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1. Chairperson’s Message

It is an honour to be associated with the Socio-Economic Rights Institute of South Africa (SERI), which opened shop in mid-January 2010 as a NGO focusing on advancing the realisation of socio-economic rights in South Africa through a dynamic range of advocacy, research, training and litigation activities. This Annual Report reflects the vigour with which SERI has pursued its aim of advancing access to quality housing and services by impoverished communities and marginalised groups such as migrants, and providing support for civil society mobilisation and organisational strategies. In this way SERI seeks to give practical expression to the interdependence between socio-economic rights and other rights in the Bill of Rights such as equality, freedom of association and the rights of access to information and administrative justice.

SERI has established significant relationships with a wide range of civil society organisations, community groups, and researchers both in South Africa and abroad. These networks will enhance information-sharing, the impact of advocacy strategies and collaborative work in SERI’s focus areas. In the first year of its existence, SERI has litigated an impressive range of cases in a number of courts - including a number of appearances in the Constitutional Court.

Through these cases SERI seeks to contribute to building a transformed legal order which is more responsive to the needs and circumstances of impoverished communities. Of particular importance is the litigation pursued by SERI which seeks to enhance the accountability not only of public bodies, but also private entities exercising significant power over poor people’s access to vital socio-economic resources and services.

Finally, SERI has also produced a number of resource materials of impressive quality in the field of socio-economic rights. These include a major resource guide on housing legislation, policy and practice in South Africa as well as a collaborative report with other NGOs on ‘meaningful engagement’ in resolving housing and eviction disputes. These provide extremely valuable tools for civil society organisations, researchers and government officials on an array of strategies to give effect to socio-economic rights.

Giving its achievements in the first year of its operation, I have every confidence that SERI will continue to make a significant contribution to social justice and a deepening of democracy in South Africa.

Sandy Liebenberg
Professor of Human Rights Law, Director, Law and Poverty Project, Stellenbosch Law Faculty
2.

Executive Director’s Message

SERI’s first year has vastly exceeded all expectations. We have managed to build a stable and highly effective human rights organisation through securing and maintaining core funding to cover our work, and by attracting a stellar team of exceptionally committed staff members. Our integrated method of working has set us apart from other organisations and has filled a gap in the current South African human rights landscape. Through linked-up research, advocacy and litigation work, we are able to make a substantial mark, and punch significantly above our weight, with SERI already becoming the “go to” place for many communities seeking to advance their socio-economic rights, improve their living conditions and free their human potential.

SERI’s work is overwhelmingly concerned with ensuring that grassroots communities and organisations, which arise independently of our actions, are given access to strategic, rights-based research, advocacy and litigation options. We believe that this will allow such groupings to develop and articulate their goals in more effective ways to better their daily lives and hold government accountable. Thematically (focusing on housing, basic services and migrant rights and livelihoods), our work is located precisely at the intersection between local government and communities and speaks directly to the issues that underlie the recent mushrooming protests and dissatisfaction across the country. We see daily how our work in empowering and supporting independent, tactically-enabled groups has the potential to shift power relations between civil society and the state (and private actors) and thus contribute to genuine social change.

As a relatively small NGO, we maximise our impact through collaborations with other NGOs and academics. And our real strength lies in our relationships with communities, community based organisations and social movements. Such relationships are the ‘feet’ of SERI’s work, ensuring that research and litigation are not ad hoc, ‘parachute’ activities but rather take the form of longer term, deeper engagements, bound together through sustained advocacy. At the other, more intellectual, end of the spectrum, we believe it is also important to not only develop the law but to influence jurisprudential and societal debates about the roles of law and the courts in a transforming society.

As detailed in this report, in our first year we have undertaken several focused research projects, which are informed by and in turn inform our litigation and advocacy activities. And we have litigated over 30 matters, including several groundbreaking cases in the Constitutional Court and the Supreme Court of Appeal, as well as various High Courts. This is a phenomenal achievement for a new NGO and I could not be more proud of SERI. Huge thanks go to the SERI team for advancing SERI’s work in such a meaningful and innovative way. As we move into our second year, I think the sky is the limit and truly cannot imagine a more satisfying and relevant venture!

Jackie Dugard
Executive Director
3.

Director of Litigation’s Message

SERI is a bold experiment. It seeks to provide community-based organisations in South Africa’s poorest and most vulnerable communities with accurate and reliable information and research assistance, advocacy support and legal advice and representation of the highest quality. The SERI vision is an evolving one. We work towards real and sustained social change in line with South Africa’s constitutional vision of freedom, dignity and equality.

