ANNUAL REPORT
2011
Painting displayed in SERI's reception kindly donated by the artist, Steve Mandy.
## Contents

1. Chairperson’s Message 3  
2. About SERI 5  
   Methodology 6  
   Board of Directors 6  
   Staff 6  
   Interns and Volunteers 7  
   Funding 9  
3. Research 10  
   3.1 Resource Guides 10  
   3.2 Research Report 11  
   3.3 Working Papers 11  
   3.4 Other Research Projects 12  
4. Advocacy 13  
   4.1 Government Advocacy and Lobbying 13  
   4.2 Civil Society Coordination and Campaigns 14  
   4.3 Popular Education and Training 14  
   4.4 Media 15  
   4.5 Convenings 17  
5. Litigation 18  
   5.1 Housing and Evictions 19  
   5.2 Access to Basic Services 23  
   5.3 Political Space 24  
6. Financial Statements 27  
7. Contact Details 30  
8. Annexes 31  
   Publications 31  
   Conference and Workshop Presentations 32  
   Media 33  
   Editorships and Advisory Bodies 33  
   Academic Teaching 34
SERI interns at a COSATU protest march against labour brokers.
It is with pride that I introduce the 2011 SERI Annual Report covering the period April 2011 to May 2012. As is evident from the pages of this report, SERI has built on the successes of its first year of operations and has continued its record of achievement in all the key areas of its mission. Indeed, it is hard to believe that SERI has only been operating for just over two years. During this time, SERI has established itself as one of the leading non-governmental organisations in South Africa and a key player in socio-economic rights globally. SERI’s unique blend of thematic expertise, dedicated support to poor communities and social movements, as well as its integrated methodology of combining research, advocacy and litigation, constitutes a powerful model for social change.

Addressing two of the most critical fault lines in South Africa - extreme, racialised, economic exclusion and dysfunctional local government - SERI’s work combining local participation, governance and delivery has never been more important. Working in one of the world’s most unequal countries but with the resources and legal and policy frameworks of a middle income country, SERI seeks to find or create the spaces for legal and social mobilisation to advance socio-economic rights. By doing so, it aims to improve not only the delivery of services but also the consolidation of democracy.

I set out below some of the key highlights of SERI’s work in 2011/2012.

Two high quality, accessible guides on housing and sanitation respectively have been produced and distributed widely to government officials, scholars, academics, NGO practitioners, communities, and social movements. In addition, together with SECTION27 and the pro bono assistance of Read Hope Phillips Attorneys, SERI has produced an activist’s guide to “Making Local Government Work”, which will form the basis for a broad civil society alliance on local government in coming years. These guides have been supplemented by paralegal training with the shackdwellers’ movement, Abahlali baseMjondolo, based in Durban, and other forms of popular education conducted with a range of community-based organisations and social movements.
SERI staff members have continued their tradition of conducting socially relevant and participatory research which informs the advocacy and litigation work of the organisation. Key thematic areas of research in 2011 have included research on low-income inner city rental housing; housing demand and allocation in South Africa; the indigent policy system of targeting free basic services; water privatisation; and the politics and practice of rights mobilisation.

In the advocacy field, a number of submissions and presentations have been made to a wide array of domestic and international entities, including the Ministerial Sanitation Task Team, the South African Human Rights Commission and COP17. SERI’s activities have continued to attract substantial media attention from the print, radio and TV media.

During 2011/2012, SERI has consolidated links with international and regional organisations working in the field of socio-economic rights. A highlight in this regard was the Africa Regional Social Rights Litigation Workshop co-hosted with ESCR-Net, Norwegian Centre for Human Rights (NCHR) and OP-ICESCR Coalition in Johannesburg from 12-14 March 2012. SERI is also a campaign driver for the South African ICESCR ratification campaign.

Since 2010, the litigation department of SERI has brought or been directly involved in approximately 70 cases in various courts: 7 cases at the Constitutional Court level, 2 cases in the Supreme Court of Appeal, and approximately 60 cases in the High Courts and the Magistrates Courts. Litigation highlights of the 2011/2012 period include the _Gundwana_ judgment which requires banks that wish to execute on mortgage bonds to approach a judge and show why the sale of a person’s home would be justifiable in all the circumstances of a particular case; the _Blue Moonlight_ case in which the City of Johannesburg’s housing policy was declared unconstitutional for failure to make provision for emergency accommodation for disadvantaged occupiers facing eviction by private parties; and the _Maphango_ judgment in which the Constitutional Court held that the landlord’s conduct in exercising the bare power of terminating the leases for the sole purpose of securing higher rentals may have amounted to an “unfair practice” in terms of the Rental Housing Act. This judgment significantly extends the legal protections available to poor tenants, and is an example of how socio-economic rights can promote greater social justice in private law relationships.

I extend my thanks to SERI staff members for their dedication and tireless efforts to advance socio-economic rights in South Africa and look forward to the next year of SERI work.

_Sandra Liebenberg_
Chairperson of the Board of Directors
About SERI

SERI was established in January 2010 and is registered by the Law Society of the Northern Provinces as a Law Clinic, and accredited by the Johannesburg Bar Council as a public interest law centre. SERI is a registered non-profit company in terms of the Companies Act.

SERI provides professional and dedicated socio-economic rights assistance to individuals, communities and social movements in South Africa. SERI conducts applied research, engages with government, advocates for policy and legal reform, facilitates civil society coordination and mobilisation, conducts popular education and training, provides legal advice, and litigates in the public interest.

Thematically, SERI has three main areas, all fundamentally linked with local government delivery and accountability:

- **housing and evictions**
- **basic services** (access to water, sanitation, electricity); and
- **political space** (protection of spaces for expression, participation and peaceful protest).

SERI has the following aims and objectives:

**Aims**
- To advance the currency of human rights and particularly socio-economic rights in South Africa.
- To promote the fulfilment 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.

**Objectives**
- To advance the currency of human rights, and particularly socio-economic rights, in South Africa through contributing to and influencing socio-economic rights-related debate and practice.
- To ensure pro-poor legal and policy frameworks and to develop socio-economic rights jurisprudence through strategic advocacy and litigation.
• To promote the fulfilment of socio-economic rights and an adequate standard of living for vulnerable groups in South Africa through providing dedicated, expert socio-economic rights assistance to poor communities, social movements and women’s and migrant groups.

• To advance public governance through empowering local communities to understand their rights, government processes and to effectively engage in such processes, thereby holding government accountable particularly at the local level, where delivery and local democracy are affected.

• To contribute to the networking and coordination of rights-based civil society initiatives and campaigns in relation to access to housing, water, electricity and sanitation, with a particular focus between 2012 and 2014 on advancing activism around regularising housing and basic services in informal settlements.

Methodology

Driven by community and social movement issues, SERI aims to address local problems in structural ways through a close interweaving of research, policy advocacy and public interest litigation. This approach seeks to match problems on the ground with resolutions, whether in the form of engagement with government, formation of civil society advocacy networks, or the uptake of strategic litigation etc. SERI also seeks to advance the scope and understanding of the role of law and courts in affecting socio-economic change.

Board of Directors

SERI has a Board of Directors which holds meetings at least three times a year and comprises the following people:

• Professor Sandra Liebenberg (Chairperson of the Board) H. F. Oppenheimer Chair in Human Rights Law, University of Stellenbosch

• Professor Danwood Chirwa Head of the Public Law Department, University of Cape Town

• Dr Jackie Dugard Executive Director, SERI

• Professor Adam Habib Deputy Vice Chancellor: Research, Innovation and Advancement, University of Johannesburg

• Tshepo Madlingozi National Advocacy Coordinator, Khulumani Support Group (inactive, while pursuing a PhD at Birkbeck College, University of London)

• Professor Jonathan Klaaren Head of the Wits Law School, University of the Witwatersrand

• The Right Reverend Rubin Phillip Bishop of the Anglican Diocese of Natal

• Stuart Wilson Director of Litigation, SERI

Staff

SERI has a permanent staff complement of 9 staff members as well as a part-time financial consultant, Wendy van Lingen, and a part-time cleaner, Pinkie Moremi.

