# Table of Contents

**Executive Director’s Message** 04  
**Chairperson’s Message** 06  
**SERI 10 Year Review Messages** 08  

## About SERI 27  
- SERI’s Aims and Methodology 27  
  - Our Vision 27  
  - Our Methodology 28  
  - SERI’s Thematic Areas 28  
- Funding and Pro Bono Assistance 29  
- SERI Board of Directors 30  
  - Consultants 30  
  - SERI Staff 31  
  - Interns and Volunteers 31  

## Securing a Home 33  
- Urban Land Reform 34  
  - Advocacy 35  
- Informal Settlements 37  
  - Research 39  
  - Litigation 40  
  - Advocacy 45  
- Inner City Evictions and Access to Alternative Accommodation 48  
  - Research 49  
  - Litigation 50  
  - Advocacy 53  
- Joint Submission to the United Nations Committee on Economic, Social and Cultural Rights 56  
- Bank Repossessions and Sales-in-Execution 57  
  - Litigation 58  

## Making a Living 61  
- Advocacy 68  
- Litigation 63  

## Expanding Political Space 73  
- Advocacy 79  
- Litigation 74  

## Printed and Online Media 86  

## Financial Statements 89
There are at least two constitutionalisms. The first is about control of public power. We need a non-corrupt administration that adheres to the rule of law, which reflects adequately the preferences expressed at the most recent election, and which employs only those who are ethically and professionally qualified to discharge the functions that have been assigned to them. This is necessary for any existing government to live up to the constitutional promise.

But constitutionalism is more than that. Ours is a transformative Constitution. It is about the redistribution of wealth and power. It is about living in a society where everyone counts, and none more than anyone else. It is, above all, a Constitution that demands imagination. It requires that we act on the appreciation that racism, inequality, and poverty are not normal. To live honestly and with integrity in South Africa is to wake up every day and wish you were in another world – a world where the constitutional promise of dignity and freedom is kept for everyone, everywhere.

SERI is about the second kind of constitutionalism. Our work depends on an effective and fair public administration. It needs honest institutions populated by reliable, dedicated public servants. But, on behalf of the thousands of people who approach us every year for help and advice, SERI demands more. We hold the Constitution to its more daring aims. We ask it for the most it can give.

This year, like any other, SERI has been pushing at the edges of what that might mean. This year, more than any other, South Africa’s institutions and the private sector have pushed back. The constitutional vision has found itself under attack – not just by corrupt public officials, but by competing visions of politics that rely on hatred of foreigners and unearned obeisance to capital. In the face of these revanchist currents, South Africa struggles to protect the worst and the weak; to keep the constitutional vision alive and vivid.

SERI’s work this year has more than done its part. We have continued to insist that another world is possible, and that our Constitution demands no less than that we work every day to seek to transform to it. This year, SERI has published ground-breaking research on the lived experience of people living in informal settlements. We have ensured that the land reform debate – often so uselessly reduced to the desirability of expropriation of commercial farmland without compensation – has regard to the needs of the urban poor for secure residential tenure.

We have struck down the Intimidation Act, which has been used to persecute poor and vulnerable people who dare stand up and demand a better South Africa. We have ensured domestic workers are given the same rights to compensation for injury at work as any other worker.

Our annual report this year shows that SERI continues to imagine and enact the dignity, equality and freedom the Constitution demands, on behalf of poor and vulnerable people – and the movements that represent them – everywhere in South Africa.

I hope that you’ll enjoy reading about our achievements this year, and join us in the imaginative constitutional project to which all South Africans are called every day.
It is with a sense of pride and pleasure that I write these few comments aimed at placing the work of SERI in a constitutional context. The report that follows demonstrates, in graphic detail, the amount, nature and significance of work done by the organisation and I will attempt neither to summarise nor highlight aspects of the work that emerges reading the report itself.

Our Constitution envisions a society characterised by the full exercise of civil and political rights by everyone living in it, including the right to vote, and to enjoy amongst other rights, freedom of expression, religion and association. The truly transformative potential of our Constitution resides in its incorporation of the objective of substantive equality and affirmative action, of social and economic rights like the rights to housing, health, social security, water and education, and of the right to protest – aimed at empowering people to improve the quality of their own lives.

SERI’s programme of action shows an understanding and internalisation of the unavoidable truth that our Constitution has not achieved nor can it by itself achieve the laudable objectives proclaimed by it. There is therefore, what may be called a disconnect between the society proclaimed by the Constitution and the society we live in riddled with inequality, and the crippling poverty and suffering of millions of people in South Africa.

This does not mean, however, that our Constitution is not worth its paper or that it is a document which is meaningless and irrelevant to the indescribable suffering of many, many people. In my view, our Constitution, far from representing the end of the struggle for democracy, equality and the improvement of the quality of lives of the people of our country, is really a launching pad, a new phase in the continuation of this all-important struggle. And the Constitution imposes upon all of us the Constitutional obligation to contribute towards the society contemplated by it. The work of SERI indicates that this organisation has risen to this challenge; this organisation is at the very least making an indispensable and powerful effort to comply with this Constitutional injunction.

The work of SERI also reflects a necessary and vital conviction that bringing cases in our Courts to compel government and other role players to comply with their Constitutional obligations, though important in the new phase of our struggle, cannot as a single strategy bring in the Constitutional order. The law may well be and probably is, an essential weapon, but is relatively unable to achieve the society we struggle for on its own. What we need in addition is a social revolution, a process in which people are empowered, through organisation, mobilisation and the raising of consciousness, supported by the law to contribute towards the improvement of the quality of their own lives and those of others.

It is in this sense that this organisation has contributed to the attainment of the Constitutional vision.

There is still a long way to go, but the report shows significant progress in the right direction.

It remains for me to say a heartfelt thank you to the Director and every member of personnel, whatever their status or rank, for going beyond the call of duty and leaving no stone unturned in this vital work.

A special word of appreciation to Stuart Wilson who steps down as the Director at the end of this year, and an expression of complete confidence in Nomzamo Zondo who takes over at the beginning of next year. We will grow from strength to strength!

It would, however, not have been possible to have any personnel without the worthy contributions of our funders. You have, through your contribution, made possible this significant advance in our effort to achieve this goal. I express the sincere appreciation of all concerned for this essential assistance and trust that the future will see meaningful partnerships amongst all of us to accelerate dynamic social change.
LA IMPORTANCIA DE LA ESPERANZA

El Instituto de Sudáfrica para los derechos económicos y sociales - (SERI por sus siglas en inglés)- nació hace 10 años y justo en estos días inicia el trabajo de una década más en la defensa y promoción de los derechos de hombres y mujeres que en su gran mayoría siguen sufriendo la discriminación estructural en un sistema que sobre explota los recursos naturales y la fuerza productiva de las personas. Un sistema que racializa la pobreza y justifica la desigualdad.

SERI como organización ha contribuido a través del litigio, de la investigación, así como de la incidencia, a evidenciar las fallas estructurales que son todavía una deuda histórica del Estado en un país como Sudáfrica. Su aproximación respetuosa a los colectivos y comunidades con las que trabaja es un ejemplo de cómo las nuevas generaciones de defensores y defensoras de derechos humanos deben trabajar, entendiendo que son las personas afectadas en sus derechos quienes tienen siempre la respuesta para luchas por el acceso a la justicia. Por eso y mucho mas SERI ha construido y seguirá construyendo "espacios de esperanza".

THE IMPORTANCE OF HOPE

The Socio-Economic Rights Institute of South Africa (SERI) was established 10 years ago and is currently entering another decade of work in the defense and promotion of the rights of men and women, who still suffer from structural discrimination in a system that over-exploits natural resources and the productive force of people. A system that racialises poverty and justifies inequality.

SERI has contributed through litigation, research and advocacy to point out the structural failures that are still a historical debt of the State in a country like South Africa. The respectful relationship SERI has with the groups and communities it works with is an example of how new generations of human rights defenders must work, understanding that it is the people whose rights are affected who always have the answer to the struggle for access to justice. For that and much more, SERI has built and will continue to build the only thing that nobody can steal: "spaces of hope".

SERI 10 year review messages

Alejandra Ancheita
Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)

SERI has been a great partner to us at Izwi Domestic Workers Alliance, since our inception. What stands out is their openness to ideas and readiness to listen, as well as their focused commitment to the communities they serve, and their emphasis on ensuring that those community members are an integral part of the dialogue and decision-making processes. The effort they have put in to educate domestic workers on their labour rights, and to drive the inclusion of domestic workers in the government workers compensation fund, will have impact that will span generations. It’s exciting to think about what we might accomplish together in the decade ahead.

Amy Tekié
Izwi Domestic Workers Alliance

SERI has been a great partner to us at Izwi Domestic Workers Alliance, since our inception. What stands out is their openness to ideas and readiness to listen, as well as their focused commitment to the communities they serve, and their emphasis on ensuring that those community members are an integral part of the dialogue and decision-making processes. The effort they have put in to educate domestic workers on their labour rights, and to drive the inclusion of domestic workers in the government workers compensation fund, will have impact that will span generations. It’s exciting to think about what we might accomplish together in the decade ahead.

Amy Tekié
Izwi Domestic Workers Alliance

SERI remains one of the few organisations that have consistently demonstrated their commitment to advancing the interests of the poor and working class. SERI’s work with communities across the country has been both exemplary and inspiring. We commend their work with communities and social movements such as Abahlali baseMjondolo and the Inner City Federation in the struggle for access to land and challenging homelessness. We are proud to have partnered with them in various projects and cases over the years.

Audrey Elster
The RAITH Foundation

The RAITH Foundation has been a long term supporter of SERI and admirer of its groundbreaking work in the field of social justice. We have funded SERI since 2012, almost from the onset of our funding in the social justice sector. Though a new organisation at the time, we believed in its ideals and in its leadership then; we continue to do so now. During the past 10 years we have watched SERI grow into the social justice leader it is today. It has been a trailblazer in the field of inner city housing and the right to protest through its high quality research, advocacy and litigation interventions. However, it is not just its expertise that is laudable, but the fact that it has always worked in close partnership with different communities and social movements to ensure their voices are heard and their socio-economic rights are protected and realised. SERI has been one of our most exciting and fearless partners and we look forward to witnessing what more they can achieve in the years to come.

Audrey Elster
The RAITH Foundation

SERI has been a great partner to us at Izwi Domestic Workers Alliance, since our inception. What stands out is their openness to ideas and readiness to listen, as well as their focused commitment to the communities they serve, and their emphasis on ensuring that those community members are an integral part of the dialogue and decision-making processes. The effort they have put in to educate domestic workers on their labour rights, and to drive the inclusion of domestic workers in the government workers compensation fund, will have impact that will span generations. It’s exciting to think about what we might accomplish together in the decade ahead.

Amy Tekié
Izwi Domestic Workers Alliance

The RAITH Foundation has been a long term supporter of SERI and admirer of its groundbreaking work in the field of social justice. We have funded SERI since 2012, almost from the onset of our funding in the social justice sector. Though a new organisation at the time, we believed in its ideals and in its leadership then; we continue to do so now. During the past 10 years we have watched SERI grow into the social justice leader it is today. It has been a trailblazer in the field of inner city housing and the right to protest through its high quality research, advocacy and litigation interventions. However, it is not just its expertise that is laudable, but the fact that it has always worked in close partnership with different communities and social movements to ensure their voices are heard and their socio-economic rights are protected and realised. SERI has been one of our most exciting and fearless partners and we look forward to witnessing what more they can achieve in the years to come.

Audrey Elster
The RAITH Foundation

SERI has been a great partner to us at Izwi Domestic Workers Alliance, since our inception. What stands out is their openness to ideas and readiness to listen, as well as their focused commitment to the communities they serve, and their emphasis on ensuring that those community members are an integral part of the dialogue and decision-making processes. The effort they have put in to educate domestic workers on their labour rights, and to drive the inclusion of domestic workers in the government workers compensation fund, will have impact that will span generations. It’s exciting to think about what we might accomplish together in the decade ahead.

Amy Tekié
Izwi Domestic Workers Alliance

The RAITH Foundation has been a long term supporter of SERI and admirer of its groundbreaking work in the field of social justice. We have funded SERI since 2012, almost from the onset of our funding in the social justice sector. Though a new organisation at the time, we believed in its ideals and in its leadership then; we continue to do so now. During the past 10 years we have watched SERI grow into the social justice leader it is today. It has been a trailblazer in the field of inner city housing and the right to protest through its high quality research, advocacy and litigation interventions. However, it is not just its expertise that is laudable, but the fact that it has always worked in close partnership with different communities and social movements to ensure their voices are heard and their socio-economic rights are protected and realised. SERI has been one of our most exciting and fearless partners and we look forward to witnessing what more they can achieve in the years to come.

Audrey Elster
The RAITH Foundation

SERI has been a great partner to us at Izwi Domestic Workers Alliance, since our inception. What stands out is their openness to ideas and readiness to listen, as well as their focused commitment to the communities they serve, and their emphasis on ensuring that those community members are an integral part of the dialogue and decision-making processes. The effort they have put in to educate domestic workers on their labour rights, and to drive the inclusion of domestic workers in the government workers compensation fund, will have impact that will span generations. It’s exciting to think about what we might accomplish together in the decade ahead.

Amy Tekié
Izwi Domestic Workers Alliance

The RAITH Foundation has been a long term supporter of SERI and admirer of its groundbreaking work in the field of social justice. We have funded SERI since 2012, almost from the onset of our funding in the social justice sector. Though a new organisation at the time, we believed in its ideals and in its leadership then; we continue to do so now. During the past 10 years we have watched SERI grow into the social justice leader it is today. It has been a trailblazer in the field of inner city housing and the right to protest through its high quality research, advocacy and litigation interventions. However, it is not just its expertise that is laudable, but the fact that it has always worked in close partnership with different communities and social movements to ensure their voices are heard and their socio-economic rights are protected and realised. SERI has been one of our most exciting and fearless partners and we look forward to witnessing what more they can achieve in the years to come.
SERI's research work on informal settlements makes a significant contribution to understanding life in informal settlements and provides a useful framework for the implementation of in-situ upgrading. Their guide on resisting evictions is a useful tool for communities who seek to challenge illegal evictions. We look forward to collaborating with them further in the struggle for equality, freedom and justice.

Aeolle Notywala
Social Justice Coalition

By the time I joined SERI in 2014, it was already a prestigious NGO that conducted a lot of high-profile litigation. But for me, the excellence of SERI lies in two things that have nothing to do with its precedent-setting work: First, SERI’s directors could always be persuaded to take on additional cases that were small-scale and distinctly unappealing for media and marketing purposes. In fact, they were pitably easy to persuade. Second, SERI would devote the same resources, energy and intellectual efforts to these cases. These cases shaped my approach to legal practice and to public interest work and I would not have been able to do them anywhere else except SERI.

Bhavna Ramji
Casual Workers Advice Office

SERI was created because there was a gap in the implementation of the Constitution. There needed to be a focus on one of the most unique components of South Africa’s Bill of Rights, namely socio-economic rights. And in a country where socio-economic rights are in fact justiciable, there was a perfect landscape to ensure that we would achieve jurisprudence advancing the notion of an eradication of poverty through a rights-based paradigm. The staff at SERI have not wavered, notwithstanding threats, intimidation, arrests and targeting of the staff and its clients. And it has pursued its objective with intellectual rigour, with personal passion and with the true concern not for its own name or reputation, but for the needs of their clients.

SERI is one of the first organisations in the country to understand that its role is one of legal representative and a facilitator of the justice that others would pursue for themselves. It is an organisation of enablers. It is an organisation of doers. But above all, it is an organisation that respects the importance of the South African Constitution belonging to and operationalised by South Africa’s indigent populations who for so long and continue to remain outside the circumference of the Bill of Rights. I could not imagine a civil society landscape without SERI. I could also not imagine clients being serviced in the way that they are, with the jurisprudence being pursued in the way that it has without SERI.

During my time as the Director of the Centre for Applied Legal Studies, SERI was, without question, one of our closest partners. I felt enriched by both, its members of staff and by the integrity with which it carries out social justice work and public interest lawyering. I look forward to seeing its growth and development and I am excited about its new leadership and I have no doubt that its integrity and commitment to justice will remain, if not become even greater over the next 10 years.