But means are just as important as ends. Rights cannot be defined and imposed by an elite. They must be claimed and shaped from below, by the people whose interests they seek to protect and advance.

SERI’s litigation team seeks to provide realistic and empowering legal representation. Litigation strategies are devised in close consultation with communities. SERI’s practice aims to facilitate strategic reflection about rights, law and litigation. The aim is to use law to widen the range choices available to poor communities, while at the same time accepting that litigation is not the answer to every rights issue. It must be carefully streamlined and coordinated with a range of other strategies defined and implemented by client groups themselves.

This approach has already begun to facilitate real change. Working alone and with a range of other organisations, SERI has already brought litigation which has ensured greater fairness in the mortgage bond execution process, protected thousands of people against forced evictions and reversed many unlawful evictions. We have ensured more inclusive and effective emergency housing policies in Johannesburg. We have also reversed unlawful disconnections of electricity and water to hundreds of people, and we are working to assist large communities to regularise their access to those services in a manner which is fair, equitable and affordable.

Communities working for social justice and claiming constitutional rights often face localised police harassment and state repression. SERI’s litigation team is involved in a range of cases in which we protect communities and individuals against arbitrary arrest and detention. We also provide criminal representation to individual community leaders, where we are satisfied that the charge is spurious and related wholly or substantially to their involvement in legitimate, non-violent community-based protest. We also provide representation to people who find themselves criminalised because they are poor. A prime example of this is our work to defend people in unlawful occupation of their homes on charges of trespass. It is this aspect of our work which probably has the lowest profile, but potentially has a very high impact. For example, last year, SERI’s litigation team secured an order from the High Court holding the station commissioner of Johannesburg Central Police Station in contempt of court. The order flowed from his officers’ participation in the violent and unlawful eviction of over 250 desperately poor people from an inner city building. The order will, we hope, result in a real decline in police participation in illegal evictions in the inner city of Johannesburg.
SERI's litigation team is an impressive assembly of talent. I am very proud of the standard of representation we provide. I am equally proud of the fact that we are always looking for ways to do things better. Our upcoming projects include a close examination of and possible challenge to the Regulation of Gatherings Act, litigation to compel the upgrading of informal settlements and the provision of water services to those settlements. We are working with informal traders to ensure fairer and more appropriate regulation of their livelihoods by the Johannesburg municipality. We are also engaged in a number of matters which seek to create fairer and more equitable landlord and tenant relations in residential properties.

SERI's litigation team is enjoying an ever more harmonious and synchronised relationship with its research and advocacy staff. The combination of clear advocacy messages, accurate and reliable research and professional, effective litigation work will, I have no doubt, ensure that SERI achieves even more in its second year of its operation.

Thank you all for your interest in and support for our work.

Stuart Wilson
Director of Litigation
4. About SERI

SERI is a section 21 not-for-profit organisation providing professional, dedicated and expert socio-economic rights assistance to individuals, communities and social movements. SERI conducts applied research, engages with government, advocates for policy and legal reform, facilitates civil society coordination and mobilisation, and litigates in the public interest. SERI’s thematic areas are:

- housing and evictions;
- basic services (water, sanitation, electricity); and
- migrant rights & livelihoods.

SERI was established by Jackie Dugard and Stuart Wilson, formerly at the Centre for Applied Legal Studies (CALS), who became SERI’s first Executive Director and Director of Litigation respectively. The organisation began operating 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 an approved public interest law centre. SERI was officially launched on 19 April 2010 at the Women’s Jail at Constitution Hill in Braamfontein (see photos at the end of this report).

SERI has the following aims and objectives:

Aims

- To advance human rights and particularly socio-economic rights currency 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 provide dedicated, expert socio-economic rights assistance to individuals, social movements, community based organisations and vulnerable communities.
- To contribute to the networking and coordination of civil society initiatives and campaigns across the thematic areas of SERI’s focus.
- To facilitate engagement between civil society and government at all three levels of government, but particularly the local level, where delivery is affected.
- To influence socio-economic rights-related policy review and legislative amendment processes.
- To ensure pro-poor legal and policy frameworks.
- To develop socio-economic rights jurisprudence.
Funding and Donations

SERI is wholly dependent on donor funding and is grateful to all our donors for their support. SERI’s core donors are the Atlantic Philanthropies, Ford Foundation, MISEREOR and Open Society Foundation. SERI is further grateful for the donations from Webber Wentzel Attorneys and Professor John Dugard towards setting up our law library, as well as to Bell Dewar Attorneys for pro bono legal assistance on SERI management issues.