During the last year, SERI’s staff members included:

• Jackie Dugard Executive Director (founding member)

• Stuart Wilson Director of Litigation (founding member)

• Sanele Garane Operations Manager (joined in February 2010)

• Blessing Karumbidza Researcher (left in May 2011)

• Princess Magopane Paralegal (joined in February 2012)

• Osmond Mngomezulu Attorney (joined in February 2011)

• Mami Molefe Receptionist (joined in October 2011)

• Teboho Mosikili Attorney (joined in April 2010)

• Mamello Mosikili Receptionist (left in September 2011)

• Lwazi Mtshiyo Paralegal (left in February 2012)

• Kate Tissington Senior Research and Advocacy Officer (joined in January 2010)

• Thapelo Tselapedi Research and Advocacy Officer (joined in May 2012)

In May 2011, we said farewell to our researcher, Blessing Karumbidza, who took up a position as Director of the African Ombudsman Research Centre, based at the University of KwaZulu-Natal (UKZN). In
Interns and Volunteers

SERI welcomes interns and volunteers to assist with research, advocacy and litigation throughout the year. These include full-time litigation internships, shorter research internships and volunteer positions. During 2011/2012, SERI hosted a number of interns and volunteers:

- **Naadira Munshi** Research Assistant (February to April 2012)
- **Elisabet Van Wy meersch** Research Intern (January to June 2012)
- **Anna Alcaro** Fulbright Fellow (September 2011 to June 2012)
- **Ben Stewart** Volunteer (January to March 2012)
- **Alex Spacht** Research Intern (July to September 2011)
Anna Alcaro, Fulbright Fellow (Pennsylvania State University)

“Arriving at SERI in September 2011, I was terrified. The level of polished and refined expertise in the research they publish, and the shining reputation of this practically nascent organisation bid me anxiety just to think of the pantheon of researchers and attorneys I was about to intern with. Replacing fear with curiosity, it was a pleasant surprise to find that behind the ferocity of media-endorsed hard work that is the life-blood of this institute, there lays a heart, too big for words. SERI is an organisation that is passionately shaping South African society every day; carving it and improving it – bit-by-bit – by way of their applied research, advocacy, and application of the law and the South African Constitution through litigation.

As a Fulbright Fellow, I not only came to SERI with the intention of carrying out research on environmental rights mobilisation in the light of climate change and a rights framework, but I had the added interest in representing the United States culturally, and attempting to better understand South African society. Johannesburg and SERI became the ideal place for that exploration. By way of everyday interactions with my colleagues, I’ve had the fortune of learning both formally and informally about everything from customary property law to the history of strategic litigation for the achievement of socio-economic rights to the proper way to toyi toyi down De Korte Street in a group of over a thousand COSATU members.

I know that my mind and how I think about society have been shaped and changed by this institution and the people who comprise it. It is a brilliant thing to be able to trace the ontogeny of one’s self when blessed with the fortune of retrospect, and to be able to say, ‘oh, and that’s really where I began to feel this way about x, y, and z.’ Specifically with regards to my time in South Africa, I know that SERI is going to be the place in my life – the node of sorts – where I can pin point and say, ‘that is where I starting thinking about inequality and socio-economic rights, and how I view society, in that specific way.’“
Naadira Munshi, Research Assistant

“I came to SERI as an Honours graduate in Sociology seeking work experience in the NGO sector, and excited by the opportunity to work in an organisation actively involved in gaining access to socio-economic rights. While at SERI, I gained invaluable experience and insights that has impacted on the way I view society.

As a researcher, my time at SERI has been a tremendous opportunity to learn and develop my research skills. Further, it has enhanced my understanding how government functions. I am working on a research project looking at the Housing Demand Database. This has meant interviewing government officials at national, provincial and municipal level, as well as discussions with NGOs, academics, and community-based organisations, and this has given me a more nuanced understanding of government, the housing sector, and the role of civil society in South Africa.

I believe that SERI is almost unique in its healthy mix of litigation, research and advocacy, which is both politically and socially conscious. The research and litigation that SERI engages is always done with a strategy to address socio-economic rights and bring about effective social change. This is much needed in South Africa, where we still have a long way to go in the redistribution of resources in our country. Finally, the working environment at SERI is truly wonderful.”

Since January 2011, SERI has also offered ad hoc paid opportunities for University of the Witwatersrand LLB students to assist our litigation by compiling information about clients’ household numbers, income, work, access to housing and basic services etc. This initiative is supported and funded by the Wits Law School Bram Fischer Human Rights Programme. >> Read more.

Funding

SERI is wholly dependent on donor funding and is grateful to all donors for supporting SERI’s work. SERI has four main donors: Atlantic Philanthropies, Ford Foundation, MISEREOR and Open Society Foundation.

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 contingency fee or for a reduced fee. We are accordingly grateful to the following individuals and firms who have accepted instructions from us on this basis: Daniel Berger SC, Matthew Chaskalson SC, Anna Marie de Vos SC, Paul Kennedy SC, Heidi Barnes, Steven Budlender, Irene de Vos, Adrian Friedman, James Howse, Nicole Lewis, Tebogo Manchu and Trudie Nichols Attorneys.

During 2011/2012, SERI also benefitted from ad hoc payments for teaching university students and was contracted to undertake specific, paid research projects by the Community Law Centre (CLC) at the University of the Western Cape; Municipal Services Project (MSP) at Queens University, Canada, and University of the Western Cape; World Bank Research Unit, Washington DC; and Christian Michelsen Centre (CMI), Bergen, Norway.
SERI regards research reports and publications as more than just outputs, and pursues them as inputs into other processes, including feeding into advocacy and integrating into ongoing and new litigation. In the same way, our advocacy and litigation experiences provide focus and direction for our research endeavours, which range from resource and training guides, research reports and working papers. SERI’s core research is focused on unpacking the interconnectedness of housing and evictions; access to basic services; and political space.

In addition, SERI has undertaken a few specific, ring-fenced research projects during 2011/2012, which although related to our general aims and objectives, fall outside the integrated research-advocacy-litigation model. We have undertaken these projects to advance our exposure and advocacy, and to engage with strategic actors. Finally, although in the main viewing publications as inputs rather than outputs, we see an important role for SERI in contributing to scholarship and influencing debates about the role of law in society and the role of courts in a deeply unequal context. To this end, SERI staff members are encouraged to participate in academic collaborations and scholarship.

Below is a summary of SERI’s main research projects undertaken during 2011, as well as other research projects current underway in 2012:

3.1 Resource Guides

- **A Resource Guide to Housing in South Africa 1994-2010: Legislation, Policy, Programmes and Practice** (February 2011) Kate Tissington

SERI’s housing resource guide provides a simplified yet comprehensive overview of housing legislation, jurisprudence, policy, programmes and practice in South Africa since 1994. The guide is broken up into a number of chapters which
cover: housing legislative and policy framework in South Africa; the definition of adequate housing; housing delivery and backlogs; constitutional jurisprudence on the right to housing; housing policy development from 1994 – 2010; and the national housing programmes.

- **Basic Sanitation in South Africa: A Guide to Legislation, Policy and Practice** (April 2011) Kate Tissington

This guide aims to provide a simplified yet comprehensive overview of law, policy and practice relating to basic sanitation in South Africa. The guide focuses on access to household sanitation by poor communities. It outlines the legislative and policy framework, relevant case law (*Nokotyana* and *Beja* cases specifically), government roles and responsibilities, and highlights key challenges faced by various departments and communities.