Bonita Meyersfeld
University of the Witwatersrand and Johannesburg Bar

We take this opportunity to congratulate SERI for surviving the tests of time and being able to celebrate its 10 years of existence. SAITF is proud and pleased to be part of such a successful family. We appreciate the work you did to empower our members with knowledge and understanding of the law, especially with the booklet(s) we launched (Business act and Informal Trading by-laws) in Jo burg.

We know SERI has a bright future under the current leadership. As we continue to fight and empower the informal sector, we believe that SERI has a big role to play.

Brian Phaaloh
South African Informal Traders Forum (SAITF)

The action research network Women in Informal Employment: Globalizing and Organizing has long tracked SERI’s work and in recent years partnered with SERI especially on the theme ‘Making a Living’. SERI has not only done ground-breaking litigation but has launched important initiatives that proactively safeguard low income families’ homes and livelihoods. The Institute has significantly expanded spaces for change in South Africa and become a critical partner for us. WIEGO celebrates SERI’s contributions over the last decade and looks forward SERI’s growth from strength to strength over the next decade.

Caroline Skinner
Women in Informal Employment: Globalizing and Organizing (WIEGO)

In the decade that was, local government has only benefitted from SERI’s role in society. SERI is arguably in the enviable position of having to speak truth to power. Sometimes through the shrill voice of the law and at other times with the gentle voice of a teacher. SALGA has particularly benefited from SERI’s commitment to the supporting the right to dignity as it intersects with local government’s economic regulatory role. The local government sector has benefitted from a deeper understanding of the jurisprudence in this arena which SERI has clearly outlined, goading local government to exercise its duty informed by the principles of law. Aluta Continua SERI!

Bonita Meyersfeld
University of the Witwatersrand and Johannesburg Bar

We take this opportunity to congratulate SERI for surviving the tests of time and being able to celebrate its 10 years of existence. SAITF is proud and pleased to be part of such a successful family. We appreciate the work you did to empower our members with knowledge and understanding of the law, especially with the booklet(s) we launched (Business act and Informal Trading by-laws) in Jo burg.

We know SERI has a bright future under the current leadership. As we continue to fight and empower the informal sector, we believe that SERI has a big role to play.

Brian Phaaloh
South African Informal Traders Forum (SAITF)

The action research network Women in Informal Employment: Globalizing and Organizing has long tracked SERI’s work and in recent years partnered with SERI especially on the theme ‘Making a Living’. SERI has not only done ground-breaking litigation but has launched important initiatives that proactively safeguard low income families’ homes and livelihoods. The Institute has significantly expanded spaces for change in South Africa and become a critical partner for us. WIEGO celebrates SERI’s contributions over the last decade and looks forward SERI’s growth from strength to strength over the next decade.

Caroline Skinner
Women in Informal Employment: Globalizing and Organizing (WIEGO)

In the decade that was, local government has only benefitted from SERI’s role in society. SERI is arguably in the enviable position of having to speak truth to power. Sometimes through the shrill voice of the law and at other times with the gentle voice of a teacher. SALGA has particularly benefited from SERI’s commitment to the supporting the right to dignity as it intersects with local government’s economic regulatory role. The local government sector has benefitted from a deeper understanding of the jurisprudence in this arena which SERI has clearly outlined, goading local government to exercise its duty informed by the principles of law. Aluta Continua SERI!
Over the years that we have been working together with SERI, they have gone the extra mile in seeing through our court case (Melani) and doing research in informal settlements. SERI has built strong partnerships with communities. They understand our struggles and help us understand the policies that explain what we are entitled to, even though we are staying in informal settlements. SERI has created a platform for activists to raise their voices and talk about issues directly with the government. We thank SERI for playing an integral role in mediating engagements between us and the government.

Dan Mosalahi
Slovo Park Community Development Forum (SPCDF)

IT’S WITH OUTMOST IMPORTANCE TO SHARE AND CONTRIBUTE TO THE TREMENDOUS VALUE THAT SERI BOUGHT INTO OUR ORGANIZATION.

As the Commercial Stevedoring Agricultural Allied Workers Union (CSAAWU) farm workers union, we want to salute SERI for its excellent work in defending human rights and advocating for social justice – especially for the rural poor. SERI is an important partner in our organization as they not only assisted with legal matters but also educated and raised the awareness of CSAAWU shop stewards about their constitutional rights. Today, CSAAWU can proudly announce that our shop stewards are well equipped and have the necessary knowledge to deal with their day to day tasks.

Another important aspect of the relationship with SERI has been the work to stop evictions from farms. SERI assisted us to sharpen our knowledge and skills regarding the Extension of Security of Tenure Act to stop evictions. SERI ensured that we changed the lives of farm and rural workers in defending their rights in the countryside. The support of SERI, including assisting us to take on labour related matters, has strengthened us to hold government and employers to account.

Deneco Dube
Commercial Stevedoring Agricultural & Allied Workers Union (CSAAWU)

SERI, through its dedicated staff and executives, has fought many causes for the downtrodden and marginalized of our society. SERI’s representation of families of mineworkers who were injured and killed by the police in August 2012 in Marikana will forever be remembered as a lasting testimony to the selflessness with which that sometimes thankless task was undertaken by the SERI personnel.

Dumisa Ntsebeza SC
Pan African Bar Association of South Africa

Congratulations to SERI on the incredible achievement of 10 years of social justice litigation. In the last ten years, SERI has been at the forefront of public interest litigation; successfully championing difficult causes which has resulted in significant change both for SERI’s clients but also for thousands of similar-placed people across South Africa. SERI’s commitment to social justice is embodied in the work of each of its staff, who work long hours and away from their families to ensure that the rights of all people in South Africa are respected and protected. It has been an honour and privilege to work with SERI over the last few years, and I look forward to playing my small part in ensuring SERI’s mission is achieved.

Emma Broster
Johannesburg Bar

The Makause Community Development Forum (MACODEFO), has been one of the SERI’s Clients that participated in the consultations towards the establishment of SERI in 2010, as a community that was confronted with forced evictions by the City of Ekurhuleni around 2007. During the consultations, we understood the very important role that SERI would be playing in community struggles. We vested trust in the leading members like Stuart Wilson, Kate Tissington, Teboho Mosikili, Osmond Mngomezulu and others who played very significant roles in defence of democracy and the constitutional rights of the community of Makause since its inception to date.

Memory of crucial events in Makause’s struggles, with the assistance of SERI:

• SERI was established while we were still fighting the Ekurhuleni Metro Municipality on a number of developmental and socio-economic issues. In that battle, there was the unfair use of the State Machinery (SAPS) in suppressing
and oppressing the struggle of Makause, MACODEFO in particular, as it was viewed as antigovernment or against the ruling party and its followers/supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters and sending threatening letters to the MACODEFO Executive.

- SERI managed to understand fully the criminalisation of activists as the new strategy the State was applying in order to make it harder for pro bono lawyers and NGOs to represent such activists once this strategy in applied. SERI stood with the MACODEFO Leadership in full defence of democracy and the rights of Makause Community through mediation between the MACODEFO structure and the ANC allied structure with the support of the Primrose Police Station. With SERI’s intervention, we managed to get the Primrose Police Station to be given a warning for their participation in political matters and for their alignment with the political control structure, through the Provincial Police Commissioner in 2011.

- SERI assisted in challenging the second attempt of unlawful eviction of forcefully evicted families in the inner-city and the livelihoods of informal workers. SERI managed to understand that clearly. So, SERI managed to put that project on hold until the proper procedures, democratic consultations and meaningful engagements took place with the Makause Community, especially the affected families and households. MACODEFO and SERI objected to that R13 million-worth unfair project.

- In 2012, while SERI was highly involved in the Marikana Massacre case, I, General Alfred Moyo (a MACODEFO Organiser) was charged by Primrose Station Commander with an apartheid era piece of law called the Intimidation Act of 1982. As clients of SERI, the criminalisation of my activism around the struggle of Makause since 2007, led to this criminalisation and SERI understood that clearly. So, SERI managed get me the urgent assistance of BDK Attorneys to get me and three Comrades who were arrested with me bailed out. SERI and MACODEFO challenged that piece of legislation before 2012 in the Germiston regional court, up to the North Gauteng High Court (where case was dismissed), then appealed the matter to the Supreme Court of appeal (SCA in Bloemfontein, Free State) where the matter was reviewed and was viewed as antigovernment or against the ruling party and its followers/ supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervened to call the Primrose Police Station to order when they were used in attacking the MACODEFO Leadership, intimidating supporters. SERI intervene...
SERI’s research, advocacy and litigation work over this decade are illustrated by the countless communities and constituencies whose lives have been positively changed by their efforts. The importance of this partnership was affirmed by the inclusion of SERI in the Foundation’s flagship BUILD program in 2017. As we continue to fight inequality and pursue social justice in South Africa into the future, I am convinced that SERI will continue to occupy critical space within our social justice infrastructure.

Justin Sylvester
Ford Foundation

I have been deeply grateful at both a personal and an organisational level to learn from the exceptional work of SERI in many ways over the past four and a half years that I have engaged with them. From powerful case studies that inspired the AFRA team to re-look at how we package our own learning to share more widely, to modelling our highly successful Pathways project - looking at innovative models to secure farm dweller tenure through focusing on household records and better access to basic services - on the successful work of SERI in informal settlements, we have learnt from SERI’s successes and tried to adapt them to our rural context. SERI has furthermore enriched the work undertaken. I know that going forward SERI will continue to contribute to the important struggles to bring about an equal and just society in South Africa, and am grateful for the opportunity to have been a part of this journey.

Kate Tislingston
Centre for Urbanism & Built Environment Studies (CUBES), University of the Witwatersrand

Before I ever met people from SERI I had heard about some young engaged lawyers that had won a shack dwellers case in the Constitutional Court. Jackie and Stuart, based at the Centre for Applied Legal Studies. A friend, Richard, then told me that Abahlali needs some lawyers for constant support even in criminal cases that might be used to bring down the movement. He brought me into contact. SERI was just starting, with a small staff, with little support and I am proud now that our quite modest contribution at the beginning was part of that adventure leading to such a successful enterprise. Only a few years later, SERI had won our hearts with excellent research and inspiring litigation cases. My congratulations to your ten years celebration!

Klaus Teschner
MISEREOR

Wishes for many more years of SERI’s contribution.

Malcolm McCarthy
National Association of Social Housing Organisations (NASHO)

Congratulations on ten years to SERI staff, board, clients, partners and friends. It has been a privilege to be involved with SERI, in a range of different ways, since its inception ten years ago. Using the tools of litigation, research and advocacy, SERI’s impact is felt directly by people facing eviction, unfair rental practices, threats to their livelihoods and affronts to their right to protest, to mention a few of the violations that come to SERI’s door, and more broadly in the significant contribution SERI has made to the development of case law, to policy change and to community education and organising. SERI’s method of doing the work, in whatever theme with whatever tool, is to amplify the voices of clients and communities. The work often creates adversarial relationships with government stakeholders and SERI’s advocacy efforts in engaging the state continue to grow, as the state is central to the vision of a just society that we all share, in one way or another. My reflection would be incomplete without making mention of the contribution SERI has made to the lives of the young graduates and professionals who have joined the staff over the years, many of whom remain in the social justice sector. A SERI experience is an enormously enriching one for many of us. It’s an unfortunate fact that demand for SERI’s services will not be receding in the foreseeable future. The struggle continues. All the very best for the next decade.

Lauren Royston
Socio-Economic Rights Institute of South Africa (SERI)

SALUTE TO SERI

NASHO joins in celebrating the 10th anniversary of SERI. We have greatly enjoyed working with SERI in their important work on tenure security of low and moderate income households in the inner city of Johannesburg. Not only has their support for legal cases on eviction, but also their research and publications on housing opportunities for low income households in the inner city, moved forward housing access in inner Johannesburg. Overall, the SERI programme has added considerably to forward tenure rights but also to shape arguments to influence policies nationally and in the municipality.

We look forward to their continued work and the co-operation that can make a difference to the quality of life of low and moderate income household’s living in the City. Particularly, we wish to forward together the access to good quality and affordable rental housing in inner Johannesburg.

Wishes for many more years of SERI’s contribution.
The Socio-Economic Rights Institute’s contribution to effecting change in pursuit of just and equal cities across South Africa cannot be overstated. This contribution is inspirational and noteworthy in two respects. First, the sheer amount of legal precedents and benchmark cases that SERI has taken on have fundamentally changed the legal landscape in the application and adjudication of socio-economic rights. Second, the manner in which SERI’s attorneys, researchers and advocacy officers have relentlessly and passionately pursued social justice. This passion and commitment has been particularly inspiring for activist organisations, like Ndifuna Ukwazi, who advocate for structural change in areas with deeply vested interests.

Mandisa Shandu
Ndifuna Ukwazi

It has been a great learning experience collaborating with SERI’s staff, to witness the expertise, hard work, innovative legal and research approaches and commitment to the beneficiaries of that work. And, of course, nicely levened by those early morning staff coffee sessions, greetings, sharings and laughter.

Having started the human rights game back in the period of the dictatorship, I have been grateful for the opportunity to contribute to SERI’s current work on promoting lawful policing and the protection of fundamental freedoms, with, in turn, an impact on the struggle for the fulfilment of socio-economic rights.

It is sobering to realise how long it takes to achieve a just society and to sustain it. Bravo to SERI and to the next ten years.

Mary Rayner
School of Oriental and African Studies, University of London

Through hard work and dedication, SERI has rightly earned a reputation as a potent tool in the hands of the poor and marginalized of our country. I am privileged to have cut my teeth in law at SERI, where I received cutting-edge training but also a social justice lawyers’ orientation that is fearless of both state and private power. SERI inculcated in us a sense that through creative lawyering, we can help our clients stake their claims for justice and change the law for the better. I appreciate the spirit of kindness and comradeship of SERI’s staff, board and clients. I look back at my time at SERI with great fondness and a beaming sense of pride. Phambili SERI phambili!

Mbuszeko Benjamin
Judges Matter

I have had the privilege of working with SERI since 2017 representing the unshakable Abahlali baseMjondolo and communities within Phoenix, Durban. These matters have proven why access to information is important and how the lack of access to such information hinders access to housing. Information such as policies, budgets and systems around adequate housing, emergency housing and alternative accommodation are integral to litigating on the right to access adequate housing.

I also appreciate SERI having confidence in junior members of the bar to deal with these matters. The effect is the cultivation of young juniors, particularly juniors of colour, with the opportunity to build their practices in social impact and strategic litigation. The butterfly effect of this will be seen in their next ten-year review. I look forward to further reflection, further jurisprudential development and slowly but surely chipping away towards social justice.

Muhammad Zakaria Suleman
Durban Bar
SERI has consistently demonstrated its support towards us as the residents of MBV phase 1. They have acted as our legal representatives in our struggle against evictions and for the provision of adequate housing in the inner city. In doing this, they have constantly come up against the City of Johannesburg who have shown themselves to be on a relentless campaign to see us as the residents fail. The City is always seeking to avoid doing the work they are supposed to and honouring their commitments to the residents of MBV. SERI has ensured that the City is held responsible and that it honours its constitutional obligations.

Over the past decade, the Socio-Economic Rights Institute for South Africa (SERI) has played a critical role in shaping socio-economic rights, public interest law and civil society in South Africa. The institutes' research, advocacy and litigation work has positively contributed towards safeguarding the socio-economic rights of individuals and communities in South Africa. Through their work, over the past decade, SERI has been able to advance the rights and livelihoods of precarious workers, ensure that poor and vulnerable groups have access to secure tenure and adequate housing and that these groups are able to participate in the government’s decision-making processes. The Ford Foundation continues to be inspired by SERI's commitment and passion to advance human rights and the socio-economic rights of poor and marginalized groups in South Africa. Having watched SERI in the early years as it established itself, I have admired the organization’s ability to transform itself in terms of strategy, focus and responsiveness to local and regional contexts. We celebrate SERI’s achievements and look forward to seeing the amazing and impactful work that SERI will continue to do over the next decade.