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: Danie 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 2010-2011, SERI also benefitted from ad hoc payments for teaching university students and was contracted to undertake specific, paid research projects by the Studies in Poverty and Inequality Institute (SPII), the Chr. Michelsen Institute and Bergen University (Norway) and the World Bank Research team.

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 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 (replaced in November 2010 by Professor Jonathan Klaaren, while Tshepo completes a PhD in the UK)
- **Professor Jonathan Klaaren**
  Acting 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 and Interns

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, Selena Molefe. SERI staff members are:

- Jackie Dugard Executive Director
- Stuart Wilson Director of Litigation
- Sanele Garane Office Manager
- Blessing Karumbidza Researcher
- Osmond Mngomezulu Attorney
- Mamello Mosikili Receptionist
- Teboho Mosikili Attorney
- Lwazi Mtshiyo Paralegal
- Kate Tissington Research and Advocacy Officer

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. In 2010/2011 SERI hosted a number of interns and volunteers:

- Jennifer MacLeod Litigation Intern (January to December 2011)
- Malebo Maleka Volunteer (December 2010 to January 2011)
- Trevor Chomumwe Volunteer (November to December 2010)
- Elisabeth Koek Litigation Intern (September to December 2010)
- Katherine Drage Litigation Intern (July 2010 to end-June 2011)
- Thayer Hastings Research Intern (June to August 2010)
- Megan Chapman Litigation Intern (May to August 2010)

Since January 2011, SERI has also offered ad hoc paid opportunities for University of the Witwatersrand Bachelor of Laws (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.

Below are comments from SERI interns Jennifer MacLeod and Katherine Drage, who are both spending a year here.

’’As a Harvard Law School Holmes Public Interest Fellow, I’ve been working at SERI since January 2011, and already I have had the opportunity to develop my understanding of human rights from an academic awareness to a practical appreciation of reality. Before coming to SERI I undertook a BA in Law at Cambridge University and an LLM at Harvard Law School, and while focusing on human rights and taking part in some litigation, I had little opportunity to understand or even talk to the communities for whom I was advocating. While I gained experience on the ground in Ghana and Iraq, this was primarily research based, and not directly connected to human rights and human rights litigation.”
Working with the litigation team I’ve focused on the right to water and building a case around the proper implementation of water services in informal settlements. Developing this rights litigation on the ground has confirmed to me the importance of continued advocacy surrounding human rights, and socioeconomic rights in particular, but has also ensured that I approach all issues with a more realistic end-goal. I’ve been able to see litigation at all stages, working on the earliest stages of investigation and collecting evidence yet also observing SERI cases in the Constitutional Court. This has given me an invaluable oversight of the litigation process and the decision-making involved at each stage, as well as the chance to learn practical skills such as how to deal with clients, government and the opposition from SERI’s paralegals, attorneys and advocates. As an attorney at the New York Bar and hopefully in the future as a barrister in the UK these lessons will be invaluable to my work after SERI.

At SERI I have also been lucky to be able to explore my research interests, focusing on the intersection between gender and socioeconomic rights. Looking at socioeconomic rights through a lens of compounded inequality has given me further insight into the complexity of developing and implementing laws to fulfil Constitutional guarantees. I’ve also analysed some of the key socioeconomic rights cases for escr.net, and I’m working on the Constitutional Court Review from 2008-2010 to look at the statistical development of the Court. All of this has given me a greater understanding of the promises and challenges of the South African Constitution and what lessons can be taken from that to the international community, where I hope to work at the end of my fellowship.

Jennifer Macleod, Litigation Intern

I have been working as a volunteer at SERI since July 2010, having studied at Cambridge University as an undergraduate and completed my postgraduate professional legal qualifications in London. I was sponsored by a UK law firm to undertake a social responsibility project prior to qualifying as a solicitor, and so applied for a year-long volunteer position at SERI. In the last nine months I have worked both in the litigation department and as a researcher on the World Bank access to justice project. Working at SERI has given me a unique insight into how socio-economic rights are enforced and defended for the benefit of real people rather than as an academic exercise. Supporting the work of the litigation department I have, for instance, seen the lines in the Constitution enshrining the right to healthcare literally thrashed out in the Pretoria High Court by SERI’s lawyers. I have helped find suitable land on which to resettle clients, been there to break open the locks of a building from which the occupants were unlawfully evicted, and chased a bakkie suspected of selling impure water around an informal settlement to find out why the community was lacking an adequate supply. I have also learnt how to consult with clients in a way that takes account of how the legacy of apartheid and current conditions of poverty impact upon their current circumstances.