This guide has been developed for use by activists working on local government issues in South Africa. It sets out the legal responsibilities of local government in South Africa and rights under the Constitution and in law. It shows how to engage government from inside, by participating in formal processes, and from outside by going public through complaints, petitions, access to information requests, protest action, the media and the courts. Visit the dedicated website for the guide at [www.localgovernmentaction.org](http://www.localgovernmentaction.org).

### 3.2 Research Report

- **Local Government Free Basic Services (FBS): A Report on Municipal Indigent Policies in South Africa** (June 2012) Kate Tissington and Bradley Larkin

This research report examines the legal and policy framework for the provision of Free Basic Services (FBS) and the indigent policy system in South African municipalities. It further provides a national study of municipal indigent policies throughout the country, highlighting some of the key fault lines around indigent policies and presenting some recommendations for local and national government. The final report will be published in June 2012.

### 3.3 Working Papers

- **Towards a Synthesis of the Political, Social and Technical in Informal Settlement Upgrading in South Africa: A Case Study of Slovo Park, Johannesburg** (April 2011) Kate Tissington

This working paper presents an in-depth case study of Slovo Park informal settlement as a way in to explore general problems and fault lines around the ability of organised and proactive communities to upgrade their settlements and ensure an inclusive provision of basic services and security of tenure to all. The paper provides recommendations to various stakeholders, and was adapted for inclusion in the Good Governance Learning Network (GGLN)
publication entitled “Putting Participation at the Heart of Development // Putting Development at the Heart of Participation” which was launched in April 2012.

• **Minding the Gap: Low-Income Rental Housing in Inner City Johannesburg** (June 2012) - Kate Tissington and Anthony Johnson

SERI has been compiling research over the past year around the supply and demand of low-income rental housing in inner city Johannesburg. This working paper examines the status quo with regard to the supply and demand of inner city accommodation, providing a consolidation and synthesis of information gleaned from a number of research reports, court documents, government reports, interviews and other sources of information. The final paper will be published in June 2012 and will be used extensively in SERI’s ongoing advocacy and litigation work.

### 3.4 Other Research Projects

In addition to SERI’s core research activities outlined above, which feed directly into broader advocacy and litigation work, SERI researchers have also been approached to participate in separately funded research projects. During 2011, SERI was involved in three such projects, with the World Bank Research Unit, the Christian Michelsen Institute (CMI), Norway, and the Municipal Services Project (MSP). The World Bank contracted SERI to undertake the South African component of a five-country study of the role of paralegals in advancing access to justice. Together with SERI intern, Katherine Drage, Jackie Dugard wrote the following report, which will be incorporated into a book by the World Bank team:

• **J Dugard and K Drage (September 2011) “To whom do the people take their issues?” The contribution of community based paralegals to access to justice in South Africa”**

The CMI project is a three-year international project on Climate Change and Poverty, hosted by CMI and involving researchers from USA, Norway and South Africa. A first research component saw Jackie Dugard and SERI interns, Jennifer MacLeod and Anna Alcaro, research community engagement with acute mining-related environmental harm on the Witwatersrand basin, and resulted in the following paper, which has been submitted to the US journal, Social Research:

• **J Dugard, J MacLeod and A Alcaro (March 2012) “A rights-based examination of residents’ engagement with acute environmental harm across four sites in South Africa’s Witwatersrand Basin”**

The MSP project on Law and Water Privatisation saw Katherine Drage and Jackie Dugard undertake research and write the following paper, detailing six case studies from around the world of campaigns to reverse water privatisations that involved legal tools (rights, laws or the courts):

• **J Dugard and K Drage (April 2012) “Using legal tools to challenge water privatisation: Six case studies from around the world” Paper for Municipal Systems Project.**

During early 2012, SERI has been working on the following ad hoc research projects:

• **Housing allocation and demand in South Africa:** Together with the Community Law Centre (CLC), based at the University of the Western Cape, SERI is researching the Housing Demand Database (HDD) system and housing allocation more generally in South Africa. A roundtable was held in April 2012, and a report will be published in June 2012.

• **Landlord-tenant/sectional title booklets:** SERI is working with the Centre for Urbanism and Built Environment Studies (CUBES), based at the University of the Witwatersrand, on a research project to produce a series of practical user-friendly booklets on landlord-tenant and sectional title issues, to be published and distributed in 2012.
Advocacy

A large part of SERI’s work consists of various forms of advocacy. SERI has formed relationships with a number of social movements and community-based organisations (CBOs), and while we are most often approached by these organisations when they require legal or litigation assistance, we also maintain an ongoing relationship with them through our advocacy work. We further maintain relationships with a number of other legal and development NGOs, and encourage networking and coordination of efforts. Below are some highlights for 2011/2012 around government advocacy and lobbying, civil society coordination and campaigns, popular education and training, media advocacy and convenings.

4.1 Government Advocacy and Lobbying

SERI believes that engagement with government officials and departments, as well as Chapter 9 institutions, outside of the litigious environment is an important part of SERI’s work. This advocacy and lobbying takes the form of submissions at the request of government on law and policy reform, presentations at workshops and conferences, membership of reference groups etc.

During 2011/2012, SERI has engaged various levels of government on critical issues such as water rights and regulation, sanitation, informal settlement upgrading etc.

- Kate Tissington was invited to present on informal settlements and sanitation at the Ministerial Sanitation Task Team (MSTT) National Workshop (11–13 April 2012).
- SERI was invited to present at a discussion forum on the right to housing, convened by the SAHRC. The objective of the forum was to identify relevant stakeholders to form part of an expert-advisory section 5 committee on housing (28 March 2012).
- Jackie Dugard was invited to be a reference group member for two Water Research Commission (WRC) projects; “Providing water services at tariff levels that cover cost and are sensitive to demand” and “Comparative analysis of water management devices in the municipal water services environment in South Africa”.
- During 2011, SERI, together with The Mvula Trust, was co-secretariat of the CSO Regulation Reference Group, which convenes around water issues with the Department of Water Affairs (DWA).
- Stuart Wilson was appointed as an advisor to the South African Human Rights Commission’s panel considering a range of complaints of hate speech against Julius Malema made by the Afrikanerbond (28 November 2011). >> Read more.
The National Sanitation Policy (Draft Version 3.0), published by the Department of Human Settlements and the South African Local Government Association (SALGA), draws on SERI's guide to basic sanitation (October 2011). SERI attended a workshop organised by the DHS and SALGA around the review of the 2001 White Paper on Basic Household Sanitation and presented a written submission on the draft policy. >> Read SERI submission.

Jackie Dugard presented on the importance of community consultation and participation in the implementation of new technologies at a City of Johannesburg Growth and Development Strategy 2040 (GDS 2040) seminar on resource sustainability (18 August 2011).

SERI submitted to the Department of Rural Development and Land Reform (DRDLR) on the Spatial Planning and Land Use Management Bill, 2011 (SPLUMB), which has implications for informal settlements and other low-income groups in cities (6 June 2011). Kate Tissington presented on the SPLUMB to the COSATU Parliamentary Office's civil society hearings on the proposed Bill (2 November 2011). >> Read SERI submission.

Kate Tissington presented an overview of basic services delivery in South Africa at the South African Human Rights Commission (SAHRC) section 5 meeting on basic services and local government (31 May 2011). During 2011/2012, we participated in the following broader campaigns and networks:

- SERI supports the Right to Know Campaign and as of May 2012 hosts the Gauteng Working Group (GWG).
- SERI is a member of the Promotion of Access to Information (PAIA) CSO Network, with convenes around access to information issues.
- SERI is a driver member of the campaign for the South African government to ratify the International Convention on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol (OP). The ICESCR Ratification Campaign is currently putting together a booklet to sensitise parliamentarians about the ICESCR.
- SERI is part of the Good Governance Learning Network (GGLN) and contributed a paper to its 2011/2012 State of Local Governance publication.
- SERI was part of a group of NGOs, social movements and lawyers that put together the booklet Making Local Government Work: An Activist's Guide.

4.2 Civil Society Coordination and Campaigns

SERI believes in proactively contributing to civil society coordination, networking and mobilisation, and participates in a number of platforms around key thematic areas of common interest. We also act as a “bridge”, both practically and conceptually, between different spheres of civil society - e.g. NGOs, communities, academics, social movements, development practitioners etc. working on common issues, as well as synthesising these experiences and insights into our research and litigation work. SERI is also part of a number of broader domestic and international campaigns and platforms related to human rights and access to justice.

4.3 Popular Education and Training

SERI get many requests for education and training, and there is a clear need for programmes that empower and support social movement leadership through paralegal training, education and information-sharing which is both rights-based and practically-orientated.
SERI has conducted education and training on a wide variety of topics to a broad spectrum of civil society – including NGOs, academic groupings, trade unions, social movements and communities. During 2011/2012:

- Stuart Wilson presented on housing- and evictions-related jurisprudence at a training workshop for attorneys organised by ProBono. Org (17 February 2012).
- Osmond Mngomezulu and Teboho Mosikili facilitated a paralegal training workshop for Abahlali baseMjondolo (AbM) community leaders in Durban (18 February 2012).
- SERI presented on housing and eviction issues at a ProBono.Org workshop held with SANCO members in Johannesburg (26 August 2011).
- SERI held one-day training with the Vaal Anti Corruption Committee (VACC) (15 October 2011).
- SERI and Planact held a one day workshop at the Spring Valley informal settlement in Emalahleni (Witbank) in Mpumalanga (13 August 2011).
- SERI held a 2-day workshop in Grahamstown, Eastern Cape with members of the Unemployed People’s Movement (UPM) from Port Elizabeth, East London and Grahamstown (22-23 July 2011).
- SERI held a series of paralegal workshops with community leaders from AbM in Durban (11 June and 24-25 June 2011).

4.4 Media

One of SERI’s advocacy objectives is to get stories into mainstream media and thereby to significantly raise the profile of important socio-economic rights-related issues, advance socio-economic rights enforcement and sensitise the public to the plight of poor and vulnerable communities. Over the past two years, SERI has been very successful in our work engaging the media, both directly and by issuing press releases to journalists. During 2011/2012 we published the following press statements:

- **High Court suspends Con Court’s eviction order in Blue Moonlight case** (13 April 2012). Joint statement with Centre of Applied Legal Studies (CALS) on Blue Moonlight case.
- **Magistrate strikes Thembelihle case from roll** (11 April 2012). Thembelihle trial.
- **Con Court ruling could make residents homeless** (30 March 2012). Joint statement with CALS on Blue Moonlight case.
- **Con Court upholds tenants’ rights** (13 March 2012). Maphango case.
- **City of Johannesburg set to breach Constitutional Court Order** (8 March 2012). Joint statement with CALS on Blue Moonlight case.
- **eThekwini Municipality disobeys court order to provide housing and investigate corruption** (29 February 2012). Joint statement with Abahlali baseMjondolo (AbM) on Siyanda case.
- **Constitutional Court holds Minister of Police liable for rape by off-duty police officer** (15 December 2011). F v Minister of Safety and Security case.
- **uMngeni Municipality ordered to provide housing to residents of Tumbleweed informal settlement** (12 December 2011). Joint statement with AbM on Tumbleweed case.
• Constitutional Court declares Bapsfontein forced removal unlawful (6 December 2011). *Pheko* case.

• Constitutional Court declares City of Johannesburg’s housing policy unconstitutional (1 December 2011). Joint statement with CALS on *Blue Moonlight* case.

• Government must promote the supremacy of the Constitution and the independence of the judiciary (1 December 2011). Joint statement.

• Constitutional Court to decide on Minister’s liability for police violence (2 August 2011). Joint statement with Institute for Security Studies (ISS) on *F v Minister of Safety and Security* case.

• ‘Kennedy 12’ acquitted (18 July 2011). Kennedy 12 trial.

• Illegally evicted occupiers return to their homes (7 July 2011). *Salisbury* case.

• Court declares housing emergency in Johannesburg informal settlement (19 April 2011). *Rand Leases* case.

• Constitutional Court rules against arbitrary sales of homes (11 April 2011). *Gundwana* case.

• Supreme Court upholds the rights of the urban poor in *Blue Moonlight* judgment (30 March 2011). *Blue Moonlight* case.

Below are some media articles referring to SERI’s work published in 2011/2012. The bulk of the media coverage is listed under litigation in relation to the relevant court case.

• **Taking liberties:** *Ivo Vegter on Socio-Economic Rights*, op-ed by Stuart Wilson in the *Daily Maverick* (20 April 2012), in reply to an article by Ivo Vegter called *Rights are not entitlements* (10 April 2012).

• Listen to the *podcast from the Redi Tlhabi show on Talk Radio 702* (15 March 2012) where Jackie Dugard discusses the right to water and sanitation in South Africa.

• Listen to the *podcast from the Redi Tlhabi show on Talk Radio 702* (14 March 2012) where Teboho Mosikili discusses the *Maphango* judgment and implications.

• Osmond Mngomezulu and Kate Tissington were interviewed for the pilot show of *Voice of Wits* FM’s new law programme entitled “Law Focus”, which was on evictions.


• Listen to the *podcast from the ProBono Law show* hosted by Patrick Bracher on Radio Today (1 March 2012) where Stuart Wilson discusses the *Blue Moonlight, Pheko and Maphango* cases.

---

**In defence of the Concourt**

*With four important recent cases, it has confirmed poor people’s right to shelter, writes Jackie Dugard and Kate Tissington.*

In a recent important recent case, the Constitutional Court has confirmed poor people’s right to shelter. In *Grootboom*, the Court ruled that the right to housing is a fundamental right and that the government has a duty to provide housing for all citizens. This decision has been widely celebrated as a significant victory for the poor.

The Court’s decision was based on the principles of the Constitution, which guarantees the right to life, dignity, and equality. The Court found that the government’s failure to provide housing for all citizens amounted to a violation of these rights. The decision was also based on the principles of international law, which recognize the right to housing as a fundamental human right.

The *Grootboom* decision has been hailed as a landmark victory for the poor, and has been seen as a significant step forward in the fight for social justice. The decision has been widely hailed as a significant victory for the poor, and has been seen as a significant step forward in the fight for social justice.

---

*STAFF* 

The Socio-Economic Rights Institute (SERI) is an independent, non-profit, non-governmental organization that promotes and defends the rights to social and economic justice in South Africa.

SERI is a registered charity and a public benefit organisation.

SERI is registered with the National Treasury under the Pretoria CBD Development Programme and is a general purpose grantee of the National Treasury.

SERI is also registered with the South African Council on International Relations (SACIR) and is a general purpose grantee of SACIR.

SERI is a member of the International Network for Economic, Social and Cultural Rights (INESC).
- Litmus test for a young democracy by Adriaan Basson and Charl du Plessis, City Press (19 February 2012).
- Joburg sends in Red Ants in defiance of Concourt by Faranaaz Parker, Mail and Guardian (19 January 2012).
- In defence of the Concourt, op-ed by Jackie Dugard and Kate Tissington in The Star (14 December 2011).
- Group warns new version of secrecy bill makes access to information more difficult by Chantelle Benjamin, Business Day (28 October 2011).
- Seeking the middle ground in intractable clash of rights by Ernest Mabuza, Business Day (16 September 2011).
- Residents win eviction battle by Thabiso Thakali, Saturday Star (19 July 2011).
- Court interdict saves the day for evicted residents by Faranaaz Parker, Mail and Guardian (19 January 2012).
- In defence of the Concourt, op-ed by Jackie Dugard and Kate Tissington in The Star (14 December 2011).
- Group warns new version of secrecy bill makes access to information more difficult by Chantelle Benjamin, Business Day (28 October 2011).
- Seeking the middle ground in intractable clash of rights by Ernest Mabuza, Business Day (16 September 2011).
- Residents win eviction battle by Thabiso Thakali, Saturday Star (19 July 2011).
- Court interdict saves the day for evicted residents by Faranaaz Parker, Mail and Guardian (19 January 2012).

4.5 Convenings

SERI co-facilitated/co-hosted the following large convenings during 2011 and 2012.

- SERI – together with ESCR-Net, Norwegian Centre for Human Rights (NCHR) and OP-ICESCR Coalition - hosted the Africa Regional Social Rights Litigation Workshop from 12-14 March 2012 in Johannesburg. The first day of the workshop focused on strategic litigation: challenges and opportunities; the second day focused on enforcement and long-term strategies in national contexts: challenges and opportunities; and the third day on OP-ICESCR ratification: building a regional strategy in Africa. >> Read the conference programme.
- The University of the Witwatersrand and hosted the Public Interest Law Gathering from 1-3 December 2011. SERI organised and hosted a panel on law and social movements, another panel on housing litigation, and a third panel on basic water and sanitation. >> Read more on the event.
Litigation

Through litigation, SERI is helping shape the definition of the right of access to adequate housing in a way that will present concrete benefits to poor people facing eviction. Our litigation work also enhances the legal knowledge of communities and social movements so as to empower them in future. Through our legal assistance to social movements and community leaders who are facing repression by the police or officials for their work in holding government accountable, we enhance their capacity to do this kind of work and mobilise on the ground around important issues facing communities.

SERI ensures that all litigation receives media attention and that, through media campaigns, the plight of poor people is highlighted to the public in light of the broader socio-economic context. During 2011/2012, SERI’s litigation has focussed on six strategic areas. These are:

- reversing unfair water and electricity disconnections and expanding access to water in informal settlements and in rural areas;
- preventing unfair foreclosures on a person’s home;
- defending social movements’ and CBOs’ rights to organise and protest;
- supporting informal settlement upgrading;
- tackling xenophobic discrimination in access to goods and services;

SERI has prosecuted litigation in all of these areas, and we are able to demonstrate considerable success and impact across most of them. Since 2010, we have brought or been directly involved in approximately 70 cases in various courts: 7 cases at the Constitutional Court level, 2 cases in the Supreme Court of Appeal (SCA), and approximately 60 cases in the High Courts and the Magistrates Courts. >>> See list of SERI cases.

Some of our most noteworthy interventions and successes in 2011 and 2012 are summarised below.
5.1 Housing and Evictions

Constitutional Court

**City of Johannesburg v Blue Moonlight Properties (‘Blue Moonlight’)***

In the *Blue Moonlight* case, SERI was involved as counsel in a challenge to the constitutionality of the City of Johannesburg’s housing policy before the Constitutional Court. Judgment was handed down on 1 December 2011, where the Court ordered the occupiers to leave their homes on property owned by Blue Moonlight Properties by not later than 15 April 2012. This order was made simultaneously with an order that the City provide alternative accommodation to the residents by no later than 1 April. This was to ensure that they would not be rendered homeless because of the eviction. The Court also found that the residents’ exclusion from the City’s temporary housing programme was unconstitutional. This case opens up the state’s temporary shelter policy to many thousands of people who would otherwise be rendered homeless by eviction.  

During the first week of May 2012, the Saratoga Avenue occupants moved into accommodation provided by the City.

- **Joburg gets more time for eviction**, *The Citizen* (18 April 2012).
- **City of Jo’burg slips up on ConCourt order** by Nickolaus Bauer, *Mail and Guardian* (16 April 2012).
- **Joburg officials to face court action over relocation** by Theresa Taylor, *The Star* (13 April 2012).
- **Stay of eviction victory for residents** by Kwekele Sosibo and Niren Tolisi, *Mail and Guardian* (1 April 2011).
- **Blue Moonlight vs City of Joburg, the saga that may define future of SA properties** by Stephen Grootes, *The Daily Maverick* (31 March 2011).
- **Johannesburg housing policy unconstitutional: Court, The Citizen** (30 March 2011).
- **Dreaming of a home in a defunct factory** by Kwekele Sosibo, *Mail and Guardian* (18 February 2011).
In the *Gundwana* case, SERI acted for a woman living in Thembalethu township outside George, who appealed to the Constitutional Court against an order evicting her from her home, from which she runs the only black-owned bed and breakfast in the area.

The case challenged the constitutionality of granting orders authorising sales in execution of residential property without judicial oversight. The case was heard in the Constitutional Court on 10 February 2011. Judgment was handed down on 11 April 2011, where the Court declared Rule 31 (5) of the Uniform Rules of Court constitutionally invalid to the extent that it permits a High Court registrar to authorise the sale of a person's home. The judgment means that banks that wish to execute on mortgage bonds must approach a judge and show why the sale of a person's home would be justifiable in all the circumstances of a particular case.

>> See SERI press release (11 April 2011).

- On banks, judges and the right to housing by Pierre De Vos, *Constitutionally Speaking* (13 April 2011).
- Only a judge can take your house by Anna Majavu, *Sowetan* (12 April 2011).
**Sebola and Another v Standard Bank** (‘Sebola’)

*sale-in-execution - notice - National Credit Act - Constitutional Court*

SERI was admitted as *amicus curiae* in the *Sebola* case, which was heard in the Constitutional Court on 14 February 2012. Judgment was reserved. The case involves a lay litigant whose house was attached for sale-in-execution of his mortgage bond he concluded with a bank, without him receiving a summons or a section 129 notice required in terms of the National Credit Act.

SERI’s *amicus* intervention stresses that a section 129 notice informs a consumer of important statutory rights which are essential to ensure that sales in executions of homes are constitutionally valid. Its actual receipt by a consumer must be required before a credit provider can enforce a credit agreement. Nonetheless, the credit provider need not prove in advance that a consumer has received a notice in terms of section 129, and it will always be for a consumer to raise non-receipt of the notice before court – with judicial prompting if necessary. Once it is established that a section 129 notice has not made its way to a consumer, SERI contends, a judge should ordinarily postpone the proceedings to allow the consumer to consider the contents of a section 129 notice and decide whether to exercise any of the options set out in it. In May 2012, the Court handed down judgment in the case, accepting SERI’s arguments.

- **Court considers creditors’ duties to defaulters**, *Business Day* (15 February 2012).
- **National Credit Act goes to ConCourt for clarity**, *Mail and Guardian* (13 February 2012).
- **ConCourt credit decision could ruin us, say SA banks** by Faranaaz Parker, *Mail and Guardian* (9 February 2012).

**Pheko v Ekurhuleni Municipality** (‘Pheko’)

*illegal eviction - Bapsfontein informal settlement - Ekurhuleni Metropolitan Municipality - Constitutional Court*

SERI was admitted as *amicus curiae* in this matter, heard in the Constitutional Court on 15 September 2011. The applicants, represented by Lawyers for Human Rights (LHR), are several hundred former occupiers of the Bapsfontein informal settlement who were forcibly relocated over a distance of approximately 30 kms. SERI submitted that the directive issued under the Disaster Management Act should have triggered the application of section 6 of the PIE Act in the circumstances of this case. The relocation of the occupiers should have been applied for in terms of that provision.

On 6 December 2011, judgment was handed down. The Court found that the actions of Ekurhuleni Metropolitan Municipality - in forcibly removing the residents of Bapsfontein and demolishing their homes without a court order, allegedly as a result of the imminent danger created by sinkholes in the area - was unauthorised in law and contrary to section 26(3) of the Constitution. The Court ordered the municipality to provide land to the evictees within the immediate vicinity of Bapsfontein.

**Maphango v Aengus Lifestyle Properties** (‘Maphango’)

*lease agreement - rental escalation - Braamfontein - right to housing - Constitutional Court*

In the *Maphango* case, SERI worked with Mdladlamba Attorneys in Johannesburg to represent 18 lessees of a block of flats in Braamfontein. The respondent - a property developer who purchased the residential building called Lowliebenhof which was occupied by the residents - terminated their leases in order to increase their rentals in excess of the amounts permitted by the escalation clauses contained in the agreements themselves. The residents argue that this is unlawful because each of the lease agreements contains a tacit term prohibiting the termination of the lease for the sole purpose of circumventing the escalation clauses. They also argue that the termination of their lease agreements breached their rights of access to adequate housing in section...
Constitutional Court weighs rights of tenants and landlords

FRANNY RABKIN
Law and Constitution Writer

The balance between the rights of landlords and tenants was at the heart of a Constitutional Court hearing yesterday, when the tenant of a block of flats in Durban, South Africa, addressed the court to halt the forced implementation of unreasonable and unjustified rent increases. It could have a significant impact on the rights of poor people who enter into contracts to secure socio-economic goods.

Concourt sends tenants in lease row to tribunal


Tenant’s rights, coming down to earth by Kate Tissington, op-ed in the Daily Maverick in response to the article below (10 November 2011).

Landlord’s rights, the final frontier by Stephen Grootes, Daily Maverick (4 November 2011).

Constitutional Court weighs rights of tenants and landlords by Franny Rabkin, Business Day (4 November 2011).

High Court

Mchunu and Others v Executive Mayor of eThekwini and Others (‘Mchunu’) - implementation of court order - Siyanda - Durban High Court

On 7 February 2012, SERI launched an application to force the implementation of the Siyanda court order in the Mchunu case. SERI seeks an order against the Executive Mayor of eThekwini (Durban), together with two other senior officials in their personal capacities, to take all the steps necessary to implement a court order requiring housing to be provided to 37 occupants of the Richmond Farm Transit Camp in KwaMashu.

>> See SERI and AbM press release (29 February 2012).

This case, if argued, will be important because it will establish whether individual office bearers can be held personally responsible for the state’s failure to implement court orders.
to perform on specific obligations. SERI has served the application and are waiting for the respondents’ answering affidavits.

- **Mayor, city are ‘in contempt’** by Anelisa Kubheka, Daily News (1 March 2012).
- **Shack dwellers go to court for homes** by Tania Broughton, The Mercury (1 March 2012).
- **A Fish in a Tin**, short film by Dear Mandela crew about the eviction and relocation to Richmond Farm Transit Camp (28 February 2012).

**uMgeni Municipality v Mafuludi Dlamini and Others (‘Tumbleweed’)**

*eviction - Tumbleweed - KwaZulu-Natal - Interim Protection of Informal Land Rights Act – Pietermaritzburg High Court*

In this matter, SERI and Trudie Nicholls Attorneys in Durban act for 47 families living at the Tumbleweed township, which overlooks the Midmar dam in the Natal Midlands, KwaZulu-Natal. uMgeni Municipality wanted to evict the community living on the property, claiming that they are land invaders. The community says that it was given permission to reside on the property by the Chief of the Amambuzane Tribe, which owns the property through a Trust. Accordingly, they are holders of informal rights to land in terms of the Interim Protection of Informal Land Rights Act 31 of 1996. This means that they cannot be removed from the property without their consent or an expropriation of their rights.

The community also argues that their eviction would not be just and equitable. They say this because the municipality has not engaged meaningfully with them prior to making its application. They also say that the land the municipality has identified for their relocation is already occupied and does not comply with the minimum standards for the provision of alternative accommodation set out in law.

On 12 December 2011, the Pietermaritzburg High Court ordered the municipality to provide land, water, sanitation and temporary housing to the families. The order was granted by agreement between the residents and the municipality, with the assistance of AbM. The residents were to be provided land, shelter and services by 22 December 2011, with a target date of 6 January 2012 for their relocation. Since the order was made, the MEC for Housing has indicated that, instead of temporary housing, the occupiers will be given permanent housing in a new housing development. SERI is engaging with uMgeni Municipality to agree a timetable for the provision of those houses. >> See SERI and ABM press release (12 December 2011).

**Families to receive housing, water** IOL (13 December 2011).


**KZN municipality to provide basics to settlement**, Citizen (12 December 2011).

### 5.2 Access to Basic Services

**High Court**

**Rand Leases v Occupiers of Vogelstruisfontein (‘Rand Leases’)***

*emergency housing - access to basic services - Marie Louise informal settlement - City of Johannesburg*

In *Rand Leases*, SERI compelled the provision of clean running water and basic sanitation to the Marie Louise informal settlement community located between a Pikitup dumping site and the Rand Leases mine in Roodepoort. Over 200 people live at the
settlement. The owner of the land, Rand Leases, instituted eviction proceedings against the occupiers. SERI was approached to represent the occupiers in a process of ‘meaningful engagement’ with the City. An order to this effect was handed down by the Johannesburg High Court. On 15 April 2011, the parties went back to court where the judge handed down an order declaring the occupiers to be in an emergency housing situation, and ordering the City to provide water and sanitation to settlement by 13 May 2011, and improved shelter by 15 July 2011. >> See SERI press release (19 April 2011).

The City provided toilets and water tanks to the settlement, however has still not provided any shelter to the occupiers, arguing that it would be wasteful to do so when the occupiers are to relocate in the near future in any event.

- Dump settlement an emergency: High Court, Times Live (19 April 2011).
- Court rules in favour of Joburg residents, News24 (19 April 2011).

Mtungwa and Others v Ekurhuleni Metropolitan Municipality (‘Mtungwa’)

access to water and sanitation - Langaville informal settlement - Ekurhuleni Metropolitan Municipality

SERI represents approximately 3 600 people living in three informal settlements in Langaville, near Tsakane in Ekurhuleni Metropolitan Municipality. The residents shared two functioning taps between them, and five other makeshift water connections which ran dry for days or weeks at a time. They had no access to basic sanitation. They had approached their local councillor who refused to facilitate the installation of basic water and sanitation at the settlements.

In light of the above, SERI launched an application to compel the municipality to install basic water and sanitation facilities required by the Water Services Act 108 of 1997 and the Regulations made thereinafter. On 6 December 2011, a hearing was held in the South Gauteng High Court and a draft order was handed down which stipulated that the municipality must provide a certain number of additional standpipes and chemical toilets at the Langaville settlements by no later than 16 January 2012. During January 2012, water and sanitation were provided to the settlements by the municipality.

SERI believes that success in this matter will have an impact beyond the rights of the residents of Langaville, as we will capitalize on it by using this litigation strategy in similar matters involving water and sanitation services in informal settlements. In March 2012, SERI was already working with two other communities in Ekurhuleni municipality on access to interim basic services, among other issues.

5.3 Political Space

Magistrates Court

State v Limaphi and Others (‘Kennedy 12’) criminal trial - Abahlali baseMjondolo - Kennedy 12 - Durban Regional Court

SERI, together with Trudie Nicholls Attorneys in Durban, provided legal representation to 12 activists brought to trial on spurious charges in the Durban Regional Court. On 27 and 28 September 2009, armed attacks took place on AbM members residing in Kennedy Road Informal Settlement, where a number of members were evicted from the settlement by an armed gang, with police complicity. In the aftermath, 12 members of AbM were brought to trial on charges ranging from public violence to murder in what was a highly politicised trial with little to no evidence supplied by the state.

On 18 July 2011, the trial eventually concluded with all 12 members being acquitted of all charges. The charges were based on evidence which now appears almost certainly to have been manufactured. >> See SERI press release (18 July 2011).

- Kennedy Road 12 taste freedom by Niren Tolsi, Mail and Guardian (29 July 2011).
- Kennedy Road 12 acquitted by Anelisa Kubheka, IOL (19 July 2011).

State v Nkosi and 13 Others (‘Thembelihle’)
criminal trial – Thembelihle – protests - Protea Regional Court

SERI represents 14 residents of the Thembelihle informal settlement in Johannesburg (including 3 minors), who were arrested in late 2011 following protests at the settlement around housing and electricity in September 2011. SERI stepped in to
Protesters complain of intimidation

A perceived clampdown on dissent has increased militancy and the chances of violence

Philip de Wet

It is not surprising, given the political context of the country, that some people feel that their freedom of expression is being curtailed. This is particularly evident in the way that the government has been seen to act against critics of its policies. The recent clampdown on protests and demonstrations has led to a increase in the number of arrests and prosecutions. This has led to a sense of intimidation among those who might otherwise have felt free to express their views.

Targeted: Shyama Mhaya, a community leader from Thembalihle, says the government wants to make an example of the informal settlement to deter other poor communities from “complaining.” (Photo: Cye Koe Nqobiso)

In addition, the authorities have been reluctant to allow public gatherings to take place, leading to a decrease in the number of protests. This has led to a sense of frustration among those who feel that their voices are not being heard.

The police have been particularly aggressive in their attempts to deter protests. In recent months, they have used tear gas and water cannon to disperse crowds, leading to a increase in the number of injuries.

But the most concerning aspect of the clampdown is the use of the state’s power to silence dissent. The authorities have been seen to act against people who might be seen as critical of the government, leading to a sense of intimidation.

There is a need for the authorities to respect the rights of citizens to express their views, and to ensure that those who do so are not punished or intimidated. The authorities should be seen to act in a fair and impartial manner, and to ensure that people are not punished for exercising their rights.

The authorities should also be seen to act in a manner that respects the rights of minorities, and to ensure that they are not punished for exercising their rights.

The authorities should also be seen to act in a manner that respects the rights of those who might be seen as critical of the government, and to ensure that they are not punished for exercising their rights.

The authorities should also be seen to act in a manner that respects the rights of those who might be seen as critical of the government, and to ensure that they are not punished for exercising their rights.

The authorities should also be seen to act in a manner that respects the rights of those who might be seen as critical of the government, and to ensure that they are not punished for exercising their rights.
represent the accused when it became clear that the main purpose of the prosecution was to punish the residents for having embarked upon legitimate and lawful demonstrations.

On 10 April 2012, the Protea Regional Court struck the case from the roll. The state's conduct of the prosecution clearly indicated that its purpose was political. Despite being given seven months – and 9 postponements – to prepare its case, the state could not even produce an adequate charge sheet with details of the offences of which the residents stood accused. The Presiding Officer, Magistrate Mpofu, echoed SERI's sentiments that it was unfair to expect the accused to keep coming to court for no purpose – given that the state was unable to provide any particulars of the charges against them. >> See SERI's press release (11 April 2012).

• Protesters complain of intimidation by Phillip de Wet, Mail and Guardian (26 April 2012).
• Protester angry as case struck off by Mogomotsi Selebi, Sowetan (13 April 2012).

High Court

Robertson Abattoir v Commercial Stevedoring Agricultural & Allied Workers' Union ('CSAAWU')

- unfair working conditions - defamation - Western Cape High Court

SERI, together with the Open Democracy Advice Centre (ODAC) in Cape Town, represents the Commercial Stevedoring Agricultural & Allied Workers' Union (CSAAWU), which is facing an application for an interdict restraining it from criticising the employment practices of Robertson Abattoir. A settlement is currently being negotiated between the parties.

• Abattoir asks court to halt defamation by farm union by Wiseman Khuzwayo, Business Report (21 February 2012).
## Financial Statements

### STATEMENT OF FINANCIAL POSITION AS AT 29 FEBRUARY 2012

<table>
<thead>
<tr>
<th>Note</th>
<th>2012 R</th>
<th>2011 R</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 322 227</td>
<td>2 568 400</td>
</tr>
<tr>
<td>Non current assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>3</td>
<td>244 114</td>
</tr>
<tr>
<td>Current assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>4</td>
<td>123 529</td>
</tr>
<tr>
<td>Accrued income</td>
<td>5</td>
<td>282 164</td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>6</td>
<td>2 672 420</td>
</tr>
<tr>
<td>Total assets</td>
<td></td>
<td>3 322 227</td>
</tr>
</tbody>
</table>

| **RESERVES AND LIABILITIES** | | |
| | 3 322 227 | 2 568 400 |
| Reserves | | |
| Accumulated surplus | | 105 463 | 237 889 |
| Equipment fund | | 244 114 | 217 108 |
| Current liabilities | | |
| Accounts payable | 7 | 93 481 | 76 350 |
| Deferred income | 8 | 2 879 169 | 2 037 061 |
| Total reserves and liabilities | | 3 322 227 | 2 568 400 |
### Statement of Comprehensive Income

**For the Year Ended 29 February 2012**

<table>
<thead>
<tr>
<th>Note</th>
<th>12 Months to 28/2/2012 R</th>
<th>16 Months to 28/2/2011 R</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td>4 702 854</td>
<td>5 269 878</td>
</tr>
<tr>
<td>Grants and donations</td>
<td>9</td>
<td>4 490 898</td>
</tr>
<tr>
<td>Fees received</td>
<td>34 091</td>
<td>74 035</td>
</tr>
<tr>
<td>Interest earned</td>
<td>10</td>
<td>71 908</td>
</tr>
<tr>
<td>Sundry income</td>
<td>105 957</td>
<td>-</td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td>4 737 988</td>
<td>4 770 699</td>
</tr>
<tr>
<td>Accounting fees</td>
<td>130 068</td>
<td>118 340</td>
</tr>
<tr>
<td>Advertising and marketing</td>
<td>13 809</td>
<td>20 712</td>
</tr>
<tr>
<td>Audit fees</td>
<td>32 982</td>
<td>-</td>
</tr>
<tr>
<td>Bank charges</td>
<td>13 542</td>
<td>9 267</td>
</tr>
<tr>
<td>Computer and website costs</td>
<td>49 995</td>
<td>103 264</td>
</tr>
<tr>
<td>Consulting fees</td>
<td>5 180</td>
<td>4 916</td>
</tr>
<tr>
<td>Equipment hire and maintenance</td>
<td>9 999</td>
<td>28 003</td>
</tr>
<tr>
<td>Insurance</td>
<td>5 414</td>
<td>3 747</td>
</tr>
<tr>
<td>Interest and penalties</td>
<td>5 140</td>
<td>-</td>
</tr>
<tr>
<td>Office supplies</td>
<td>22 574</td>
<td>20 869</td>
</tr>
<tr>
<td>Printing, postage and stationery</td>
<td>32 875</td>
<td>43 169</td>
</tr>
<tr>
<td>Programme costs</td>
<td>1 367 880</td>
<td>1 505 622</td>
</tr>
<tr>
<td>Rent, security, water and electricity</td>
<td>285 255</td>
<td>273 996</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>7 422</td>
<td>25 770</td>
</tr>
<tr>
<td>Salaries, wages and contributions</td>
<td>2 658 570</td>
<td>2 477 007</td>
</tr>
<tr>
<td>Staff welfare and recruitment</td>
<td>3 173</td>
<td>9 411</td>
</tr>
<tr>
<td>Telecommunications</td>
<td>76 633</td>
<td>82 648</td>
</tr>
<tr>
<td>Travel and accommodation</td>
<td>17 477</td>
<td>7 935</td>
</tr>
<tr>
<td>Workshops, conferences and seminars</td>
<td>-</td>
<td>36 023</td>
</tr>
<tr>
<td><strong>(Deficit)/Surplus for the Year/Period</strong></td>
<td>(35 134)</td>
<td>499 179</td>
</tr>
</tbody>
</table>
**STATEMENT OF CHANGES IN RESERVES**  
FOR THE YEAR ENDED 29 FEBRUARY 2012

<table>
<thead>
<tr>
<th></th>
<th>Accumulated Surplus R</th>
<th>Equipment Fund R</th>
<th>Total R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surplus for the period</td>
<td>499 179</td>
<td>-</td>
<td>499 179</td>
</tr>
<tr>
<td>Transfer to equipment fund</td>
<td>(261 298)</td>
<td>261 298</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the period</td>
<td>-</td>
<td>(44 191)</td>
<td>(44 191)</td>
</tr>
<tr>
<td><strong>Balance at 28 February 2011</strong></td>
<td><strong>237 881</strong></td>
<td><strong>217 107</strong></td>
<td><strong>454 988</strong></td>
</tr>
<tr>
<td>(Deficit) for the year</td>
<td>(35 134)</td>
<td>-</td>
<td>(35 134)</td>
</tr>
<tr>
<td>Transfer to equipment fund</td>
<td>(97 284)</td>
<td>97 284</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the year</td>
<td>-</td>
<td>(70 277)</td>
<td>(70 277)</td>
</tr>
<tr>
<td><strong>Balance at 29 February 2012</strong></td>
<td><strong>105 463</strong></td>
<td><strong>244 114</strong></td>
<td><strong>349 577</strong></td>
</tr>
</tbody>
</table>
Contact Details

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

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

Facebook Page: Socio-Economic Rights Institute of South Africa (SERI)

Twitter: @SERI_RightsSA

SERI consulting in the Marie Louise informal settlement.
Annexes

Publications

Here we list only those publications for the period 2011/2012 – a full list of staff publications is available on the SERI website. See all SERI publications.

Jackie Dugard


Kate Tissington

Conference and Workshop Presentations

Stuart Wilson


Jackie Dugard

- Presented on a panel at a side event on Gender, Justice and Social Learning, at COP17 held in Durban (30 November 2011).
- Invited to be a part of the opening panel entitled “Human rights on trial” at the Ford Foundation’s 75th Anniversary event held in New York (20-21 September 2011). Also on the panel were Jeremy Heimans (co-founder and CEO, Purpose), Diego Luna (actor and activist), Anthony D. Romero (executive director, American Civil Liberties Union) and Salil Shetty (secretary general, Amnesty International). >> Watch the Ford Foundation panel discussion on YouTube.
- Presented on “Using the law strategically to advance socio-economic struggles” at the Democratic Left Front (DLF) workshop on local government held at the University of the Witwatersrand (3 September 2011).
- Presented on the importance of community consultation and participation in the implementation of new technologies at a City of Johannesburg Growth and Development Strategy 2040 (GDS 2040) seminar on resource sustainability (18 August 2011).
- Together with Stuart Wilson, presented a paper entitled “Litigating from Disadvantage: The South African Constitutional Court, Poverty and Socio-Economic Rights” at the Stellenbosch Institute for Advanced Studies’ Law and Poverty Colloquium (29-31 May 2011).

Jennifer MacLeod

- Presented on the topic “Housing Rights and Evictions” at a workshop attended by 300 refugee and migrant community members in Johannesburg, organised by the Coordinating Body of Refugee Communities (21 May 2011).

Kate Tissington

- Invited to present on “Informal settlements and sanitation” at the Ministerial Sanitation Task Team (MSTTT) National Workshop (11-13 April 2012).
- Presented on “Right to housing and access to land in South Africa” at an Expert Seminar on Economic Social and Cultural Rights (ESCR) organised by the OHCHR in Maputo, Mozambique (5 to 7 December 2011).
Presented on “Cooperative governance and basic sanitation” at North West University’s Human Rights Indaba (14 October 2011).

Presented on basic sanitation policy and governance at a seminar organised by SAIFAC entitled “Exploring the content and the nature of the right to basic sanitation” held at the Constitutional Court Auditorium (12 August 2011).

Presented an overview of basic services delivery in South Africa at the South African Human Rights Commission (SAHRC) section 5 meeting on basic services and local government (31 May 2011).

Stuart Wilson


Media

Jackie Dugard

Interview on eNews to discuss protests and the Andries Tatane trial (23 April 2012).

Discussed the right to water and sanitation in South Africa on the Redi Tlhabi show on Talk Radio 702 (15 March 2012). >> Listen to podcast.


K Tissington and J Dugard, “Court just wants city to care for the poor a bit better”, op-ed in Business Day on the Blue Moonlight judgment (12 April 2011).

Osmond Mngomezulu

Guest on the legal advice call-in part of Voice of Wits FM’s pilot show on evictions for “Law in Focus”, a legal radio show (March 2012).

Conducted live telephone interview on eNews after the F v Minister judgment (15 December 2011).

Conducted radio interviews with SAFM, Kaya FM, Talk Radio 702 on the Salisbury Street inner city eviction (7-8 July 2011).

Teboho Mosikili

Discussed the Maphango judgment and implications on the Redi Tlhabi show on Talk Radio 702 (14 March 2012). >> Listen to podcast.

Interviewed on eNews about the Maphango judgment (14 March 2012).

Conducted radio interviews with SAFM, Kaya FM, Talk Radio 702 on the Salisbury Street inner city eviction (7-8 July 2011).

Stuart Wilson


Appeared on ProBono Law show hosted by Patrick Bracher on Radio Today, discussing the Blue Moonlight, Pheko and Maphango cases (1 March 2012). >>Listen to podcast.

Kate Tissington

Guest on Voice of Wits FM’s pilot show on evictions for “Law in Focus”, a legal radio show (22 March 2012).


K Tissington and J Dugard, “Court just wants city to care for the poor a bit better”, op-ed in Business Day on the Blue Moonlight judgment (12 April 2011).

Editorships and Advisory Bodies

Jackie Dugard

Editor, South African Journal on Human Rights (SAJHR).

Member, Advisory Council, Council for the Advancement of the South African Constitution (CASAC).

Member, Steering Group, ESCR-Net Strategic Litigation Initiative.
Member, Advisory Group, international Judgment Watch.

Kate Tissington
- Member, Reference Group, Good Governance Learning Network (GGLN).

Stuart Wilson

Academic Teaching

Jackie Dugard
- Presented on “International law and the right to housing” for the Housing Law and Finance course at the University of the Witwatersrand (13 April 2012).
- Presented on “Litigation strategy and impact” for the University of Pretoria course in advance socio-economic rights (7 March 2012).

Osmond Mngomezulu
- Presented on “Litigating Housing Rights” to the Human Rights Advocacy and Litigation (LLM) course, University of the Witwatersrand (26 April 2012).
- Presented on “SERI’s housing activism and litigation” to University of the Witwatersrand postgraduate students for the Housing Law and Policy course (14 October 2011).

Kate Tissington
- Course coordinator and lecturer for the Housing Law component of the “Housing Finance and the Law” course for the MBE programme at the School of Architecture and Planning & School of Construction Economics and Management, University of the Witwatersrand (April-June 2012).
- Presented on “Legal aspects of landlord-tenant relations” for the Management of Existing Stock course (MSc Housing) at the University of the Witwatersrand (6 September 2011).

Stuart Wilson
- Course coordinator and senior lecturer for the compulsory third year LLB course Property Law, in the Wits Law School (2012).
- Lecturer for Property Law course in the Wits Law School (2011).