Nicolette Naylor
Ford Foundation

SERI introduced a paradigm shift to public interest litigation in South Africa. SERI’s use of advocacy, research and litigation enabled it to place detailed personal circumstances of its clients before the courts which in turn enabled the courts to grant just and equitable order.

Over the years, SERI has played a leading role in the development of the socio-economic rights jurisprudence in South Africa. I am reminded of the matter Mrs L from Soweto who faced eviction from her family home. She had also spent time in prison after being convicted for ‘trespassing’ in her home. On her release from prison, she faced other trespass charges. SERI provided her with legal representation in the criminal proceedings and civil proceedings to rescind an eviction order.

I also recognise SERI’s contribution in the matter of Ms T, also from Soweto. SERI represented her in rescinding an eviction order in the Magistrates Court and setting aside a sale in execution in the High Court. In both matters, SERI demonstrated its commitment to providing a targeted legal intervention even if that meant representing one family in multiple legal proceedings.

SERI must also be commended for its role in producing a number of top human rights advocates who continue to advocate for the protection of the human rights of the poor and marginalised. Congratulations to SERI for reaching this milestone. I have no doubt SERI will continue to promote social justice through its work.

Osmond Mngomezulu
South African Human Rights Commission (SAHRC)

SERI has been very good to us. In terms of the domestic work sector, we have had many challenges and SERI has helped to open our eyes to some of the possibilities. We are pleased, at SADSAWU, to work with SERI.

Eunice Dhladhla,
South African Domestic Service and Allied Workers’ Union (SADSAWU)

It was an enormous honour for me to serve as the First Chair of SERI’s Board of Directors. I have watched the organisation grow from a small, but committed core group of lawyers, researchers and community workers to a leading human rights NGO focusing on socio-economic rights in South Africa. Under the visionary leadership of first Jackie Dugard and then Stuart Wilson, SERI pioneered an innovative methodology of working with grassroots organisations and social movements to realise the socio-economic rights of the urban poor through multipronged strategies. The litigation unit – with the talented Nomzamo Zondo at its helm - has won a number of ground-breaking victories in the courts, thereby expanding the frontiers of socio-economic rights jurisprudence in South Africa and internationally. SERI has also been instrumental in its research and advocacy for pro-poor legislative and policy changes. I have no doubt that, under Nomzamo’s new leadership, SERI will continue to amplify the voices and experiences of those marginalised by socio-economic dispossession and deprivation in South Africa.

Sandra Liebenberg
Stellenbosch University & UN Committee on Economic, Social and Cultural Rights

Abahlali have always viewed SERI as a special partner throughout the journey for a just and equal society. Abahlali is a firm and courageous social movement and, as such requires strong partners. To succeed in our struggle, we need firm and courageous partners too. SERI has mastered movement-lawyering over the years and have done incredible work to support and promote socio-economic rights as enshrined in the Constitution and international law. This task has not been easy at all.

Today, when I have to reflect on SERI’s 10 years of its work, I am filled with both anger and excitement. I am angry because I know how much of effort, resources and commitment SERI has put into defending, supporting, and
promoting socio-economic rights in South Africa. However, all of that work has been ignored by the state. The state is meant to be the custodian of these rights. At the same time, when I look at the work that both SERI and Abahlali baseMjondolo have done, I smile and am full of excitement. When thousands of families and communities of Abahlali say “today we have homes because of Abahlali and SERI”, my heart gets filled with peace and admiration. Thus, we salute SERI.

In this journey, SERI has always treated Abahlali with respect and dignity. They have always engaged and represented us with high quality legal representation. This kind of support and partnership is what we call “living in solidarity”. We wish SERI to continue to champion socio-economic rights in South Africa. We wish there were many SERI’s in this country given the challenges of poverty, unemployment and inequality that continue to hinder the hopes and aspirations of our constitutional democracy.

S’bu Zikode
Abahlali baseMjondolo movement SA

As a partner organisation that has been working with the Socio-Economic Rights Institute (SERI) since 2015, we value and respect the work they have done with us in promoting constitutional rights including the rights to dignity, adequate housing and access to basic services.

SERI has changed the landscape of human rights in how they have challenged evictions that lead to homelessness, unfair shelter rules that separate families, the intimidation act and many other unconstitutional legislations. Most importantly, SERI has brought hope to many families by educating us and our clients on the importance of our rights contained in the South African Constitution, the Pie Act and other key legislation that govern the country. We wish them all the best for the future and look forward to a fruitful relationship.

Siyabonga Mahlangu
Inner City Federation

I have known about SERI and its remarkable work for the past 5 years. SERI is one of R2P’s ordinary members. I have had the opportunity to work with SERI on several occasions. In 2019, I worked with SERI in the “Commemoration of the Marikana Massacre”. The SERI team is very dynamic and amazing to work with. They are energetic and passionate about human rights. SERI’s activism and position in the legal fraternity is extraordinary.

I cannot imagine a South Africa without SERI because this organisation is the guardian of our socio-economic rights. I wish SERI many more years of prosperity. May you continue to guard, promote and protect our socio-economic rights. Wishing more strength for our partnership.

Stanley Malemația
Right2Protest

SERI’s work over the past ten years represents law’s possibilities. This is especially so in its housing and anti-eviction litigation, which has significantly altered the South African jurisprudential landscape by prioritizing housing rights over ownership rights. In a world where the urban environment prioritises and prizes property claims to space, this is an important achievement. This litigation has brought to the fore how, in fact, other non-property claims are as important – if not even more so – than ownership based claims to space. Indeed, through its emphasis on housing and property rights, SERI has used the law to respond to a grounded urban reality in South Africa, demonstrating in the process how the law can work to facilitate change and redress.

Thomas Coggin
University of the Witwatersrand

I was admitted as an attorney in 1999. I practiced for my own account, as a sole proprietor, Nichols Attorneys from 2005 until 2014 when my firm merged with Van Velden Pike Inc. to form Velden Pike Nichols Inc. which later that year became part of Bowman Gilfillan Inc and effectively became the Durban office of Bowman.

Since the beginning of my legal career, I have always had a focus on public interest constitutional litigation which I consider necessary for a healthy democracy. I have therefore been fortunate to work to with a number of NGOs and NPOs over the years. I first met and worked with Stuart Wilson,
one of the founders of SERI whilst he worked for CALS. I have also been fortunate to have worked with Nomzamo Zondo, the Executive Director of SERI, for many years before she joined SERI. I am in the very fortunate position of having been involved with SERI and its work in KwaZulu-Natal since its inception in 2009. During this period my team and I have worked on more than 28 matters with the SERI team. These 28 matters have affected hundreds of lives in a positive manner. The profound impact which the matters that my team and I have worked on in KwaZulu-Natal alone cannot be overemphasized. I have personally witnessed the devastation, destruction, grief and hardship which SERIs work has ameliorated for hundreds more and notably those hundreds more who form part of the most vulnerable in our society and are comprised of largely women led households.

Through its carefully thought out vision and strategy, SERI has contributed immensely to our jurisprudence on socio-economic rights and particularly the obligations on the State with regard to evictions and the rights of people who live in informal settlements. This common law has contributed to the constitutional jurisprudence on socio-economic rights which has benefited our country and is an example of the positive effect of litigating for social change.

My collaboration with SERI started with our successful constitutional challenge to various provisions of the Slums Act; continued with our many successful applications for interdicts against the eThekwini Municipality and its Anti-Land Invasion Unit; successful delictual claims for personal injury against the Minister of Police and successful defense of criminal charges and bail applications.

I am very proud to be associated with SERI and I look forward to our continued collaboration going forward.

Trudie Nichols
Bowman Gilfillan

Over a decade the Nelson Mandela Foundation has developed the highest respect for the research and analysis done by SERI. And we believe that the organisation has done ground-breaking social justice work in a range of arenas. In the recent past we have benefitted from SERI’s support for our dialogue interventions, have explored advocacy on urban land together, and have enjoyed immensely working with SERI on an exhibition about community and other forms of protest in post-apartheid South Africa. May SERI prosper in the decade ahead.

Verne Harris
Nelson Mandela Foundation

For 10 years, SERI has been fighting for the implementation of socio-economic rights in South Africa, accompanying vulnerable individuals, groups and social movements on a local level. It is not easy to be confronted on a daily basis with the problems in our world and not to despair. Especially socio-economic rights and collective rights, which are often inadequately acknowledged and inadequately enforceable. While there are many obstacles, it is unquestionably worth it to join forces with affected communities and use the emancipatory power of law. As part of the transnational human rights movement, today we have new tools at hand with which we can counter injustice through legal and other means. We are proud to belong to this worldwide network of activists and lawyers and to be connected to the SERI in solidarity and mutual support.

Wolfgang Kaleck
European Center for Constitutional and Human Rights (ECCHR)

I’ve been a client of the Socio-Economic Rights Institute of South Africa and have been receiving their services and assistance since May 2016 until present. This organisation took me in to represent me in my civil case against Rhodes University management during a time where I needed Rhodes University to take accountability for their actions for mismanagement and failing to protect the women student body on its campus from the perpetual rape culture.

Following my involvement in the #RUReferenceList anti-rape culture protests in April 2016, I was targeted by the university’s management for defending my Constitutional right of ‘freedom of expression and freedom of assembly’ towards addressing the scourge of gender-based violence and broader rape-culture on the campus. SERI represents me for being excluded for participating in the #RUReferenceList anti-rape culture protests. It believed in the cause of our movement, the merits of my case and for this, I am eternally grateful for being given a fighting chance. #DyantyiVsRhodes

Yolanda Dyantyi
The Archive: Amabali Wethu
The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit organisation and public interest law clinic that provides professional and dedicated socio-economic rights assistance to individuals, communities and social movements.

SERI’s Aims and Methodology

Our Vision

SERI’s vision is a fairer and more equal society in which the material, political and social benefits of South Africa’s constitutional democracy are available to everyone. SERI is dedicated to the realisation of socio-economic rights as a means of tackling inequality.

SERI believes that the people who experience poverty and inequality on a daily basis are best placed to devise and implement strategies to challenge these structural issues. For this reason, we work with activists, social movements, and community-based organisations (CBOs) and trade unions to develop and implement strategies to address inequality and realise socio-economic rights. We aim to ensure that they are able to coordinate, mobilise, freely express their struggles and protest without unjustified state interference.

SERI’s aims are:

- To advance the currency of human rights and particularly socio-economic rights in South Africa.
- To promote the fulfillment of socio-economic rights by vulnerable communities in South Africa.
- To assist poor and marginalised groups to realise an adequate standard of living.
- To contribute to public governance through empowering local communities to understand their rights, government processes and to effectively engage in such processes, thereby holding government accountable.

In order to achieve these aims, SERI provides professional research, litigation and advocacy support to poor communities and individuals, as well as the movements that represent them.

About SERI

The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit organisation and public interest law clinic that provides professional and dedicated socio-economic rights assistance to individuals, communities and social movements.
Our Methodology

Driven by the needs of the individuals and communities we serve, SERI aims to address local problems through a close interweaving of applied research, policy, media and legal advocacy, and public interest litigation. SERI uses a range of interventions appropriate to the rights-related challenges, whether through policy engagement with government, contributing to civil society advocacy networks, or litigating in the public interest. In this way, SERI seeks to develop and implement strategies that advance the realisation of socio-economic rights, challenge inequality, and contribute to public accountability and participatory democracy.

SERI’s Thematic Areas

SERI’s work is organised into three key strategic themes based on what our clients tell us are the most significant challenges they face in giving effect to their socio-economic rights in South Africa today. They are ‘Securing a Home’, ‘Making a Living’ and ‘Expanding Political Space’. In each thematic area, we engage with client communities to provide legal advice and representation, conduct ground-breaking research, and advocate for changes to policy, law, popular narrative and practice.

Securing a Home

SERI works to ensure that poor and vulnerable people have access to secure tenure and adequate housing, water, sanitation and electricity. SERI has been at the forefront of efforts to prevent evictions that lead to homelessness, to press for the in situ upgrading of informal settlements, and to prevent unfair water and electricity disconnections. SERI also works to protect the rights of residential tenants, and to prevent unfair banking practices which may result in the loss of their homes.

Making a Living

South Africa’s high unemployment rates mean that many poor and vulnerable people work in part-time, low-paid and insecure employment. Many others employ self-made informal livelihood strategies or operate small businesses. SERI protects the rights of workers at the very lowest rung of the formal labour market to organise free from the threat of unfair dismissal. SERI also works with individuals and groups in the informal economy to safeguard their right to make a living in a just, humane and inclusive manner.

Expanding Political Space

Poor people rely on the right to assemble and demonstrate peacefully in order to advocate for access to secure tenure and basic services. They also use this right to challenge the unlawful, corrupt or unfair practices of employers, institutions, landlords and the state. SERI seeks to protect and expand the political spaces that communities and groups create in order to articulate, demonstrate and campaign for the advancement of their socio-economic rights.

Funding and Pro Bono Assistance

SERI is wholly dependent on donor funding and is grateful to all our funders for their support. Our current funders are: Alliance for Open Society International, Ford Foundation, German Catholic Bishops’ Organisation for Development Cooperation (MISEREOR), Open Society Foundation, Bertha Foundation, ELMA South Africa Foundation, RAITH Foundation, and Wallace Global Fund.

SERI’s law clinic takes on more work than can reasonably be performed by its own attorneys and counsel. This is made possible because attorneys and counsel outside SERI regularly accept instructions from its Law Clinic pro bono, for a contingency fee or for a reduced fee. We are grateful to the following individuals and firms who have accepted instructions from us on this basis:

- Geoff Budlender SC
- Matthew Chaskalson SC
- Anna-Marie de Vos SC
- Garth Hulley SC
- Paul Kennedy SC
- Hamilton Mnemantjie SC
- Kgampallo Moraka SC
- Dumisa Ntsebeza SC
- Gift Shakoane SC
- Sesi Baloyi
- Janice Bleazard
- Emma Broster
- Steven Budlender
- Berning Buthelezi
- Irene de Vos
- Francis Hobden
- Nada Kakoza
- Sha’ista Kazee
- Lebogang Kutumela
- Metseleng Lekoane
- Buhle D Lekokota
- Michelle le Roux
- Zweli Makakalelele
- Tshepiso Maloop
- Nokolo Mangane
- Bongiwe Mbizide
- Teboho Mosikili
- Ofentse Motlhasedi
- Tholoana Motloenya
- Nyoko Muvangua
- Dieketseng Napo
- Khanyisa Ngqata
- Rob Pillar
- Mchululub Stubbs
- Muhammad Zakaria Suleman
- Carien van der Linde
- Jordan Beagle of Beagle Costs has donated his time and services as a costs consultant to SERI. SERI would also like to express its gratitude to Juta for the donation of 26 legal books to the SERI library.
SERI Board of Directors

SERI’s Board of Directors meets at least three times a year and comprises the following people:

- Justice Zak Yacoob (Chairperson of the Board)
  Former Justice of the Constitutional Court
- Prof Lilian Chenwi
  Professor of Law, University of the Witwatersrand
- Prof Jackie Dugard
  Associate Professor of Law, University of the Witwatersrand
- Prof Noor Niefagodien
  NRF Chair in Local Histories and Present Realities, University of the Witwatersrand
- Adv. Dumisa Ntsebeza SC
  Advocate at the Johannesburg Bar
- Adv. Stuart Wilson
  Executive Director, SERI
- Nomzamo Zondo
  Director of Litigation, SERI

SERI Staff

SERI has 21 permanent staff members and five part-time consultants. SERI’s full-time staff include:

- Stuart Wilson - Executive Director
- Alana Potter - Director of Research and Advocacy
- Nomzamo Zondo - Director of Litigation
- Sanele Garane - Operations Manager
- Kelebogile Aplane - Candidate Attorney
- Khululwe Bhengu - Attorney
- Amanda Duma - Candidate Attorney
- Tiffany Ebrahim - Researcher
- Portia Khuzelwa Dyantyi - Candidate Attorney
- Zamantungwa Khumalo - Attorney
- Kelebogile Khunou - Researcher
- Maanda Makavera - Senior Researcher
- Thato Masiangoka - Researcher
- Mami Molefe - Operations Assistant
- Edward Molopi - Community Research and Advocacy Officer
- Pinkkie Moremi - Cleaner
- Thulani Nkuna - Senior Attorney
- Princess Nkuna - Receptionist
- Ornata Nyathi - Candidate Attorney
- Nikosinathi Sithole - Attorney
- Tshepo Skosana - Candidate Attorney

Consultants

SERI also works closely with the following part-time consultants:

- Anna-Marie de Vos SC - Senior Counsel
- Wendy Matthews - Financial Consultant
- Mduduzi Radebe - Financial Consultant
- Mary Rayner - Senior Research Associate
- Lauren Royston - Senior Research Associate

SERI prides itself on developing our staff members’ professional abilities by providing experience in conducting research, litigating and advocating for legal and policy changes. In this way, SERI seeks to build the capacity of our staff to pursue careers in research, advocacy and litigation and strive to achieve a more socially just South Africa.

In the last year, SERI bid farewell to three staff members:

- Michael Clark - Senior Research Associate
- Matome Mamela - Candidate Attorney
- Lindolukhle Mhabe - Attorney

In December 2018, Prof. Jonathan Klaaren stepped down as a member of SERI’s Board of Directors. We would like to thank Prof. Klaaren for his valuable contribution to SERI in his capacity as a member of SERI’s Board since 2009 and we wish him all the best in his future endeavours. We welcome Nomzamo Zondo as our newest Board member as of October 2018.

Interns and Volunteers

SERI welcomes interns and volunteers to assist with research, advocacy and litigation throughout the year. These include full-time litigation internships, and shorter research internships and volunteer positions. During 2018 and 2019, SERI hosted:

- Lamis Essop - Research Intern (October 2018 - January 2019)
- Sekese Rasepheli - Research Intern (February - December 2019)
- Nerishka Singh - Research Intern (February – December 2019)

SERI also provides opportunities for LLB students from the University of the Witwatersrand’s School of Law to work on a part-time basis conducting field research. This generally includes liaising with clients, compiling case information about clients’ household numbers, income, work, as well as access to housing and other basic services. It is encouraging that an increasing number of SERI’s candidate attorneys gained their first experience working with SERI as field researchers while completing their LLB degrees.
SERI’s work in the ‘Securing a Home’ theme involves protecting and fulfilling the right to adequate housing by challenging unlawful evictions, defending and promoting access to basic services such as water, sanitation and electricity, defending existing homes, and securing decent accommodation and tenure for our clients.

During the reporting period, SERI maintained over 60 cases in this theme. This area of work is divided into the sub-themes of: ‘Urban Land Reform’, ‘Informal Settlements’, ‘Inner City Evictions and Access to Alternative Accommodation’ and ‘Bank Repossessions and Sales-in-Executions’.

SERI assists over 80,000 people to resist unlawful evictions from their homes in informal settlements, private homes and inner city buildings. SERI’s ongoing work remains essential to support low-income households in their efforts to resist evictions and displacements as a result of urban regeneration processes and gentrification; ensure that bank foreclosures do not unfairly and arbitrarily rob people of their homes; and promote informal settlement upgrading across the country.

This thematic area has always been central to SERI’s research, litigation and advocacy work and we are making significant strides in realising this right.
Urban Land Reform

This past year, the national elections and the twenty-fifth anniversary of South Africa’s democracy focused a national discussion on the lack of progress in land reform and the rationality of expropriation without compensation. President Ramaphosa appointed an Expert Advisory Panel (the Panel) in September 2018 to provide the Inter-Ministerial Committee on Land Reform with a unified policy perspective on land restitution, redistribution and reform. The Panel engaged SERI to help shed light on the question of “urban” land reform, which is often absent in the land reform discourse and located within the housing, human settlements, planning and municipal finance sectors. Land reform has focused on rural land and agrarian reform. SERI provided formal and informal inputs to the Panel for reference in drafting their final report, and made presentations in numerous related events.

In December 2018, the Department of Public Works invited public comment on a draft Expropriation Bill that sought to set out the mechanics of expropriation without compensation. Most of SERI’s clients, especially people living in dilapidated inner city buildings and informal settlements, are impacted by the dynamics of urban land reform on a daily basis and would benefit significantly from the use of expropriation to meaningfully address the past failures of land reform measures.

SERI noted that while the draft Bill was a welcome affirmation of the state’s role in unlocking land for developmental and redistributive purposes, more must be done to ensure that the law is situated within a more thoroughly detailed programme of urban land reform that has appropriate regard to existing regulatory instruments and opportunities to use expropriation to facilitate pro-poor land reform.

SERI also engaged on the question of land reform in the media and in stakeholder gatherings which included the national and provincial Department of Human Settlements, municipalities, planning and urban development officials and practitioners, in order to provide context and insight on the challenges and opportunities specific to urban land reform.

ADVOCACY

Government and Civil Society Engagement

On 21 February 2019, SERI’s Nomzamo Zondo participated as a panellist at a televised JUTA Talking Points panel discussion entitled ‘Perspectives on Land Expropriation: Elevating the Debate’. Zondo cautioned against the risk of elite capture in the expropriation process and argued that expropriation needs to be activated by people on the ground who require access to the land, whether individuals or communities. She further argued that the same process needed to be followed whether the disputed land was state owned or privately owned. She was joined by Prof Elmien du Plessis, Ronald Lamola, Mzukisi Kota and Hajra Omarjee, who chaired the panel.

On 8 February 2019, SERI’s Lauren Royston, Maanda Makwarela and Kelebogile Aplane participated in a stakeholder roundtable on Urban Land and Human Settlements, Spatial Strategies, Property Markets, Land Governance, Development and Administration. The meeting was hosted by the Presidential Advisory Panel on Land Reform, the South African Cities Network and the National Planning Commission.

On 21 November 2018, SERI’s Lauren Royston presented on urban land reform at a Human Settlements Urban Land Dialogue convened by the Housing Development Agency (HDA). The purpose of which was to facilitate government and civil society dialogue related to urban land, with a specific focus on land for human settlements. Participants included government officials from the HDA, Department of Land Reform and Rural Development, the Department of Cooperative Governance and Traditional Affairs (CoGTA) and a range of civil society organisations and initiatives including the Land Network National Engagement Strategy (LandNNES), the Legal Resources Centre (LRC), the National Social Housing Organisation (NASHO), Ndifuna Ukwazi, the Development Action Group (DAG) and Slum Dwellers International (SDI).
Policy Advocacy Submission

On 21 December 2018, the Minister of Public Works, Thulas Nxesi, published an invitation for comment on the draft Expropriation Bill, 2019. The draft Bill is the result of the revival of a process to draft a new Expropriation Act to replace the Expropriation Act of 1975 after attempts to pass a new law in 2016 stalled. The purpose of the draft Bill, taken in the context of current debate surrounding land reform, is to replace the Expropriation Act of 1975 with a law that will explicitly allow for expropriation without compensation.

SERI made a submission on the draft Expropriation Bill in February 2019. SERI’s submission highlighted a number of gaps. Our comments related to the exclusion of individuals from initiating the expropriation process; limitations on the ability to expropriate state-owned land; the location of the draft Bill in relation to existing legislation; the expropriation of state-subsidised property for nil compensation; and the limitations on the ability for citizens to monitor the implementation of the expropriation process.

Media

- Land and Land Reform, Lindokuhle Mdsbe on radio panel discussion on the David O’Sullivan Breakfast Show, Kaya FM 95.9 (11 July 2018).

Informal Settlements

South Africa has a progressive national housing policy framework which prioritises the in situ upgrading of informal settlements as set out in the Upgrading of Informal Settlements Programme (UISP). There are however few, if any, examples of government-led and funded in situ upgrades of informal settlements in the country. Municipalities have been reluctant or unwilling to implement informal settlement upgrading according to the UISP at scale, with metropolitan municipalities spending less than half the available resources. More than 4.4 million people continue to live in informal settlements with limited access to basic services and uncertain tenure security.

In 2016, SERI secured a High Court order (Melani v The City of Johannesburg) directing the City of Johannesburg to upgrade the Slovo Park Informal Settlement in terms of the UISP, thereby compelling municipalities to implement the policy. The upgrading of the Slovo Park informal settlement will affect the lives of at least 10,000 people.

SERI is a member of the Slovo Park Upgrading Task Team, together with the Slovo Park Community Development Forum (SPCDF), national, provincial and local government human settlements and housing officials and built environment practitioners. SERI’s role has been to provide advice and support to the SPCDF in holding government accountable for the implementation of the UISP in Slovo Park. A critical milestone of this process has been the electrification of Slovo Park in 2018 after 27 years with no access to formal electricity.
SERI is also collaborating with spatial development practitioners to build an inclusive participatory approach for communities and government to upgrade informal settlements. As part of this, SERI hosted a Community Action Plan workshop in collaboration with Itol Agency of Engagement and the SPCDF. The workshop was a first step for stakeholders to discuss and analyze the history, challenges and successful milestones relating to Slovo Park's development under the leadership of the SPCDF, and to map the key milestones and actions to upgrade the settlement in the medium to long term.

SERI's litigation has continued to provide a pillar of support to community-based organisations and social movements defending informal settlement residents from unlawful evictions. Most recently, SERI acted on behalf of Abahlali baseMjondolo (AbM), the shack dwellers movement, against the impacts of the City of Ekurhuleni's re-blocking activity in VusiMuzi informal settlement.

Informal settlement challenges are not unique to South Africa. Caño Martín Peña, a Community Land Trust group based in Puerto Rico, hosted an international conference and peer exchange on tenure insecurity and basic services in informal settlements. Together with the SPCDF and AbM, SERI participated in the two-day conference and week-long community peer exchange on collective land tenure rights, based in San Juan.

The conference highlighted how the challenges faced by Slovo Park and other informal settlements are not unique to South Africa. It also highlighted that our association encourages the movements and groups we work with to connect and share with other movements and groups around the world. The exchange was made possible by the Ford Foundation and was successful in elevating a global advocacy strategy by local community-based struggles against urban displacement.

SERI's Tiffany Ebrahim on a panel discussing the importance on supporting strategic agendas of CBO's and social movements

The purpose of the research was to develop portraits of the local realities that characterise life in these informal settlements in order to better inform the participatory upgrading process. Contrary to the common practice of relocating informal settlements for “Greenfield” development and “roll-over” upgrading, the research offers insights into an alternative approach to upgrading informal settlements in which municipal and provincial interventions can recognise and build on the local norms, practices and agency which already exist in informal settlements. This requires government officials to work closely with residents and local leadership structures to identify and understand lived realities, existing practices and challenges.

The research has been well received by communities, government officials at all levels, academics and built environment practitioners across the country.

In April 2019, SERI published its Informal Settlement Action Research Series Informal Settlements in South Africa: Norms, Practices and Agency. The qualitative research reports detail findings from and the implications of site-based field research undertaken between 2016 and 2018. The series unpacks local land use management and tenure practices, political space, and access to basic services and livelihoods strategies in three settlements: Ratanang in Klerksdorp (City of Matlosana), Marikana in Philippi (City of Cape Town) and Siyanda in KwaMashu (eThekwini Municipality).

The series comprises four reports:

Informal Settlements in South Africa: Norms, Practices and Agency

The research was well received by communities, government officials at all levels, academics and built environment practitioners across the country.
LITIGATION

**Thubakgale v Ekurhuleni (Winnie Mandela)**

SERI represents 133 residents of the Winnie Mandela informal settlement, located in Ekurhuleni, whose subsidised RDP units had been stolen from them. The residents were approved and allocated state-subsidised stands, but when they tried to move in, they found that the houses had been occupied by unknown people who were not entitled to the housing subsidies. Additionally, the residents received bills for municipal rates services consumed by the occupants of the stands. This, the municipality admitted to the court, was the result of “corruption fraud and/or bribery”.

In May 2015, SERI launched an application in terms of section 8(1)(a)(ii) of the Promotion of Administrative Justice Act 3 of 2000 (PAJA), on behalf of the residents in the North Gauteng High Court to compel the municipality and the Gauteng Department of Human Settlements to either to take all steps necessary to give the residents title deeds to the land on which they live in the Winnie Mandela informal settlement, to upgrade the settlement in terms of the Upgrading of Informal Settlements Programme (UISP), or to provide the residents with opportunities for relocation nearby.

In December 2017, the North Gauteng High Court found in SERI’s favour and ordered the Ekurhuleni Municipality to provide each resident with a house in Tembisa Extension 25, or another agreed location, by 31 December 2018 and to register the residents as titleholders of their respective erven by 31 December 2019. The municipality appealed this decision. The Supreme Court of Appeal (SCA) granted the appeal and gave the municipality an additional six months on both deadlines. The municipality had until 30 June 2019 to provide the houses.

On 31 January 2019, SERI, on behalf of the residents, filed an application of contempt to hold the Ekurhuleni Municipality, the Mayor of Ekurhuleni, the City Manager, and the Head of Municipal Department of Human Settlements to account for failing to comply with the December 2017 High Court order.

In August 2019, SERI filed pleadings in both the main and counter applications arguing that if the High Court departs from the order it has already granted, it would be violating constitutional rights. Additionally, SERI claimed constitutional damages in the sum of R5,000 per resident for every month the municipality delays in providing the housing in terms of the previous court order, which should be calculated from the initial deadline of 30 June 2019. The matter is ongoing.
Abahlali baseMjondolo Movement of South Africa v Ekurhuleni Metropolitan Municipality and others (Vusimuzi)

In June 2019, SERI launched an urgent application on behalf of the shack dwellers movement Abahlali baseMjondolo to interdict the Ekurhuleni Municipality’s reblocking activity in the Vusimuzi informal settlement. The settlement, located in Tembisa, has been in existence since 1996 and is home to approximately 9,000 residents.

The municipality embarked on a process of “re-blocking” which was intended to form the first stage of a larger plan to roll out serviced stands which residents were told would include flushing toilets and improved access to water and electricity on a temporary basis. However, re-blocking consisted of city contractors demolishing existing dwellings and resulted in the violation of the rights to housing of approximately 133 residents, many of whom were rendered homeless.

Despite the residents voicing their objections to the re-blocking to their ward councillor, demolitions were conducted while many of the affected residents were away at school or work. Residents lost their homes and were forced to sleep in the open; many residents lost furniture and other valuables either to the reblocking process or to theft as a result of their possessions being left in the open after their homes had been destroyed.

SERI intervened on behalf of 133 residents affected by the municipality’s action and sought an urgent interdict to stop any remaining demolitions from taking place. SERI argued that the state’s decision to demolish the homes of residents without their consent was unlawful. SERI further argued that the state’s actions amounted to both unlawful eviction and the arbitrary deprivation of the residents’ property. As more municipalities embark on upgrading informal settlements, this case draws attention to the way in which re-blocking has been used as a tactic to enforce unlawful evictions in informal settlements. However it also highlights the importance of consultation between officials and residents in development processes and reminds us that development and the realisation of socio-economic rights must be progressive and not leave residents worse off than before.

Media
- Court interdicts Ekurhuleni from reblocking informal settlement, Zoe Postman, GroundUp (28 June 2019).

Informal Settlement in Ekurhuleni, Gauteng
SERI represents a community of approximately 60,000 people living in Marikana informal settlement in the City of Cape Town who are opposing an application for eviction. The landowners of the three properties on which Marikana is located attempted to evict the occupiers in 2017. In August 2017, the Western Cape High Court dismissed the application for eviction. The Court held that the City's failure to intervene lead to the violation of both parties constitutional rights. As a result, the Court ordered that the City comply with the procedure set out in section 9 (3) of the Housing Act 107 of 1997, which allows municipalities to enter into negotiations in good faith to purchase the land from the owners. The Court further ordered that if the negotiations were to fail, the City must exercise its powers to expropriate the land.

The property owners, the City of Cape Town and the Provincial Minister of Human Settlements then launched a consolidated appeal against the High Court judgment. In April 2019, SERI, on behalf of the residents, filed heads of argument at the Supreme Court of Appeal (SCA) opposing the appeal. SERI argues that the High Court, through its order, held the state to its duty to respond to land occupations of this nature in a way that appropriately struck a balance between the constitutional rights of all parties concerned, and therefore SERI is asking the appeal court to affirm the application of section 9 (3) of the Housing Act.

As one of the largest informal settlements in the country, this case speaks to urban land reform through the redistribution of privately owned land.

The Supreme Court of Appeal has provisionally set down the matter for 4 to 6 March 2020.

Fischer v Unlawful Occupiers, Erf 150, Philippi (Fischer)

On 2 May 2019, SERI and the Slovo Park Community Development Forum (SPCDF) participated in an international conference about land tenure, displacement and recovery, hosted by Caño Martín Peña in San Juan, Puerto Rico. Lerato Marole of the SPCDF presented on a community leaders panel about the SPCDF’s history, challenges and their successful use of the courts and existing housing policy to engage the South African government and ensure the upgrade of Slovo Park informal settlement. On a different panel, SERI researcher Tiffany Ebrahim presented on the importance of civil society organisations aligning their missions to support the strategic agendas of community based organisations and social movements that advocate for the implementation of pro-poor policy, and community participation in government decision-making processes.

On 19 February 2019, SERI’s Alana Potter and the Social Justice Coalition’s Avolle Notywala co-convened a session on informal settlement sanitation in the sub-theme ‘Sanitation and the SDGs - Leave No One Behind’ at the fifth AfricaSan Conference, which is convened by the African Ministers Council for Water (AMCOW) every five years. AfricaSan is an international convening which blends political, technical and knowledge streams across 60 African countries, attended by approximately 1,300 people including senior officials, international NGOs, donors, academics and practitioners. SERI shared findings from the informal settlement action research series, noting that informal settlement residents are structurally ‘left behind’ and that notions of the poor as ‘undocumented’, ‘undesirable’ or ‘undeserving’ are entrenched in popular narratives and influence policy decisions and budget allocations.

SERI also facilitated a session with the World Health Organisation (WHO) ’s UN-Water Global Analysis and Assessment of Sanitation and Drinking-water (GLAAS) on Effective National Sanitation Policies: Learning from Five Countries at AfricaSan. SERI’s sub-theme focused on issues to be resolved in sanitation policies in order to enable equitable access to services. Outcomes will be fed into AMCOW’s Africa Sanitation Policy Guidelines.

ADVOCACY

Government and Civil Society Engagement

Media

On 29 November 2018, SERI, together with the SPCDF, participated in an informal settlement engagement with newly elected officials in the City of Johannesburg’s housing department. The meeting was organised and hosted by the Centre for Urban and Built Environment Studies (CUBES) at the University of the Witwatersrand and discussed the future of Slovo Park informal settlement’s in situ upgrade according to the Melani court order. The City has committed to fund a participatory layout plan in 2019.

On 2 September 2018, SERI’s Tiffany Ebrahim participated in a panel discussion, entitled ‘Current Housing Struggles and Land Occupation in Gauteng’ at the Jozi Book Fair. The panel, which was organised by the International Labour Research and Information Group (ILRIG), sought to unpack the housing and land challenges facing the urban poor in Gauteng and how the state has responded to these challenges.

From 29 to 30 August 2018, SERI attended the launch of the 2018 GGLN State of Local Governance publication. SERI researchers, Tiffany Ebrahim and Maanda Makwarela contributed a chapter entitled ‘Local Democratic Space in Informal Settlements’.

On 23 August 2018, SERI staff participated in a student stakeholder workshop on Informal Settlement Upgrading hosted by CUBES at the University of the Witwatersrand’s School of Architecture and Planning. SERI’s Alana Potter and Kelebogile Khunou presented on SERI’s strategies for facilitating in situ upgrading in informal settlements.

On 2 July 2018, SERI staff participated in the 2018 CALS/ South African Journal of Human Rights (SAJHR) Land and Property Colloquium. Lauren Royston and Edward Molopi presented on ‘Unpacking the contested nature of land and property in the context of urban informal settlements’ and Tiffany Ebrahim and Lindokuhle Mdabe’s presentation focused on informal settlements, housing policies and the implementation of the UISP.

On 14 June 2018, SERI’s Stuart Wilson and Nomzamo Zondo made inputs on legislative amendments to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act), and on the design of an alternative financing mechanism for informal settlement upgrading at DHS’ National Policy Task Team.

On 13 February 2019, SERI gave a presentation to the Informal Settlements Network (ISN) on housing and evictions law in South Africa. The meeting, hosted in the Kliptown informal settlement, was attended by 20 ISN members and leaders of informal settlements in Gauteng and formed part of the ISN’s annual strategic meeting. The presentation provided participants with insight on how to use the Constitution and legislation such as the PIE Act to challenge unlawful evictions.

On 27 October 2018, SERI co-hosted a workshop with the Slovo Park Women’s Forum on strengthening women’s power through local asset analysis. The workshop was facilitated by Sarita Pillay.

On 17 October 2018, SERI, in collaboration with twospinningwheels productions and Pegasys Institute held a community screening of a mini-documentary on sanitation for women with disabilities living in informal settlements called The Struggle to be Ordinary. The screening aimed to gather feedback from the community featured in the mini-documentary and was hosted by the Slovo Park Women’s Forum in Slovo Park’s Community Hall.

On 9 October 2018, SERI hosted a Community Action Plan workshop for the SPCDF in collaboration with 1to1 Agency of Engagement. The workshop aimed to discuss and analyse the history, challenges and successful milestones relating to Slovo Park’s development under the leadership of the SPCDF, and to map the key milestones and actions to upgrade the settlement in the medium term.

Between 17 and 19 October 2018, the United Nations (UN) Special Rapporteur on the Right to Adequate Housing, Leilani Farha, presented her report on informal settlements and human rights to the UN General Assembly in New York City. SERI in collaboration with the Steering Group of South Africa’s Ratification Campaign of the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (the Campaign) and some individual experts, made a submission on informal settlements and human rights in South Africa. The Special Rapporteur relied on SERI and the Campaign’s submission throughout her report and she strongly voiced her support for the South African courts’ approach to informal settlements as articulated in the case of Melani and the Further Residents of Slovo Park.
Inner City Evictions and Access to Alternative Accommodation

SERI’s work on evictions and access to alternative accommodation has made crucial contributions to housing rights jurisprudence in South Africa. Throughout South Africa, state and private actors are engaging in new strategies which erode or circumvent section 26 of the Constitution and its subordinate legislation. This is particularly prevalent in the urban centres where poor people are being displaced as a result of state-run urban regeneration initiatives and gentrification.

At the core of SERI’s inner city housing work is a focus on the continued need to combat evictions and intimidation, develop pro-poor law and policy related to social housing and rental accommodation and ensure that people who are evicted or displaced by regeneration and gentrification are not rendered homeless but are instead provided with decent alternative accommodation. SERI continues to advocate for the creation of subsidised formal low-income rental accommodation for the urban poor. No formal rental options exist in either the social housing or private rental sector that accommodate the majority of poorer urban households’ needs for rental accommodation.

In Johannesburg, many low-income tenants and unlawful occupiers face continued challenges as Johannesburg mayor, Mayor Mashaba, implemented a series of police raids on inner city buildings through which his administration sought to threaten and intimidate low-income residents into abandoning their homes. The raids were carried out under Mayor Mashaba’s Buya Mthetho campaign which he claimed will end criminality and root out illegal immigrants and derelict landlords. In these raids, residents of suspected “hijacked buildings” were subjected to searches of their homes at random times during the day or night. Low-income tenants and unlawful occupiers were made to stand in the streets for long periods of time and in some cases, were threatened with arrest, eviction or deportation and some reported police extortion.

SERI has continued to engage its client communities in inner city Johannesburg independently and through the Inner City Federation. The Federation plays a vital role by serving as a community advice office for residents of the inner city. The Federation has been instrumental in building networks of solidarity and support amongst inner city residents and creating a space for engagement with the City.

RESEARCH

Inner City Federation: Fighting for Decent Housing in Inner City Johannesburg

In December 2018, SERI launched its latest Community Practice Note (CPN), which forms part of our on-going documentation of the strategies and tactics employed by community-based organisations and social movements.

This Community Practice Note tells the story of the Inner City Federation (the Federation), a self-organising coalition of tenants and unlawful occupiers from over 40 buildings in inner city Johannesburg. They advocate for better housing, basic services and challenge the stigma associated with low-income inner city residents. The Federation is the first self-organised group of low-income residents grounded in Johannesburg’s so-called ‘bad buildings’ that is challenging the lack of decent, affordable housing in the inner city in over a decade.

The CPN frames the history of inner city Johannesburg and chronicles the struggles of poor inner city residents to resist evictions, harassment and displacement; establish and maintain effective self-management structures in dilapidated inner city buildings; collectively mobilise residents; and advocate for decent housing.

Media

- Fighting historical injustice for housing in inner city Johannesburg, Nkateko Mabasa, Daily Maverick (2 December 2018).
LITIGATION

The Residents of Industry House and Others v Minister of Police and Others (Raids)

SERI represents 2,851 residents of 11 buildings in inner city Johannesburg who are challenging the lawfulness and constitutionality of over 20 police raids conducted at the behest of the Minister of Police and the Mayor between 30 June 2017 and 3 May 2018.

The majority of the 20 raids were authorised in terms of section 13(7) of the South African Police Services Act 68 of 1995, which empowers the police to “cordon-off” an area to “restore public order or ensure the safety of the public”, while two were conducted without any legal authorisation. The residents challenge the constitutionality of section 13(7) insofar as it allows for a person’s home to be searched without a warrant issued by a court. The residents also claim compensation for the breach of their rights to privacy and human dignity.

During the raids, which were jointly conducted by the South African Police Services (SAPS), the Johannesburg Metropolitan Police Department (JMPD), the Department of Home Affairs and the City of Johannesburg, officials forced residents out of buildings and onto the streets (often in the middle of the night while residents were only partially clothed), where they were searched, finger-printed and commanded to produce copies of their identity documents, passports or asylum seekers’ permits. Anyone who was unable to produce their identity documents was detained, including some South African citizens. On 22 May 2018, SERI filed an application to have section 13(7) of the SAPS Act declared unconstitutional.

SERI Op-ed

- Recognise the poor — they are neither criminals nor unworthy of living in the city, Khululiwe Bhengu, Daily Maverick (13 February 2019).

Media

- Cities and Gentrification, televised debate with Nomzamo Zondo on The Big Debate, SABC 2 (7 April 2019).

Hawerd Nleya and Others v Ingelosi House (Pty) Ltd (Ingelosi House)

SERI acts for the residents of Ingelosi House situated in Hillbrow, Johannesburg in an application to enforce an order granted by the South Gauteng High Court, directing the City of Johannesburg to provide the residents with alternative accommodation. There are 21 households on the property, comprising about 90 people, including 37 children. Many of the families have been living on the property for over eight years.

SERI previously acted for the residents in an application for leave to appeal against an eviction order granted in the High Court on 28 May 2014. The appeal was heard before a full bench of the South Gauteng High Court and on 19 May 2017 the Court set aside the eviction and remitted the matter back to the High Court.

On 16 April 2018, the High Court granted the eviction of the residents by 30 November 2018 on condition that the City provides the residents with alternative accommodation at least one month before the eviction. The Court thus ordered the municipality to provide alternative accommodation to the residents by 31 October 2018. The Court ordered the City to provide the residents, in writing, the nature and location of the alternative accommodation to be provided by 31 August 2018.

The City failed to comply with the order and on 20 December 2018, SERI filed an application to enforce the order directing the City of Johannesburg to provide the residents of Ingelosi House with alternative accommodation. The City has provided a building in Jeppestown but the relocation of the residents has not yet been finalised.

Media

- Showdown with Herman Mashaba looms over housing court order, Zoë Postman, GroundUp (15 January 2019).
In September 2018, the South Gauteng High Court ordered that Hloniphokwawe Goge, a resident living in a temporary emergency accommodation facility in Johannesburg, be allowed to remain in the shelter and continue to occupy his room after the organisation that manages the shelter, Metropolitan Evangelical Services (MES), tried to evict him.

In 2012, in accordance with an order of the Constitutional Court, Goge and 29 other unlawful occupiers were accommodated at the shelter after they had been evicted from a commercial building in Saratoga Avenue, Johannesburg. On 18 June 2016, Goge got into an argument with another shelter resident. During the altercation, the other resident threw a pot of boiling water over Goge who then left the shelter to tend to his injuries. Three months later, he returned, and re-occupied his room. A day later, the shelter manager unlawfully evicted Goge by denying him access to his room. With nowhere else to go, Goge, with the assistance of SERI, approached the South Gauteng High Court which ordered that he was entitled to re-occupy his room.

MES and the City appealed the decision arguing 1) that Goge had voluntarily vacated the shelter; 2) that, if he had not, his eviction was nonetheless justified by the need to protect the other resident; and, 3) that the shelter was not Goge’s home, despite the fact that he had lived there for almost five years.

On 5 September 2018, a full bench of the South Gauteng High Court rejected MES and the City’s arguments. The Court found that any significant interference with a person’s place of residence constitutes an eviction, including refusing a person access to their home after a period of absence. The Court further clarified that section 26(3) of the Constitution and the PIE Act also grant protection to people living in homeless shelters. The Court also disagreed with the argument that Goge had voluntarily vacated the shelter, saying that these claims were “quite fanciful, palpably implausible and far-fetched”.

**Government and Civil Society Engagement**

On 26 June 2019, SERI attended an Inner City Partnership Forum (the Forum) meeting. The Forum aims to ‘foster accelerated, inclusive, shared and sustainable growth in the inner city’ and is usually a forum for senior political leadership to engage the private sector, including property developers. SERI, together with inner city residents, plays an important advocacy role in the Forum.

On 11 April 2019, SERI participated in the Infrastructure Dialogues on ‘Inner City Housing’ hosted jointly by the Development Bank of Southern Africa, the South African Cities Network, the National Business Initiative, the Planning Monitoring and Evaluation Department in the Presidency, and the Department of Economic Development. This dialogue, the 50th since the Infrastructure Dialogue partnership was launched in 2009, focused on inner city housing as an important component of spatial transformation. It explored problems and opportunities faced by residents, job seekers, financiers and government at the local provincial and national spheres.

On 8 November 2018, SERI’s Nomzamo Zondo joined Meshack van Wyk, MMC for Housing for the City of Johannesburg and Dr. Margot Rubin, Senior Researcher with the National Research Foundation Research-Chair on Spatial Analysis and Planning at Wits University in a dialogue on inclusionary housing. The dialogue, hosted by the Nelson Mandela Foundation and the Hans Seidel Foundation, aimed to help attendees gain a better understanding of inclusionary housing in Johannesburg and coincided with the launch of the Mandela Initiative final report on Grappling with Poverty and Inequality, which discusses and offers recommendations for eliminating poverty and addressing inequality in South Africa. In her comments, Nomzamo Zondo stressed that any inclusionary housing policy must allow for the thousands of people already living in inner city Johannesburg to be able to access decent, affordable housing.

On 2 August 2018, SERI participated in a briefing session on the City of Johannesburg’s proposed Inclusionary Housing Policy at the City Council Chamber building in Johannesburg. SERI’s submission on the first draft of the City’s policy welcomed the spirit of the policy for attempting to address the acute lack of rental housing that caters for poor and low-income households in the City in a manner that promotes spatial justice. It also raised a number of concerns, including that the draft policy failed to ensure that inclusionary housing units are made available to low-income households (households earning less than R3 200 a month); that...
the rental in inclusionary housing should be linked to household income; and about the lack of accountability or enforcement mechanisms in the draft policy.

In August 2018, SERI’s Alana Potter presented our Policy Brief on Affordable Public Rental Accommodation to local, national and provincial housing officials at the Department of Human Settlement’s Rental Housing Policy and Strategy Forum.

Media
- Citizens Agree that Low Cost Housing in All Neighbourhoods can Reduce Racial and Spatial Inequities, Sharon Manzini, Social Surveys Africa (12 April 2019).
- The City of Johannesburg takes a cautious step towards inclusionary housing, Nkateko Mabasa and Ayanda Mthetwa, Daily Maverick (15 March 2019).
- Herman Mashaba midestdad ontwikkeling, television interview with Stuart Wilson on housing in the inner city of Johannesburg and the City’s recent plans to use the private sector to provide affordable housing, KykNet (15 August 2018).

Popular Education
On 3 May 2019, SERI participated in a workshop hosted by the Inner City Federation at the Nelson Mandela Foundation. The one-day workshop consisted of three sessions facilitated by SERI’s Edward Molopi, who elaborated on housing rights and resisting evictions in South Africa, CALS’ Vuyisile Mntonintshi who spoke on securing access to basic services in the inner city, and SERI’s Kelebogile Khunou who gave a presentation on domestic workers’ rights.

Media
- Dialogue explores the harsh realities of ‘inclusive’ housing and social cohesion, Nkateko Mabasa, Daily Maverick (9 November 2018).

Partnership with the Inner City Federation
SERI has worked closely with the Inner City Federation (the Federation) since its creation in 2015. The Federation is a self-organising coalition of tenants and unlawful occupiers from over 40 buildings in inner city Johannesburg that advocates for housing and basic services and challenges the stigma associated with low-income inner city residents.

Since its formation, the number of tenants and unlawful occupiers who are affiliated with the Federation has grown to over 2,000 people. The Federation has expanded its scope of work to include a walk-in advice centre that offers free basic legal and human rights information, advice and services to inner city residents.

Over the last year, the Federation has assisted poor inner city residents to resist eviction, harassment and displacement; established and maintained effective self-management structures in dilapidated inner city buildings; collectively mobilised residents; and advocated for decent housing.

SERI continues to provide support to the Federation to develop and implement strategies to challenge inequality and realise socio-economic rights in the inner city. This has been achieved through capacity-building workshops and training sessions.

The Federation has also built a strong relationship with the University of the Witwatersrand’s Anthropology Department. In November 2018, SERI co-hosted a media workshop for members of the Inner City Federation with Dr. Matthew Wilhelm-Solomon from the Anthropology Department. The workshop focused on introducing Federation members to various styles of media writing and on strengthening the organisation’s advocacy skills. SERI and the Federation also participated in a discussion on the Right to the City in South Africa with second year anthropology students from the University of the Witwatersrand in April 2019.
Joint Submission to the United Nations Committee on Economic, Social and Cultural Rights

South Africa ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in January 2015. The United Nations Committee on Economic, Social and Cultural Rights (CESCR) is the international treaty body responsible for monitoring the implementation of socio-economic rights by states. As required by the ICESCR, the South African government submitted its first periodic report to the United Nations CESCR in April 2017. In response, SERI, in collaboration with the Steering Group of South Africa’s Ratification Campaign of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol (the Campaign), submitted a parallel report. The Campaign’s Steering Group is comprised of SERI, Black Sash, the Dullah Omar Institute (DOI), the People’s Health Movement South Africa (PHM-SA) and the Studies in Poverty and Inequality Institute (SPII). The Campaign also benefits from expert inputs from the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of the Western Cape and SERI board members Lillian Chenwi and Jackie Dugard.

The parallel report provides civil society’s perspective on socio-economic rights realisation in South Africa, examines government’s compliance status and raises questions about its record in fulfilling its ICESCR obligations. The report also makes clear recommendations with respect to food security; access to remedies; adequate housing; water and sanitation; health and social grants.

Press Statements


Bank Repossessions and Sales-in-Execution

Part of SERI’s work in the ‘Securing a Home’ theme focuses on legal, research and advocacy work around sales-in-execution of immovable property where such property is a person’s home. This includes a focus on preventing banks and other lending institutions from abusing court processes dealing with debt collection. The sale of a poor person’s home for an insignificant amount is an abuse of the rules of the courts and common law which permits execution against property to recover debt.

In Nomsa Nkata v First Rand Bank Limited and Others, SERI entered as amicus curiae in the Constitutional Court and argued that the National Credit Act must be interpreted in favour of the values of fairness and equality. In Director of Public Prosecutions v Thabethe, SERI’s intervention stopped a sale in execution which First National Bank tried to institute without approaching the court. More recently, in ABSA Amicus, SERI was invited by the Gauteng High Court to make submission on a matter involving sales in execution. In October 2018, following the ABSA decision, the Western Cape High Court also invited SERI to intervene as amicus curiae in the case of Standard Bank v J Hendricks & Another to assist the court in determining the procedure for mortgage bond foreclosures within their jurisdiction.

SERI’s work in this area has increased awareness amongst the courts about the need to address various aspects of the foreclosure process and is now informing the conduct of banks in this area.
LITIGATION

Absa v Mokebe; ABSA v Kobe; Absa v Vokwana; Standard Bank v Colombrick and Another (ABSA Amicus)

SERI was invited by the South Gauteng High Court to make a submission as an amicus curiae on a case that was heard on 28 and 29 August 2018 dealing with sales-in-execution or bank foreclosure, specifically on the process that a bank is required to follow to sell a person’s home in execution.

A sale in execution or bank repossession takes place when a debtor is unable to repay the monthly installments in terms of a loan they owe to a bank and the debtor’s property is sold at a public auction by the Sheriff of the Court to pay off the debt. Often, the property sold will be the debtor’s home. Sales-in-execution are an important way for banks to enforce their rights in terms of loans, especially in cases where debtors who are able to pay their debts refuse to pay. However, there have been cases where banks have abused this process. To prevent this, Parliament passed section 12(3) of the National Credit Act, which allows the debtor to “reinstate” a loan agreement at any time before the bank seeks to execute the loan agreement against him or her by paying their arrears and the bank’s reasonable costs incurred for enforcing the agreement.

Since section 129(3) of the National Credit Act came into effect, the practice in the South Gauteng High Court has been to postpone applications to have a person’s home declared specifically executable for a certain period in order to enable a debtor to bring up their arrears, thereby reinstating the credit agreement and ensuring that they do not lose their home.

The questions raised in this case were: 1) whether courts have the power to postpone a money judgment against a debtor while the application for leave to execute against the debtor’s home is pending and 2) whether, if courts do not have this power, the execution of a money judgment stops a debtor from being able to reinstate the mortgage loan agreement.

SERI argued that courts have the power to postpone money judgments and to refuse a money judgment, even where a bank has established a contractual right to it. If the courts did not have this power, the purpose of section 129(3) would be circumvented and it would not be possible for a debtor to reinstate their mortgage. SERI also argued that allowing a bank to claim a money judgment would prevent a debtor from reinstating the mortgage agreement, which would effectively mean that banks could circumvent section 129(3) of the National Credit Act.

On 12 September 2018, a full bench of the South Gauteng High Court held, consistently with SERI’s submission, that the application for a money judgment should always be postponed for determination together with an application for leave to execute. The Court further held that a reserve price should, save in exceptional circumstances, always be set. This means that repossessed homes may no longer be sold at auction without reserve prices.

Media

• Why cheap bank repossessions will now be the exception, Angelique Ardé, Business Day (14 September 2018).
• Gauteng court rules against cheap bank repossessions, Ciaran Ryan, GroundUp (13 September 2018).
SERI’s work in the ‘Making a Living’ theme developed from our focus on precarious work and livelihoods and is concerned with the struggles that many vulnerable people face in earning a living including poor working conditions, the loss of employment benefits, long hours, low pay, and the insecurity associated with part time, temporary or informal employment.

In addition to our work with informal traders and farm workers, SERI’s work in this theme has grown over the last few years to include advocating for the rights of domestic workers and reclaimers (waste pickers). SERI’s work with domestic workers provides a clear example of interweaving litigation, research and advocacy. Research on the domestic work sector, which began with the launch of the Domestic Workers’ Rights Guide in 2018, and SERI’s continued involvement in Mahlangu v Minister of Labour, will culminate in the inclusion of South Africa’s one million domestic workers in “Workmen’s Compensation”. This work also facilitated promising relationships with the South African Domestic Service and Allied Workers Union (SADSAWU) and Izwi Domestic Workers Alliance.

Additionally, SERI has developed a relationship with African Reclaimers Organisation (ARO), an organisation which formed to fight against “Separation@Source”, a City of Johannesburg recycling programme which benefits private contractors to the exclusion of waste reclaimers. SERI provides legal advice to ARO and its members to ensure that reclaimers continue to have access to recyclable materials.

SERI continues to collaborate closely the South African Informal Traders Forum (SAITF) and as part of our efforts to ensure that municipalities uphold the law and constitutional principles in their regulation of informal trade, SERI published two ground-breaking research reports with the South African Local Government Association (SALGA). The purpose of the reports is to assist municipalities to understand their legal obligations by unpacking court judgments which have substantially contributed to the rights of informal traders and identifying a range of legal principles governing the rights, duties and obligations of informal traders, law enforcement
officers and local government. Following the release of these publications on informal trade, SERI subsequently provided input to the development of SALGA’s forthcoming Informal Economy Position Paper.

In addition, SERI continues to litigate and undertake community and media advocacy with the Commercial, Stevedoring, Agricultural and Allied Workers Union (CSAAWU).

**SERI Op-ed**


**Media**

- Household recycling plan leaves waste pickers fighting for crumbs, radio interview with SERI researcher Kelebogile Khunou, Afternoon Drive with John Maytham, Cape Talk (4 July 2018),
- Sceptics raise alarm about future of waste pickers in new recycling plans, Zoë Postman, GroundUp (2 July 2018).

**LITIGATION**

**Mahlangu v The Minister of Labour (Mahlangu)**

SERI represents Sylvia Mahlangu, the surviving daughter and dependent of Maria Mahlangu, a domestic worker who died in her employer’s home. SERI launched an application challenging the constitutionality of section 1 (xix) (v) of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (“COIDA”) on the grounds that it excludes domestic workers employed in private households from the definition of “employee”.

COIDA provides for employees to claim compensation from the Compensation Fund for injuries, illnesses or diseases sustained in the course of their employment, or death resulting from such injuries or diseases. It therefore creates a social insurance system in terms of which employers pay a certain percentage of their employees’ wages into the Compensation Fund each month, which employees or their dependents can claim from in the case of sustaining occupations injuries, illnesses or in the event of death. COIDA expressly excludes domestic workers from the definition of “employee”.

Sylvia’s late mother, Maria Mahlangu, was a domestic worker who on the morning of 31 March 2012, died at her employer’s home in Pretoria. It is alleged that Maria was washing the top windows outside a bedroom located next to the pool when she slipped from the step ladder on which she was standing and fell into the pool which was unfenced and uncovered at the time. Maria could
not swim and drowned. Ms Mahlangu approached the Department of Labour which informed her that she could not get compensation for the death of her mother as domestic workers are not covered by COIDA.

SERI, on behalf of Ms Mahlangu, with the South African Domestic Service and Allied Workers Union (SADSAWU) as the second applicant, brought an application to compel the Department of Labour to amend section 1 of COIDA to include domestic workers, and to put effective enforcement mechanisms in place to ensure that employers comply with COIDA and other relevant labour legislation. SERI also argued that a declaration of invalidity should be applied retrospectively to provide relief to Ms Mahlangu, who brought the application, and other domestic workers who were injured or died at work prior to the amendment of section 1.

On 23 May 2019, the North Gauteng High Court handed down an order declaring that section 1(xix) of COIDA is unconstitutional and invalid in so far as it excludes domestic workers employed in private households from the definition of “employee”. On 17 October 2019, SERI will argue that the declaration of invalidity must be applied retrospectively.

SERI Op-ed

- Domestic work is work too. Kelebogile Khunou and Thulani Nkosi, City Press (14 October 2018).

Media

- Domestic Workers Now Able to Claim for Injuries Sustained at the Workplace. Content Editor, iAfrica (28 May 2019).
- Domestic Workers now able to claim for injuries sustained at work. Eyewitness News, EWN (28 May 2019).
- New hope for domestic workers’ rights with landmark court ruling. Sarah Smit, Mail and Guardian (27 May 2019).
- Domestic workers to get justice after high court ruling. Thembelihle Mkhonza, IOL News (24 May 2019).

Averda v The Unlawful and Unauthorised Individuals and Pickers (Averda)

SERI represents 32 reclaimers (waste pickers) who have been collecting waste at Genesis landfill in Johannesburg owned by Averda South Africa Ltd. They approached SERI after they were violently removed from the landfill site on which they had worked for a number of years, some since 1999, when the landfill was established and before any private companies operated there. Their removal was mandated by an interim court order granted against them in their absence.

In 2001, many of the reclaimers entered into a formalised agreement with Waste Giant, the first company to operate on the site, permitting them to carry on working and making a living on the site. In June 2016, operations on the landfill site were taken over by Averda South Africa Ltd (Averda). The reclaimers continued to engage with Averda and collect waste at the site.

In May 2018, Averda sought an ex parte order barring “unknown recyclers” from entering the site. The South Gauteng High Court granted an interim interdict barring the reclaimers from accessing the property. The Sheriff executed the order to remove the reclaimers from the site a month later. During the execution of the order, several reclaimers were assaulted and injured; some were shot with rubber bullets. At least three were seriously injured and hospitalised. Police also ransacked the homes of several reclaimers who live adjacent to the site, stealing cash, clothing and cell phones.

An ex parte application, by its nature, places only one side before the Court. This is a departure from the usual requirement that a court will hand down a judgment only after having heard both sides of a case, therefore any party filing an ex parte application has a duty of utmost good faith in presenting the facts to the court. In light of this, the issues before the Court were whether, Averda, as an applicant that instituted an ex parte application: 1) complied with the duty of utmost good faith; 2) informed the Court that the reclaimers disputed the termination of their authorisation to be on the site; 3) had a duty to disclose to the Court the identity and information it held about the reclaimers in order to indicate that the reclaimers were known to Averda; and 4) whether Averda had an obligation to disclose information about the existing relationship between it and the 32 reclaimers.

On 11 March 2019, SERI represented the reclaimers in their challenge against the interdict. SERI argued that Averda failed to disclose material facts to the Court, thus breaching its duty of utmost good faith. SERI also argued that the reclaimers had authorisation from Averda and its predecessors to be on the property which was never properly terminated; that Averda had not
met the requirements to request an interdict; and that the reclaimers had a servitude of work over the landfill site having worked on the property for almost two decades.

In a judgment delivered on 17 May 2019, the South Gauteng High Court found that Averda had failed to disclose all the relevant material facts, particularly that the reclaimers were known to them and that a working relationship existed between them. Consequently, the Court found that Averda failed to comply with the duty of utmost good faith, and their case was dismissed.

SERI is representing the interests of the reclaimers as they continue to be denied lawful access to the landfill site.

Transnet v Mushandana Humbulani Victoria and 34 Others (Transnet)

SERI represents 30 market traders trading near the Mogwase Shopping Complex in Mogwase, in the North West, in a case brought against them by Transnet. Transnet approached the North West High Court seeking an order to evict the market traders on the allegation that they are trading on land currently owned by Transnet. The property is located close to a railway line which Transnet argues is a safety risk for the traders. Transnet further states that they have engaged with the municipality in order to relocate the traders but the municipality has not been responsive.

On 4 April 2019, SERI, on behalf of the market traders, filed heads of arguments with the North West High Court. SERI argues that: 1) Transnet does not own the land on which the market traders are operating; 2) the traders’ activities are not illegal and are recognised and protected in terms of the Businesses Act 71 of 1991; 3) the traders do not operate on or near a railway line but between the shopping complex and housing estate and are not enticing people to cross railway lines to access their stalls; and finally, 4) the traders have been trading on the land for almost 20 years, and not four years as Transnet alleges.

In addition, SERI, on behalf of the traders, engaged with the municipality in an attempt to resolve the matter outside of the court. Transnet was invited to participate in these engagements but declined the invitation. During these engagements, the municipality agreed to relocate the traders to a piece of land adjacent to the area on which they are currently trading. The municipality began a project to build stalls which would accommodate all of SERI’s clients and other members of the community who wish to trade at the relocation site, which are expected to be completed by the end of October 2019. Notwithstanding this project, Transnet has insisted that the case continue in court, rejecting an offer from SERI for a postponement until construction of the stalls is completed. The matter will proceed on 21 November 2019.

CSAAWU obo Akhona Massagane and Others v Ecowize (PTY) LTD (Ecowize)

SERI acts on behalf of the Commercial, Stevedoring, Agricultural and Allied Workers Union (CSAAWU) who brought the case on behalf of Akhona Massagane and 28 other former employees of Ecowize, a hygiene and sanitation company. The workers were employed as cleaners at a chicken processing plant. All 29 employees were dismissed after they raised complaints about a lack of protective gear and the fact that they had not received wage increases for five years. The employees attempted to address their concerns with their manager but were referred to the human resources department.

On 21 June 2017, the 29 employees and others refused to report to their respective places of employment and demanded to speak to a manager because they felt that the human resources department was not escalating their grievances to management. While waiting to speak with a manager, the night-shift workers launched a go-slow strike. A manager at the plant then told them to leave the premises. They left the plant and built a fire outside the gate to warm themselves. A short while later, a mini-bus with replacement workers arrived and the Ecowize employees asked the replacement workers to leave.

On 26 June 2017, Ecowize issued and served disciplinary notices to three individuals for a disciplinary hearing on 30 June 2017. It claimed that the former employees’ activities constituted an unprotected strike and therefore dismissed all 29 for their participation, even though only three received disciplinary notices. The matter was referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) to address the claim that Ecowize’s dismissal of the employees failed to follow the procedure prescribed in the Labour Relations Act. The CCMA issued a non-jurisdiction ruling.

The matter was then referred to the Labour Court in Cape Town on 11 February 2019. After intense negotiations, our clients eventually settled for a once-off payment of 3 months salary, amounting to R9,000 per individual. This settlement agreement was made an order of court. For many of the workers who had been out of work for over two years, the settlement affirmed the need for employers to follow due process and abide by labour laws in the dismissal of employees.
On 18 June 2019, SERI’s Kelebogile Khunou, Sekese Rasephei and Nerishka Singh participated in an advocacy framing workshop hosted by the African Centre for Migration and Society entitled, “Migrating out of poverty advocacy framing workshop: The migration of Ethiopian entrepreneurs and Zimbabwean domestic workers in South Africa”. Presenters shared new research on the migration patterns of Ethiopian entrepreneurs and Zimbabwean domestic workers. The aim of the workshop was to use the research to begin a discussion on how civil society, government and academics could frame their advocacy efforts in order to meaningfully expand the political spaces to which these two immigrant populations have access.

In May 2019, SERI’s Nerishka Singh and Kelebogile Khunou attended two workshops hosted by the South African Cities Network in partnership with the Gauteng Provincial Government and North West University’s Chair for Cities, Law and Environmental Sustainability (CLES). The workshops were convened to discuss the development of a policy and regulatory framework for township economic development and attended by government officials from the Gauteng Office of the Premier, the Gauteng Department of Economic Development and officials from Johannesburg, Tshwane and Ekurhuleni local government departments such as Economic Development, Spatial Planning and Human Settlements. They were joined by academics and students from CLES.

On 18 and 19 March 2019, SERI researcher Kelebogile Khunou attended the Legal Resources Centre’s roundtable on artisanal mining in Johannesburg. In attendance were artisanal miners from the North West, Gauteng and Mpumalanga and civil society organisations. Discussions focused on the challenges facing artisanal miners and the regulation of artisanal mining. Representatives from the Department of Mineral Resources, the South African Police Service and the Mineral Council received feedback from artisanal miners who provided them with recommendations for their engagement with the sector.

On 25 February 2019, SERI’s Stuart Wilson presented at an Informal Economy Metro Engagement organised by the South African Local Government Association (SALGA). The engagement aimed to share progress on actions SALGA has undertaken in its work towards creating a more conducive environment for informal traders. Wilson presented on key lessons from jurisprudence and constitutional principles and outlined principles for municipal engagement with informal traders.

On 27 September 2018, SERI’s Kelebogile Khunou presented at a Solidarity Centre and Lawyers for Human Rights workshop on Worker Rights in Southern Africa. The panel discussion entitled, “Right to Work and Precarious Workers” explored the specific challenges faced by migrant workers, such as the casualisation of their work, their struggles to vindicate their rights in the workplace, workplace xenophobia and the proposal that the right to work be taken away from asylum seekers. In her presentation, Khunou spoke about the importance of informal trade to the South African economy, the legal framework governing informal trade, and the legal obligations of local government in relation to informal trade.

On 25 and 26 June 2019, SERI hosted a two-day training-of-trainers workshop on the Extension of Security of Tenure Act of 1997 (ESTA) with the Surplus Peoples Project and the Matzikama Farmworkers Forum. The workshop was attended by approximately 100 municipal officials, waste pickers, private sector stakeholders and representatives from civil society. The purpose of the workshop was to increase knowledge about the work of waste pickers and to share the draft National Guidelines on Waste Picker Integration.

On 25 and 26 June 2019, SERI co-hosted a workshop on the employment rights of domestic workers with Izwi Domestic Workers’ Alliance. Izwi Domestic Workers’ Alliance holds the view that domestic workers organising and supporting each other at the neighbourhood level will help to overcome the “atomised” and isolated nature of domestic work. The participants read case studies on employment issues domestic workers experience, such as unfair dismissal, unfair labour practices, and other employment standards, and were oriented to using SERI’s Domestic Workers’ Rights Guide.
SERI’s partnership with South African Informal Traders Forum

SERI’s relationship with South African Informal Trader Forum (SAITF) began in 2013 when SERI protected 8,000 informal traders from eviction from their trading stalls in the inner city of Johannesburg in an action nicknamed “Operation Clean Sweep”. After the informal traders’ eviction was reversed, SERI engaged in a process of intensive advocacy on behalf of informal trade organisations based on our research on the lived reality of informal trade.

Between 2014 and 2017, SERI produced several research products aimed at understanding the sector and the legal framework which informs it. These include a pamphlet entitled Protecting the Rights of Informal Traders which explains the process that a municipality must follow to legally prohibit informal trade in an area, or to relocate informal traders; a research report entitled, ‘The End of the Street?’ Informal Traders’ Experiences of Rights and Regulations in Inner City Johannesburg and; a guide entitled, Informal Trade in Johannesburg: Your Rights, which sets out the rights of informal traders in Johannesburg and the avenues available to ensure those rights are protected.

In 2018, SERI and the South African Local Government Association developed two research papers, “Informal Trade in South Africa: Legislation, Case Law and Recommendations for Local Government” and “Towards Recommendations on the Regulation of Informal Trade at Local Government Level” to assist municipal councils and local government officials to understand their legal duties in relation to informal trade and to help them to formulate more enabling informal trade regulations by taking stock of the national laws governing informal trade, primarily the Constitution and Businesses Act, and examining case law dealing with the rights of informal traders.

SERI’s collaboration with SALGA has made a direct impact on policy. SERI provided input to the development of SALGA’s Informal Economy Position Paper in 2018 and, in 2019, has engaged with the City of Johannesburg’s draft Informal Traders Policy and updated bylaws. As a member of SALGA’s Informal Economy Reference Group, SERI advocates for enabling municipal regulation in collaboration with SALGA and Women in Informal Employment: Globalizing and Organizing (WIEGO). As we advance in influencing policy on informal trade at the local government level, SERI continues to collaborate closely with SAITF.
Expanding Political Space

‘Expanding Political Space’ encompasses a growing variety of issues dealing with participation, political space, protest and its policing. This work flows from the disjuncture between the requirement for public participation in local government decision-making and the lack of actual engagement with the state, which is often inaccessible or effectively closed down to marginalised groups and communities. This exclusion has led to community-based organisations, community forums and social movements increasingly turning to informal participatory mechanisms such as protests.

Protest is a legitimate form of democratic participation, yet local authorities and police officials often frustrate this form of expression. The use of force by the police has become a defining feature of public order policing while the arrests of activists on trumped-up charges, and abuse of the criminal justice system to silence dissent, are commonplace. This closing down of the political space necessary for individuals and communities to advocate for the realisation of their socio-economic rights was identified by SERI’s clients and partners as a key obstacle in their quests for social justice.

SERI’s work in this area has grown with its continued representation of student activists and organising communities that assert their rights and demand structural change but have been targeted and punished for their activism. SERI has taken up the representation of a group of women in the small town of Colenso, KwaZulu-Natal and continued its representation of a former student at Rhodes University, amongst others. On behalf of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, SERI made a submission to Constitutional Court in Mlungwana on the constitutionality of section 12(1)(a) of the Regulation of Gatherings Act (205 of 1993) in light of international principles.

SERI’s advocacy and litigation have also focused on drawing attention to the continued lack of accountability for police misconduct and abuse of human rights in the context of protests. SERI has continued to advocate for the release of the Post-Marikana Expert Panel Report on Public Order Policing as part of its call for much-needed police reform. SERI has also continued to advocate for justice for the Marikana massacre by drawing attention to the continued lack of police accountability and need for public order policing reform. Since 2012, SERI has continued to represent the families of the deceased miners.
LITIGATION

State v Sibongile Sithole and 15 Others (Colenso 16)

SERI represents 12 women in the small town of Colenso, KwaZulu-Natal who were arrested and detained while engaging in a peaceful protest against their local municipality in August 2018. The protestors were part of a group arrested after a service delivery protest in which a main road into and out of the town was blocked for approximately an hour.

The protestors were charged with public violence, denied bail and detained for 60 days in Newcastle, 130 kms away from their children and families in Colenso. After having spent 60 days in custody, the women plead guilty to the charges levelled against them in order to be released. The women, who are mostly housewives with low levels of education, argued that they were coerced into pleading guilty and told that if they did, the case against them would end sooner and they would be released to be with their families. The women were sentenced to 200 hours of community service, three years of house arrest and a three-year custodial sentence suspended for five years on condition that they do not commit a similar offence.

SERI became aware of the case after the women had been convicted and in February 2019 filed an application for leave to appeal against the convictions and sentences. SERI is appealing the convictions and the sentences as they are symbolic of the use of criminal charges to discourage communities from engaging in protests. The Magistrate granted leave to appeal the conviction and the matter will be heard in the KwaZulu Natal High Court in 2020.

SERI then appeared in the Estcourt Magistrates Court to apply for a suspension of the women’s sentences pending a review of the appeal. The Court suspended the house arrest, suspended sentence, and community service pending the outcome of the appeal in 2020.

Makhokha v the City of Johannesburg and the Minister of Police (Makhokha)

SERI represents four people in a civil claim against the City of Johannesburg and the Minister of Police for wrongful arrest and detention. On 26 February 2015, protestors blocked a major roadway in Lenasia and the protest later turned violent with some protestors throwing stones at passing cars. The Johannesburg Metropolitan Police Department (JMPD) and South African Police Service (SAPS) officers present began firing rubber bullets and teargas at protesters and several arrests were made. Many of the protesters ran into adjacent informal settlement to escape.

Mr. Nditsheni Makhokha, a resident of the adjacent settlement and the first plaintiff in the case, was doing yard work when a group of people ran from the direction of the protest past his home. Seeing the people fleeing in his direction, he ran inside. Mr. Makhokha did not participate in the protest but was arrested in front of his home without a warrant and without cause, based on the police claim that he must have been a part of the protest because they saw him run into his home. Mr. Makhokha was detained at Lenasia police station in Johannesburg for four nights and at the Johannesburg prison for one night before being released on bail. The charges against him were eventually withdrawn on 17 April 2015.

In December 2016, Mr. Makhokha, with the assistance of SERI, filed an application for damages for the unlawful arrest and detention. In May 2018, the City accepted that the arrests of Mr. Makhokha and the others were wrongful and offered a settlement of R35,000 each. The police, however, have continued to dispute that they illegally detained Mr. Makhokha.

The case against the City has been settled but the Minister of Police continues to argue that the act of detaining a party extends from the original arrest and that since Mr. Makhokha was originally arrested by the JMPD (which falls under the jurisdiction of the City of Johannesburg), the SAPS are not responsible for the unlawful detention.

The case against the Minister of Police was dismissed by the Johannesburg Magistrate’s Court, following which SERI sought leave to appeal to the South Gauteng High Court. SERI is arguing that the SAPS had a duty to determine whether it was necessary to further detain Mr. Makhokha once he came into their custody. The case was argued on 3 September 2019 in the South Gauteng High Court where judgment has been reserved.
SERI represents Nkosinathi Mngomezulu, a resident of Cato Crest informal settlement in Durban who was shot four times by a security officer from the municipality’s land invasion unit, during the unit’s illegal demolition of his and various other Cato Crest residents’ shacks in September 2013. At the time, a series of court orders restrained the municipality from evicting any person or demolishing any shack at Cato Crest informal settlement. After recovering for more than three months in hospital, Mngomezulu was arrested and detained, initially on charges of assault and later on charges of attempted murder.

It is on the basis of this unlawful attack, destruction of his shack, and the subsequent unlawful arrest and detention that Mr. Mngomezulu, assisted by Abahlali baseMjondolo, claims damages. The case was heard between 31 July and 4 August 2017 in the KwaZulu-Natal High Court. The Court handed down judgment upholding Mngomezulu’s claim for unlawful arrest and detention and ordering the Minister of Safety and Security to compensate him for the infringement of his rights.

However, the Court dismissed his claim for the personal injuries he sustained on the basis that Mr. Mngomezulu had “violated the rule of law” when he tried to prevent the municipality’s land invasion unit from illegally evicting him and other residents of Cato Crest, and that the security officer was acting in self-defence when he shot Mr. Mngomezulu in the stomach four times. The Court also dismissed Mr. Mngomezulu’s claim for the destruction of his shack because he could not provide a precise address for it. For the Court, this meant Mngomezulu must have been lying about having a shack in the informal settlement.

SERI, on behalf of Mngomezulu, filed an application for leave to appeal the Court’s decision. In this application, SERI argued that the Court’s finding that an informal settlement resident does not have a home in an informal settlement because he or she cannot give a precise address for it is naive to the realities faced by poor and vulnerable people in South Africa, and that the Court’s finding that Mr. Mngomezulu “violated the rule of law” by defending himself against an illegal eviction cannot be legally supported.

The application for leave to appeal was argued in the KwaZulu-Natal High Court on 29 November 2017 and leave to appeal to the Supreme Court of Appeal (SCA) was granted. The SCA appeal was dismissed with costs. SERI then filed an application for leave to appeal to Constitutional Court. The application is currently pending.

SERI, on behalf of General Moyo, have consistently argued that section 1(1)(b) of the Intimidation Act is unconstitutional as it criminalises any speech or conduct which creates a state of fear in the person towards whom the speech or conduct is directed. This drastically limits the right to freedom of expression found in section 16 of the Constitution in a manner that cannot be justified in terms of the limitation clause (in section 36 of the Constitution).

On Tuesday, 19 February 2019, SERI argued an application in the Constitutional Court to have section 1(1)(b) of the Intimidation Act declared unconstitutional. The matter was heard on appeal from the Supreme Court of Appeal (SCA) which held that s1(1)(b) was constitutionally compliant. SERI argued that the purpose of the provision has been consistently misinterpreted by the courts which unjustifiably limited the right to freedom of expression.

SERI argued that the breadth of the language in the provision caters to a whole range of potential fears to an individual, their property, and livelihoods and to third parties and that the section was being applied to situations which were not intended by the legislature.

Media

- **Even empty threats could be outlawed by ‘over-broad’ law, ConCourt hears**, Ernest Mabuza, Times Live (19 February 2019).
SERI represents the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association in a challenge against the constitutionality of section 12(1)(a) of the Regulations of Gatherings Act. The matter arose as a result of a protest by members and supporters of the Social Justice Coalition outside the offices of the former City of Cape Town mayor on 11 September 2013. The protesters chained themselves to the railings at the City’s Civic Centre as an expression of their frustrations with the continued challenges of poor sanitation for communities despite lengthy engagements with the City. Upon police intervention, 21 protesters were arrested and charged under section 12(1)(a) of the Act for unlawfully and intentionally convening a gathering without providing the relevant municipal authority with any notice that the gathering would take place. In the alternative to the main charge, the accused were charged under section 12(1)(e) of Act for unlawfully and intentionally attending a gathering without notice and the required permission from the relevant authority.

On 24 January 2018, the Western Cape High Court declared section 12(1)(a) of the Gatherings Act unconstitutional. In declaring this provision unconstitutional, the Court said that a criminal sanction was “disproportionate to the offence” as it may result in people “carry[ing] with them the stigma” of a criminal conviction. Instead, the Court suggested that civil liability may be a more appropriate penalty for failing to notify the municipality of an intended protest. The matter was referred to the Constitutional Court for confirmation of the order of constitutional invalidity where the State and the Minister of Police appealed the Western Cape High Court’s order.

SERI made submissions to the Constitutional Court based on international law and urged the court to have regard to international law standards and principles when considering the constitutionality of the section. SERI argued that holding organisers criminally liable for failing to notify authorities about a protest is a restriction of the right to freedom of peaceful assembly.

On 19 November 2018, the Constitutional Court handed down a ruling upholding the January 2018 judgment from the Western Cape High Court, which declared section 12(1)(a) of the Regulation of Gatherings Act unconstitutional.

Media

- Right to Protest and the changing law around protesting without permission, podcast discussion with Zamantungwa Khumalo, Salaam Media (20 November 2018).
- Concourt judgment affirms right to protest without permission, Zoë Postman, GroundUp (19 November 2018).
- Landmark Concourt ruling asserts right of protesters to assemble as apartheid-era law knocked down, Nkateko Mabasa, Daily Maverick (19 November 2018).

ADVOCACY

Strengthening the Role of Civil Society in Holding the Police Accountable for Human Rights Violations

In March 2019, SERI, together with the Institute for Security Studies (ISS), the African Policing Civilian Oversight Forum (APCOF), the Omega Research Foundation (UK) and the Right2Protest (R2P) hosted a two-day workshop for civil society and community-based organisations from around the country on the role of civil society in holding the police accountable for human rights violations.

The workshop included three expert panels with question and answer sessions and a fourth training session on the identification of typical weapons used by law enforcement agencies and on patterns of injuries from the misuse of such weapons. These sessions were followed by break-away group discussions on each afternoon.

A workshop report detailing the key outcomes, themes and civil society advocacy actions that came out of the workshop was developed as a resource for civil society and community-based organisations in their efforts to hold officials accountable for the policing of protests. Key messages contained in the report are that:

- The law is clear on the right to peaceful assembly and the State’s obligation at all levels to protect and facilitate that right.
- Policing to uphold the right to peaceful assembly: The State’s obligation is to facilitate the realisation of this right and to ensure a culture of best practice in policing of assemblies, avoiding the use of force unless strictly necessary, and then proportional to the threat posed.
- Promoting police accountability to change police practice and to ensure non-repetition of human rights violations in the context of protests.
- Documenting the misuse of force: Methods to document evidence of the unjustified use of force and to identify weapons which should be excluded from public order policing contexts.
SERI Op-ed

• Protests may be inconvenient, but they are drivers of social change, Thato Masiangoako, City Press (31 March 2019).

Media

• Are violent protests more impactful?, radio interview with Thato Masiangoako on the Talking Point show with Bongi Gwala, SA FM (8 April 2019).
• The emotional cost of protest, Isaac Mahlangu, Sowetan Live (20 March 2019).
• What is the personal cost of student protests?, Dimolihanga Mekuto, SABC News (20 March 2019).
• A protest exhibition, radio interview with Alana Potter on the Azania Mosaka Show, Talk Radio 702 (19 March 2019).
Government and Civil Society Engagement

On 22 March, Dr Mary Rayner and SERI’s Thato Masiangoako participated in a workshop hosted by the Security at the Margins (SeaM) project at the University of the Witwatersrand. The workshop explored how organisations use data in their pursuit of police accountability with a focus on groups typically marginalised, discriminated against and/or criminalised, including sex and other informal sector workers, drug users, LBGGTQ+ people, and protestors. Dr Mary Rayner presented some of the main findings from a report titled, A Double Harm: Police Misuse of Force and Barriers to Necessary Health Care Services, highlighting various ways in which the police acted unlawfully during the 2015/2016 #feesmustfall student protests and how efforts to seek accountability have so far yielded no results.

On 27 September 2018, SERI’s Nomzamo Zondo facilitated a session in a one-day international colloquium hosted at the French Institute of South Africa (IFAS Research) as part of the opening and study of the apartheid archives in South Africa. The colloquium reflected on the contemporary and historical significance of the recently restored Rivonia sound archive, as well as other legal archives. The Rivonia sound archive is a collection of audio recordings of the Rivonia Trial which were previously inaccessible to the public. The colloquium offered a consideration of new perspectives on liberation movements and emancipatory politics through a comparative use of experiences of colonial and repressive regimes in other parts of Africa. Zondo chaired a panel entitled ‘Archives and the Fight for the Past’.

From 21 to 25 July 2018, SERI, the International Network for Economic, Social and Cultural Rights (ESCR-Net) and Abahlali baseMjondolo co-hosted an international meeting of social movement activists and human rights defenders in Durban. The meeting brought together over 35 human rights defenders from 17 different countries to develop strategies on how social movements from across the globe can collectively confront challenges and advance transformative alternatives to improve and strengthen socio-economic rights. SERI’s Stuart Wilson, Tiffany Ebrahim and Nkosinathi Sithole participated in the meeting. SERI and Abahlali baseMjondolo have been long-standing and active members of the ESCR-Net, a global network of over 280 organisational and individual members, social movements and advocates in over 75 countries devoted to achieving economic, social and environmental justice through human rights.
**Policy Advocacy Submission**

On 17 September 2018 SERI made written comments on the draft Geneva Guidelines on Less-Lethal Weapons and related Equipment in Law Enforcement to the Geneva Academy and the Institute for International and Comparative Law in Africa (University of Pretoria). These draft Guidelines relate to the lawful and responsible design, production, procurement, testing, training, transfer, and use of less-lethal weapons and related equipment. In SERI’s experience, the failure by authorities to ensure that training on the use of less lethal weapons and that accountability measures are implemented systematically leaves victims of the unlawful use of force further traumatised and potentially discouraged from exercising their rights.

**Justice for the Victims of the Marikana Massacre**

In August 2018, SERI hosted and participated in various commemorative events including a screening of the documentary Imboloko: The Widows of Marikana followed by a panel discussion at the University of the Witwatersrand. Nomzamo Zondo spoke at the launch of the Institute for Security Studies’s release of a report detailing what happened on the small Koppie where 17 of the 34 miners had been killed (‘Scene 2’). On 16 August, SERI took part in a candlelight memorial on the Nelson Mandela Bridge in Johannesburg CBD.

To date, only nine police officers, including Major General William Mpembe, have been charged for crimes that took place in the lead up to events of 16 August 2012. The prosecutions were brought following an investigation by the Independent Police Investigative Directorate (IPID). However, the National Prosecuting Authority (NPA) is yet to prosecute anyone for the deaths of 16 August 2012 despite IPID’s recommendation that 71 police officers be charged.

On 10 June 2019, Former North West Deputy Police Commissioner, Major General William Mpembe along with four others appeared at the North West High Court, Mahikeng, sitting in Mogwase Circuit Court on charges relating to the circumstances around the death of Motlaotsile Van Wyk Segalala, one of the Marikana striking miners.

After successfully negotiating the partial settlement of damages claims in 2018 on behalf of the families of the Marikana Massacre, SERI continues to pursue claims for general damages for the grief and emotional trauma suffered.

**SERI Press Statements**

- **Response to media reports on offers of compensation for the families of the miners killed in the Marikana massacre**, SERI Press Statement (20 July 2018).

**SERI Op-ed**

- **The legacy of Marikana: Accountability urgent to prevent another atrocity**, Nomzamo Zondo and Maanda Malwarela, Daily Maverick (16 August 2019).

**Media**

- **Marikana trials a priority for new NPA head**, Reuters for Defence Web (17 August 2018).
- **Six years on, still no justice or closure for Marikana victims**, Azad Essa, Al Jazeera (16 August 2018).
- **‘Cops who authorised Marikana killing should be prosecuted by new NPA head’**, Sakhile Ndlazi, IOL (15 August 2018).
- **‘Another Marikana possible’**, Sibongile Mashaba, The Star (14 August 2018).
- **Marikana’s long wait for justice**, Nkululeko Nene, IOL (14 August 2018).
- **Remembering Marikana: On how they were wronged and the widows left mourning**, radio interview with Zamantungwa Khumalo, Power FM (12 August 2018).
PRINTED AND ONLINE MEDIA
## FINANCIAL STATEMENTS

**SOCIETAL ECONOMIC RIGHTS INSTITUTE OF SOUTH AFRICA NPC- (SERI)**

**REGISTRATION NO.2009/020180/08**

**STATEMENT OF FINANCIAL POSITION AS AT 28 FEBRUARY 2019**

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non current assets</td>
<td>485,291</td>
<td>444,826</td>
</tr>
<tr>
<td>Equipment</td>
<td>485,291</td>
<td>444,826</td>
</tr>
<tr>
<td>Current assets</td>
<td>19,221,102</td>
<td>11,092,280</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>448,687</td>
<td>780,201</td>
</tr>
<tr>
<td>Accrued income</td>
<td>110,568</td>
<td>423,303</td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>18,661,847</td>
<td>12,550,111</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>19,706,393</td>
<td>14,198,441</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESERVES AND LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reserves</td>
<td>12,995,897</td>
<td>10,321,938</td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td>2,779,805</td>
<td>2,145,496</td>
</tr>
<tr>
<td>Equipment fund</td>
<td>485,291</td>
<td>444,826</td>
</tr>
<tr>
<td>Retrenchment fund</td>
<td>1,505,797</td>
<td>1,223,663</td>
</tr>
<tr>
<td>Sustainability fund</td>
<td>8,226,003</td>
<td>6,507,953</td>
</tr>
<tr>
<td>Current liabilities</td>
<td>6,710,496</td>
<td>3,876,502</td>
</tr>
<tr>
<td>Accounts payable</td>
<td>850,975</td>
<td>486,067</td>
</tr>
<tr>
<td>Deferred income</td>
<td>5,859,521</td>
<td>3,390,436</td>
</tr>
<tr>
<td><strong>Total reserves and liabilities</strong></td>
<td>19,706,393</td>
<td>14,198,441</td>
</tr>
</tbody>
</table>
### STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 28 FEBRUARY 2019

<table>
<thead>
<tr>
<th>INCOME</th>
<th>2019 R</th>
<th>2018 R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants and donations</td>
<td>16,131,423</td>
<td>16,515,369</td>
</tr>
<tr>
<td>Fees received</td>
<td>8,696</td>
<td>7,500</td>
</tr>
<tr>
<td>Interest earned</td>
<td>514,124</td>
<td>427,051</td>
</tr>
<tr>
<td>Cost recovery</td>
<td>341,537</td>
<td>532,033</td>
</tr>
<tr>
<td>Sundry income</td>
<td>78,257</td>
<td>181,475</td>
</tr>
<tr>
<td><strong>INCOME</strong></td>
<td><strong>17,074,037</strong></td>
<td><strong>17,663,428</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>2019 R</th>
<th>2018 R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting fees</td>
<td>523,948</td>
<td>456,718</td>
</tr>
<tr>
<td>Audit fees</td>
<td>80,245</td>
<td>58,940</td>
</tr>
<tr>
<td>Bank charges</td>
<td>30,507</td>
<td>27,839</td>
</tr>
<tr>
<td>Computer and website costs</td>
<td>165,630</td>
<td>167,108</td>
</tr>
<tr>
<td>Consulting fees</td>
<td>3,421</td>
<td>11,174</td>
</tr>
<tr>
<td>Insurance</td>
<td>60,256</td>
<td>38,574</td>
</tr>
<tr>
<td>Interest and penalties</td>
<td>23,377</td>
<td>17,182</td>
</tr>
<tr>
<td>Office supplies</td>
<td>30,341</td>
<td>33,318</td>
</tr>
<tr>
<td>Printing, postage and stationery</td>
<td>41,351</td>
<td>16,305</td>
</tr>
<tr>
<td>Programme costs</td>
<td>5,063,688</td>
<td>5,923,294</td>
</tr>
<tr>
<td>Rent, security, water and electricity</td>
<td>828,899</td>
<td>706,556</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>24,420</td>
<td>39,258</td>
</tr>
<tr>
<td>Salaries, wages and contributions</td>
<td>8,867,673</td>
<td>9,292,058</td>
</tr>
<tr>
<td>Staff training, welfare and recruitment</td>
<td>15,077</td>
<td>2,311</td>
</tr>
<tr>
<td>Strategic planning</td>
<td>97,029</td>
<td>121,426</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>11,911</td>
<td>40,000</td>
</tr>
<tr>
<td>Travel and accommodation</td>
<td>29,908</td>
<td>15,265</td>
</tr>
<tr>
<td><strong>EXPENDITURE</strong></td>
<td><strong>15,896,959</strong></td>
<td><strong>16,967,327</strong></td>
</tr>
</tbody>
</table>

**SURPLUS FOR THE YEAR**

| **1917,079** | **696,102** |

### STATEMENT OF CHANGES IN RESERVES FOR THE YEAR ENDED 28 FEBRUARY 2019

<table>
<thead>
<tr>
<th>ACCUMULATED SURPLUS</th>
<th>EQUIPMENT FUND</th>
<th>RETRENCHMENT FUND</th>
<th>RETRENCHMENT FUND</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance at 28 February 2017</strong></td>
<td><strong>1,344,199</strong></td>
<td><strong>609,938</strong></td>
<td><strong>941,071</strong></td>
<td><strong>5,211,152</strong></td>
</tr>
<tr>
<td>Surplus for the year</td>
<td>696,102</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grant received - Ford Foundation</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Interest earned directly in fund</td>
<td>-</td>
<td>-</td>
<td>478,909</td>
<td>-</td>
</tr>
<tr>
<td>Transfer from the sustainability fund</td>
<td>460,109</td>
<td>-</td>
<td>-</td>
<td>(460,109)</td>
</tr>
<tr>
<td>Transfer to retrenchment fund</td>
<td>(282,592)</td>
<td>-</td>
<td>282,592</td>
<td>-</td>
</tr>
<tr>
<td>Transfer to equipment fund</td>
<td>(72,320)</td>
<td>-</td>
<td>72,320</td>
<td>-</td>
</tr>
<tr>
<td>Acquisitions during the year</td>
<td>(84,886)</td>
<td>84,886</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds on insurance claim</td>
<td>12,567</td>
<td>(12,567)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Profit on insurance claim</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the year</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(243,337)</td>
</tr>
<tr>
<td><strong>Balance at 28 February 2018</strong></td>
<td><strong>2,145,498</strong></td>
<td><strong>444,826</strong></td>
<td><strong>1,223,663</strong></td>
<td><strong>6,507,953</strong></td>
</tr>
<tr>
<td>Surplus for the year</td>
<td>1,177,079</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Grant received - Ford Foundation</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,170,318</td>
</tr>
<tr>
<td>Interest earned directly in fund</td>
<td>-</td>
<td>-</td>
<td>547,733</td>
<td>-</td>
</tr>
<tr>
<td>Transfer (to) retrenchment fund</td>
<td>(282,134)</td>
<td>-</td>
<td>282,134</td>
<td>-</td>
</tr>
<tr>
<td>Transfer (to) equipment fund</td>
<td>(261,637)</td>
<td>-</td>
<td>261,637</td>
<td>-</td>
</tr>
<tr>
<td>Acquisitions during the year</td>
<td>(261,637)</td>
<td>261,637</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the year</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(221,737)</td>
</tr>
<tr>
<td><strong>Balance at 28 February 2019</strong></td>
<td><strong>2,778,805</strong></td>
<td><strong>485,291</strong></td>
<td><strong>1,505,797</strong></td>
<td><strong>8,226,003</strong></td>
</tr>
</tbody>
</table>
CONTACT DETAILS

6th floor Aspern House
54 De Korte Street
Braamfontein 2001
Johannesburg
South Africa

Reception: +27 11 356 5860
Fax: +27 11 339 5950
Email: info@seri-sa.org