The World Bank project has also given me the opportunity to carry out qualitative field research around the country investigating how South African paralegals contribute to access to justice for the poor. With Jackie’s guidance I was very grateful for the freedom SERI gave me with which to carry out the research and submit my findings. I am currently working on the final draft of the research report under Jackie’s direction.
Working at SERI has fundamentally shaped the direction in which I hope my legal career with follow after I qualify as a lawyer. My time in South Africa has convinced me of how the law can be used to impact people’s lives for the better, and I hope that I will be able to contribute in this way as a practitioner within a public interest law firm.

Katherine Drage, Litigation & Research Intern

Geographic Areas of Focus

SERI’s areas of geographical focus are Gauteng and Durban, and there are several reasons for this. Firstly, the greatest need – defined in terms of where the most people are conglomerated, compared with the range and efficacy of human rights assistance available to them – is in Gauteng and Durban. Secondly, although SERI aims to contribute to the betterment of rural conditions through overall advances in legislation and policy, SERI’s work focuses on urban areas because this is where the state has the most capacity to respond to engagement and it is where civil society has the most capacity to mount effective engagement.

SERI also promotes regional interaction among African NGOs engaged in socio-economic rights-related issues, and engages with international organisations, campaigns and processes aimed at advancing socio-economic rights internationally.

Methodology

SERI is built on a specific model, employing a unique working methodology. Driven by community issues, the organisation 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 public interest litigation. SERI facilitates interaction between communities and the government and communities and courts on a range of social and economic rights-related issues in order to improve service delivery, advance the realisation of socio-economic rights and contribute to participatory democracy and public accountability more generally.
5. Research

SERI does not regard research reports and publications as outputs only, but as inputs into other processes i.e. feeding into advocacy activities and strengthening the capacity of civil society, as well as integrating research 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 housing and evictions; access to basic services; and migrant rights & livelihoods.

In addition, SERI has undertaken a few specific, ring-fenced research projects during 2010-2011, 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 publicity and exposure, 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 write academic papers.

Below is a summary of SERI’s main research projects in 2010/2011 (publications per se, whether academic or not, are listed in the annexes at the end of the report).

Housing and Evictions

  Kate Tissington

The housing terrain in South Africa is complex, in large part due to the deliberate policy and legislative framework of socio-economic and spatial exclusion and marginalisation created during apartheid, but also due to failures on the part of the post-apartheid state to adequately redress these problems since 1994. As with other socio-economic rights, the legislative and policy framework created by national government around housing is in fact quite progressive. However, implementation to date has been skewed and unable to address the land, housing and basic services needs of millions of poor South Africans who still lack adequate housing and access to water, sanitation and electricity.

During 2010, SERI was asked to undertake the housing policy review for a project conducted by Studies in Poverty and Inequality (SPII) which seeks to compile a measurement matrix of progressive realisation of socio-economic rights in South Africa. This research was finalised in December 2010 by Kate Tissington, and SERI decided to adapt the paper into a resource guide on urban housing, which was published and distributed by SERI in February 2011. It has proved an invaluable
resource for SERI staff, as well as in SERI’s training workshops with social movements and community leaders. The 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.

The housing resource guide is useful to a wide audience that includes social movements, community-based organisations (CBOs), non-governmental organisations (NGOs), lawyers, development practitioners, planners, government officials, academics, scholars etc.

  Kate Tissington

During the course of 2010, SERI was introduced to members of the Slovo Park Community Development Forum (SPCDF), who had been engaging with various government departments and consultants around upgrading the Slovo Park informal settlement, which is situated in Nancefield, near Eldorado Park in Johannesburg. For over 15 years, the community has engaged with government around developing the area and building houses – both politically and technically - however all these efforts have yet to manifest in concrete development. A recent layout plan developed for the area provides for 575 stands, whereas there are over 5,000 households at the settlement. SERI met with community leaders, visited the settlement and was provided with documentation collected by the community forum over the past years.

SERI further conducted desktop research on problems with land use management practices, the implementation of informal settlement upgrading and the concurrent planning and environmental processes, which was integrated into the paper. The working paper thus uses the Slovo Park case study 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 will be finalised in April 2011 and it will be distributed widely and used by SERI in its litigation around upgrading at the settlement.

- **Minding the Gap: Supply and Demand of Low-Income Rental Housing in Inner City Johannesburg** (May 2011) - Working Paper
  Kate Tissington

There has been much written on the complex history of the inner city of Johannesburg, recent urban regeneration and renewal initiatives by the City of Johannesburg, the socio-economic hardship faced by residents of ‘bad buildings’, land management practices and legal struggles against evictions by the urban poor.
etc. Most recently, a judgment in the Supreme Court of Appeal (SCA) in Blue Moonlight Properties clarified that the City of Johannesburg has constitutional duties to provide temporary accommodation to those rendered homeless by private-led evictions, as well as state-led evictions. SERI’s litigation department - which assists poor occupiers challenge state- or private-led evictions in the inner city of Johannesburg - has experienced the realities facing inner city occupiers, particularly in relation to the lack of supply of low-income permanent accommodation. The gap in the demand for well-located and affordable permanent accommodation is highly problematic, particularly for the City given its obligations to ensure that everyone has access to adequate housing within its jurisdiction.

Drawing on these litigation experiences, as well as desktop research and interviews conducted throughout 2010/2011, SERI is producing a working paper which examines the status quo with regard to the supply and demand for decent, low-income rental housing in the inner city. The paper provides a consolidation and synthesis of information gleaned from a number of research reports, court documents, government reports, interviews and other sources of information. It will be available in May 2011 and will be used extensively in SERI’s ongoing advocacy and litigation work.

Migrant Rights and Livelihoods

- **Criminalising the Livelihoods of the Poor: The Impact of Formalising Informal Trading on Female and Migrant Traders in Durban** (February 2011) - Research Report
  Blessing Karumbidza

During 2010, SERI conducted desktop research and fieldwork in Durban, KwaZulu-Natal, examining the impact of attempts to formalise street trading in eThekwini Metropolitan Municipality since 2000 on the livelihood of informal traders, particularly female and migrant traders. Durban has been at the forefront of developing policies to manage and control informal economy activities; however, the effect of the push for formalisation is exclusionary and mimics the influx control regimes of the apartheid administration, which prevented black communities from pursuing business opportunities in central business districts. Such regulation has a particularly adverse effect on migrants and poor women, since they struggle to meet the requirements for registration, permits and rentals.

This research resulted in the publication of a comprehensive research report in February 2011, which has been distributed to various networks. The report concludes that formalisation has largely been a disaster for the informal trade sector, as it led to a major increase in the cost of entry. The majority of the players in the informal street trading sector are there because they are poor and operate at a survivalist level. The main pillars of formalisation involve the City bylaws that place requirements on street traders for registration, the acquisition of permits and the payment of an annual rental fee. Further, the lack of good faith on the part of City officials, and the Metro Police’s inadequate understanding of policy, despite being mandated to monitor and enforce the relevant bylaws, has further disadvantaged street traders. The
manner in which formalisation has unfolded is against the spirit of the informal street trading policy from which it was conceived, as well as against claims by the South African government to being a developmental state. The report offers some recommendations to various stakeholders including national and local government, as well as female and migrant traders.

Basic Services

  Kate Tissington

Access to adequate sanitation is one of the most important and most neglected socio-economic rights. It has a direct impact on public health and the enjoyment of other rights, like dignity, and equality. The national Department of Water and Environmental Affairs (DWEA), formerly known as the Department of Water Affairs and Forestry (DWAF), was created as the water and sanitation sector leader in South Africa. Institutional fragmentation has led to sanitation not being prioritised and aligned within government departments, with more focus being placed on water provision. In May 2009, the responsibility for the implementation and provision of sanitation services was transferred from DWAF to the Department of Human Settlements (DHS), a process which has been fraught with many challenges. In terms of the Constitution, local government is responsible for the provision of sanitation, sewerage and waste-water disposal and treatment. Recent cases involving informal settlement communities’ access to basic sanitation – most notably Nokotyana and the Makhaza cases - have shown that there is confusion about the roles and responsibilities, as well as minimum standards around sanitation in South Africa, particularly in informal settlements. The national minimum standards for basic sanitation are indeed vague.

SERI is in the process of synthesising legislation, policy, available research and case studies into a sanitation resource guide, along the lines of its housing resource guide. This will hopefully be useful to various groups, including social movements, community-based organisations, NGOs, government officials, scholars etc. The guide will summarise the policy and legislative framework around sanitation in South African, examine sanitation standards and types, with a particular focus on sanitation in informal settlements, and delve into some case studies which provide some guidance on the provision of basic sanitation. The guide will be finalised in April 2011.

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. SERI is currently involved in two such projects, with the World Bank Research team and the Chr. Michelsen Institute (CMI) and Bergen University, Norway. Moreover, Jackie Dugard has been asked to participate in a number of collaborative international academic research projects, which are briefly listed below.
Access to Justice

- **South Africa Case Study on Community Based Paralegals, Justice and Governance**, Conducted for the World Bank’s “Justice for the Poor” Programme (2010-2011)
  Jackie Dugard and Katherine Drage

In September 2010, SERI was approached by the World Bank Research team to undertake the South African component of its Justice for the Poor cross-country program on community paralegals. This project is a comparative analysis of the experience of paralegals in Sierra Leone, Kenya, Indonesia, South Africa and the Philippines, and specifically how they contribute to access to justice for the poor. SERI was asked to investigate the history and character of the community-based paralegal sector, looking at how paralegals organise themselves within South Africa’s institutional and democratic framework and how their role may have changed since the end of apartheid and advent of democracy in 1994. The research was conducted by Katherine Drage, long-term volunteer at SERI, under the supervision of Jackie Dugard.

SERI identified that the term ‘paralegal’ has a broad definition in South Africa, where standardised qualifications and training programmes have not yet been adopted. Paralegals therefore work with communities via a number of channels, from public interest litigation NGOs, to the state funded Legal Aid SA, community advice offices, and individual community leaders working within grassroots social movements. SERI undertook to map this sector by interviewing a range of organisations employing paralegals. SERI decided to focus on community advice offices and their associates, given that these organisations have the largest footprint within the country and are staffed solely by paralegals.

The research, conducted in two stints between September – November 2010 and January – February 2011, involved interviewing seventeen organisations involved in the paralegal sector in a variety of locations, primarily Johannesburg, the Western Cape, KwaZulu-Natal and the North West province. Interviews were conducted with long-standing paralegal organisations such as the Black Sash, funding organisations such as the Social Change Assistance Trust, and individual advice offices and their branch networks. Additionally, in-depth interviews were held with clients whose matters had been resolved by a paralegal to evaluate the paralegal’s impact and consider the client’s alternative options had paralegal services not been available.

SERI is currently completing a research report to submit to the World Bank team for their comments at the end of April 2011. The report will explain how valuable paralegal services are for people who may otherwise not have the tools to access their Constitutional rights. It will describe the methods and strategies used by paralegals that place them at the interface of law and society. SERI will recommend better funding for community advice offices and improved formal recognition of the paralegal sector. The report will be incorporated with the other country studies into a publication during July 2011.
Environmental Harm, Poverty and Mobilisation

- **Mobilisation (or Non-Mobilisation) of Poor Communities in response to Environmental Harm in South Africa**, Part of the Norwegian Chr. Michelsen Institute and Bergen University international project on “Climate Change Discourse and Poverty” (2010-2012)
  Blessing Karumbidza and Jackie Dugard

During 2010, Jackie was asked to participate in a collaborative research project on climate change and poverty, funded by the Chr. Michelsen Institute (CMI) and Bergen University through the Norwegian Research Fund. Jackie attended a meeting in Bergen in October 2010 at which it was agreed that SERI would undertake research into mobilisation of communities in response to environmental harm. And, at the end of 2010, Blessing Karumbidza began desktop research on sites of mobilisation and non-mobilisation around environmental damage in order to identify cases studies. By March 2011, three case studies were selected.

The first is the South Durban Basin, where there has been a long history of mobilisation against the petro-chemical-industrial complex, which is wreaking havoc on the lives of largely black communities moved there under apartheid. A number of community organisations including South Durban Community Environment Alliance, SDCEA, and NGO called GroundWork and the University of KwaZulu-Natal (UKZN) based Centre for Civil Society (CCS) have done splendid work articulating the key issues, raising awareness and campaigns against the polluters. The second case study is the Johannesburg gold mining area, where mobilisation is in its infancy as sectors of the community are only now beginning to take seriously the increasing threat of acid mine drainage and water pollution. The third case study is in the North West province, with communities from Rustenburg where platinum mining is the dominant economic activity. Here, as in South Durban, there is a long history of mobilisation linked to the fight against apartheid. However, the difference is that in Rustenburg, mobilisation has become ‘tired’ and threatens to go into a slumber.

At the end of March 2011, in consultation with our Norwegian partners, we decided to pursue only the Durban and Johannesburg case studies as these two will allow for an interesting analysis of the factors behind the mobilisation and non-mobilisation of communities in response to environmental harm. Moving forward, we will conduct further primary research in these sites, interviewing community members and key stakeholders and role players. Secondary work written on each case will be triangulated with archival and primary research. Political theories that examine the relationship between inclusive and oppositional activism in processes of democratisation will also be considered. Theories around communities and their part in the process of change, as well as being part of what changes, is a constant theme in all cases. Tracing mobilisation in apartheid and post-apartheid communities should take into consideration the fact that the political evolution of 1994 changed communities themselves. The project continues through 2011 and 2012 and it is hoped that it will result in an academic publication and perhaps further research outputs.
Further International Research Projects

- **Rights, Power and Civic Action (RIPOCA),** Research project coordinated by Leeds University, United Kingdom (2010-2012)
  Jackie Dugard

  Jackie is part of an international research project – RIPOCA – that seeks to analyse the ability of human rights work to grapple with power. The project includes case studies on China, Cambodia, Ghana, Zimbabwe and Kenya, alongside South Africa. The research team on South Africa comprises Malcolm Langford, Khulekani Moyo, Jackie Dugard, Tshepo Madlingozi, Bill Derman, Anne Hellum and Shirhami Shiranda. The research will be collated and published as a book during 2012.

- **Co-editor of Symbols or Substance: The Role and Impact of Socio-Economic Rights Strategies in South Africa,** edited by Malcolm Langford, Ben Cousins, Jackie Dugard and Tshepo Madlingozi (Cambridge University Press, 2011)
  Jackie Dugard

  This book, which will be published by Cambridge University Press in mid-2011, provides sectoral analyses of each socio-economic right, evaluating the role and impact of various civil society strategies and tactics in advancing the right. This includes a chapter on urban basic services by Jackie Dugard. The book also undertakes thematic examinations of the private law interface with socio-economic rights (Sandy Liebenberg’s chapter), the Constitutional Court’s socio-economic rights jurisprudence (a chapter by Stuart Wilson and Jackie Dugard), and cross-cutting issues such as race and gender. The book’s authors are all experts in their field, drawn from South Africa and beyond. The book will be the first comprehensive attempt to evaluate various human rights-related efforts across each socio-economic right.

- **Managing Co-Editor, Special Edition of SAJHR on Public Interest Litigation,**
  Jonathan Klaaren, Jeff Handmaker and Jackie Dugard (2010-2011)
  Jackie Dugard

  Together with Jonathan Klaaren (Acting Head of the Wits Law School and SERI board member) and Jeff Handmaker (from the Institute of Security Studies in The Hague), Jackie is a managing editor for a special edition of the South African Journal on Human Rights (SAJHR) on Public Interest Litigation, which will be published in mid-2011.
6. Advocacy

Human rights advocacy work is extremely important and while its effects are often not immediately obvious, they reverberate over a longer-term horizon, gaining momentum and scale as they go. A large part of SERI’s work consists of various forms of advocacy, and in 2010/2011 the organisation was involved in government, civil society and media advocacy as well as in training and education. SERI has formed relationships with a number of social movements and community-based organisations, 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 the networking and coordination of efforts.

Government

Engagement with government officials and departments outside of the litigious environment is an important part of SERI’s work. During 2010/2011, SERI has engaged various levels of government on critical issues such as water rights and regulation, sanitation, rental housing rights, informal trading and informal settlement upgrading.

- On 14 March 2011, Blessing Karumbidza presented on informal trading and women at an event organised by the Gauteng Provincial Legislature’s Public Participation and Petitions Unit;
- In January 2011, SERI drafted and presented a submission to the Limpopo provincial government on the Limpopo Prevention and Control of Informal Settlements Bill, 2011. The submission was endorsed by a number of individuals and organisations, including Abahlali baseMjondolo (AbM), Landless People’s Movement (LPM), Lawyers for Human Rights (LHR) and Legal Resources Centre (LRC);
- During January 2011, Jackie Dugard was approached by the South African Human Rights Commission (SAHRC) to provide guidance on its research and litigation around access to sanitation, as it embarks on litigation against local government around unacceptable sanitation standards in Makhaza informal settlement in Cape Town;
- Kate Tissington was invited to present on informal trading and developmental local government at the Informal Trade Management Summit organised by South African Local Government Association (SALGA), SANIEF and SA LED Network and held in Polokwane from 10 to 12 November 2010. The conference was attended by over 200 local government officials from across the country;
- During September 2010, Stuart Wilson was invited to write a legal opinion on the powers and responsibilities of the provincial Rental Housing Tribunals for ProBono.Org, which was also requested by the chairperson of the Gauteng Rental Housing Tribunal;
- SERI is a member of the Civil Society Regulation Reference Group, which convenes around water issues with the Department of Water Affairs (DWA).
Civil Society

In 2010/2011, SERI organised a number of thematic meetings and workshops, and SERI staff members are often invited to make relevant presentations and lectures to civil society groupings, providing an opportunity to empower civil society and advance the uptake of socio-economic rights. We believe in proactively contributing to civil society coordination, networking and mobilisation, and have created 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.

- In December 2010, SERI issued a joint statement - endorsed by SECTION27, LHR, LRC, Community Law Centre (CLC) and the Centre for Applied Legal Studies (CALS) - in response to various statements made by the Minister of Human Settlements about the role of courts and civil society in human rights/social justice struggles;
- SERI hosted a roundtable on inner city housing and basic services-related problems on 27 August 2010, initiated by Bishop Paul Verryn (of the Central Methodist Church) and facilitated by Stuart Wilson;
- Blessing Karumbidza facilitated a migrant rights roundtable on socio-economic rights problems facing migrants on 5 August 2010;
- On 21 July 2010, Jackie Dugard facilitated a discussion hosted by ProBono.Org on the issue of ‘conflict of interest’ and how to deal with it within and across legal firms providing pro bono assistance.
- On 4 March 2010, SERI (Kate Tissington) and the CLC co-hosted a roundtable discussion on ‘meaningful engagement’ in Cape Town. The event was attended by social movements, community activists, lawyers, NGOs, academics and government officials, who shared their experiences and discussed the concept and practice of meaningful engagement in relation to housing and service delivery;
- SERI is part of a number of campaigns that relate to our work more broadly such as the Right to Know campaign, which opposes the proposed Protection of Information Bill and the Media Tribunal, and SERI is also a member of the PAIA CSO Network with convenes around access to information issues.
- SERI has also been actively supportive in the campaign for the South African government to ratify the International Convention on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol (OP).

Training and Popular Education

SERI is consistently being overwhelmed by 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.
From 11 to 13 March 2011, SERI and Planact co-hosted a 3-day social movement and community leadership workshop in Johannesburg. Over 60 representatives attended from various organisations including AbM, LPM, Anti-Privatisation Forum (APF), Coalition against Water Privatisation (CAWP), Informal Settlement Network (ISN) etc. Session topics included freedom of expression/right to protest; using the media; human settlements policy, programmes and practice; understanding and resisting evictions; introduction to local government; access to information; property law; access to justice; municipal land use planning and informal settlement upgrading.

On 2-3 August 2010, SERI co-facilitated a Law and Organising skills workshop at Khanya College’s ‘Crisis and Resistance’ Winter School. Community and social movement activists from around South Africa attended the workshop which covered the current political context and limitations of the law; evictions and resistance; the right to protest and the Regulation of Gatherings Act; basic criminal procedure including arrest, bail and laying complaints the police; access to information and how to use PAIA; as well as summarising the legal framework around other socio-economic rights.

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. To date, SERI has been very successful in getting SERI’s work into the media, both directly and by issuing press releases to journalists. Since its establishment SERI has had no less than 20 articles in various mainstream newspapers covering its litigation and advocacy efforts around evictions, electricity cut-offs, migrants access to healthcare, the right to protest etc. Below are some media articles referring to SERI’s work.

- J-M Versluis “Siek uitlander dag voor groen lig dood” Beeld (11 January 2011) on the Hakizimana case;
- Kate Tissington was interviewed on the consumer affairs show ‘Speak Out’ on SABC TV about evictions and access to housing in inner city Johannesburg. The episode was aired in January 2011;
- “Sexwale out of touch on housing, say activists” Pretoria News (4 December 2010) on the legal NGOs statement;
- A Anderson “Occupants win appeal on eviction” Business Day (6 December 2010) on the order in the Chung Hua eviction appeal;
- E Mabuza “Legal groups take issue with Sexwale’s claims” Business Day (6 December 2010) on the legal NGOs statement;
- F Rabkin “Court weighs asylum seeker’s medical rights” Business Day (6 December 2010), on the Hakizimana case;
- “ConCourt sets aside restraining order” Citizen (24 November 2010) on the Betlane judgment;
- T Leshilo “A problem of sex in news” Sunday Times (3 October 2010) editorial based Jackie Dugard op-ed;
- B Molosankwe “Eskom leaves paralysed boy in limbo” The Star (13 September 2010), on the Chiawelo Flats case;
- S Friedman “Press is not telling us what we need to know” Business Day (8 September 2010) based on the Tissington et al op-ed;
A Serrao “100 on the street waiting for judge’s ruling” The Star (20 August 2010) on the Klipptown case;

K Keepile “City rebuilds Klipptown shacks after tearing them down” Mail & Guardian (28 July 2010), on the Klipptown case;

K Ajam “Joburg council ordered to rebuild homes” The Star (17 July 2010) on the Klipptown case;

News clip on KayaFM regarding Klipptown evictions (9 July 2010);

P Tau “Klipptown dwellers win eviction case” The Star (9 July 2010);

D Bryson “Johannesburg draws poor, struggles to house them” The Huffington Post (6 July 2010) