly inflicted upon women from black communities and low socio-economic backgrounds who are also HIV positive. I learnt how the stigma surrounding HIV in many African nations often leads to gross violations of women's fundamental freedoms, reproductive self-determination and bodily autonomy. Researching the extent and harrowing nature of involuntary sterilisation was an eye-opening learning experience, as I realised how devastating and prevalent human rights abuses within health care systems can be, but how little is spoken of them in public discourse. As a result of this newly sparked interest, I was assigned to work directly for the WLC's Attorney in charge of their health and human rights portfolio, where I primarily focused on two impact areas: abortion rights and coerced sterilisation.

Although the Choice on Termination of Pregnancy Act (Act 92 of 1996) legalised abortions in South Africa, terminations remain a social taboo and many health care professionals refuse or tactically deny women an easy route to end their pregnancy. As a result, many women are driven to unsafe, illegal alternatives, of which the options are many. It was horrifying seeing first-hand the volume of stickers advertising illegal abortion clinics plastered around the City Centre bus station, playing to women's desperate need for immediate assistance by offering them 'same day abortion services', claiming to be 'quick, easy and pain-free'. In response to this major threat to women's safety and reproductive choice, the WLC held a Stakeholders' Meeting in Johannesburg, in partnership with Amnesty International, on 'Safe and Legal Access to Abortion Services in South Africa'. In preparation for this event, I wrote Concept Notes to potential sponsors and once we had secured funding, I conducted the substantive research for the Centre's presentation at the meeting. This included mapping and analysing statistics on how many public health facilities offered and performed

second trimester abortions in each South African province. Service levels were unsurprisingly limited, with poorer, rural communities being the most disadvantaged by such inaccessible provisions. However, it was clear that a dialogue had been created amongst human rights advocates and research communities, and I was inspired to see the work the WLC was doing to amplify the issue onto more public platforms.

The persisting social stigmatisation of abortions in South Africa tied into a case I worked closely on with my supervising Attorney. She represented a young woman who had been charged with Concealment of Birth, a crime that bears a maximum penalty of 3 years imprisonment, for burying the foetus after taking abortion pills at home. I conducted the initial legal research in preparation for the client's first hearing, and contributed my thoughts and written analysis on whether this litigation could be strategically used to challenge the constitutionality of Concealment of Birth legislation. It was also insightful and rewarding to assist during client consultations, as I enjoyed helping my supervisor to build a case and closely analyse the facts. The local media's prurient interest in our client required us to discuss how best to protect her privacy and safeguard her wellbeing against damaging social commentary. It revealed how deeply involving work of this nature often becomes, as representing vulnerable women against discriminatory, oppressive forces evokes many passionate voices and complex emotions from both sides. However, I felt that the fight for gender equality, and the Centre's resilient advocacy always inspired confidence in clients and retained our own positivity and optimism to drive change.

As part of my work on coerced sterilisation, I was very fortunate to be deeply involved in the WLC's launch of an investigation with the Commission for Gender Equality (CGE). The Centre had asked the CGE to formally investigate over 40 allegations of coerced sterilisation in South Africa, to demand redress for these women from the Department of Health, to investigate compliance with international and regional treaties, and to petition the Law Reform Commission for amendments to legislation to ensure consent is properly obtained before sterilisations are performed. I conducted phone consultations with the vast majority of these clients to: update them on the progress of the investigation, determine their willingness to continue with their complaint, explain what would imminently be required from them, and answer any queries or concerns they had. I also organised their personal details, accounts of their sterilisations and consultation notes, in order to help advance the investigation. I thoroughly enjoyed having the responsibility of managing and monitoring these consultations. It was most rewarding to be part of an action which aims to stop the practice of coerced sterilisation in South Africa, and hold to account those responsible for past injustices.

In addition to my work for the health portfolio, I contributed to some of the Centre's fascinating equality law casework. This included researching International Protocols on transgender inmates' rights in detention, for a potential *amicus curiae* submission in the Equality Court. The case involved a transwoman serving a long-term sentence in a male prison, who had been abused by prison staff, denied the right to express her gender and was unjustly placed in confinement for 17 days. This raised important issues of what basic rights and regulatory frameworks should exist in South Africa to ensure trans-inmates are fairly treated. I was asked to produce a research paper outlining international rules or recommendations for the protection of trans-people in prison, for which I looked at the USA, UK, India, Brazil, Colombia, and New Zealand. The strive for women's rights and recognition comes in many forms, and in September, I had the opportunity to attend High Court proceedings for the WLC's action against the South African Government, pressing for the recognition of Muslim marriages under national law. This litigation seeks to afford Muslim women with greater legal rights and equal status. However, the contentious nature and tensions simmering around this issue were reflected in the case's lively proceedings. When attending court, I was required to take detailed notes of arguments made and draft Twitter updates for the Centre. I found it fascinating to witness the South African legal system in action and particularly inspiring to watch some accomplished female advocates make their submissions. Although the case was adjourned until March 2017, I anticipate following its continuation and conclusion next year.

It was an invaluable, inspiring and incredibly formative experience to have my thoughts and ideas on gender equality stimulated and informed in so many different contexts. I also met many individuals from the legal

sphere, Civil Society, activists and politicians who work tirelessly for change. However, it became apparent during my stay that although the WLC is effectively spearheading legal and social reform, one of South Africa's biggest challenges is confronting the deep-seated patriarchal attitudes that cause widespread violence against women. This was most clearly encapsulated in a public dialogue I attended with the Centre, where our Director delivered a speech on 'Gender Violence and Impunity: Reflections from the Oscar Pistorius Trial'. The fact that intimate femicide (gender-motivated murder) is now the leading cause of female murders in the country highlights the extent to which toxic masculinity permeates South African society, and exists across all racial and social groups. I gleaned the most illuminating insight into the impact of this violence when I assisted on outreach projects and workshops with the WLC's Sex Work Project, in partnership with the Sex Workers' Education and Advocacy Taskforce (SWEAT). I accompanied the WLC's Paralegals on visits to marginalised communities, where they source clients on the ground and give free legal advice to sex workers. I also assisted at workshops on workers' legal rights, well-being, empowerment groups and creative spaces. These experiences were incredibly moving and formative, as I was able to speak to many women and LGBTI+ workers about their lives. Their personal narratives informed my understanding of the gravity, brutality and extent of abuse facing sex workers in the country, particularly at the hands of the police. Ostracised either by nature of their work, or driven to this work by nature of their identity, the daily struggle faced by sex workers to simply stay safe is unimaginable. However, although considered a 'vulnerable' group, none of the individuals I met were 'vulnerable' people. They remained hopeful, assertive and sought to empower themselves with the legal knowledge that would help to safeguard their rights and their livelihoods.

Working with such inspiring women, and contributing to such fascinating cases and causes, culminated in a wholly enriching and fulfilling three-months, of both professional and personal development. This was undoubtedly enhanced by the complexities and challenges of life in Cape Town. It is a city of constant juxtapositions; seeing stunning landscapes, natural beauty and vibrant creativity, whilst confronting devastating poverty and ignored social divisions. Although it was difficult to come to terms with the country's sweeping gentrification, racial geography and entrenched inequalities between black and white communities, it was an incredibly valuable learning opportunity to understand these injustices through my own experiences. Furthermore, as often emerges from socio-political struggle, I found in South Africa the most incredible and rich cultural reactions I have ever seen - through its pioneering and awe-inspiring art, theatre, film and music. My work at the WLC gave me the chance to meet the human rights activists and lawyers responding to the struggle from social frontiers, who are leading movements and legal action to ensure the country's incredibly progressive constitutional framework is properly implemented. Finally, I felt most fortunate to have also made many life-long friendships, both inside and outside of the office, as it was these people's kindness, conversations and shared experiences that made this opportunity all the more enlightening.

I extend my wholehearted and utmost gratitude to the Human Rights Lawyers' Association for the Bursary Award that enabled me to undertake this internship, and ultimately gain such an invaluable insight into human rights law in another jurisdiction. Having recently completed the Bar Professional Training Course, I believe this opportunity has well-equipped me with the developed skills, knowledge and experience to make my pupillage applications in 2017 and pursue my legal ambitions in public law. The internship also greatly honed my research abilities, which I am finding immensely beneficial in my current role as a Research Executive for an education charity. I remain committed to supporting social justice causes, and hope to have many more learning experiences over the coming year by assisting UK-based human rights and charitable organisations who are striving for social change.

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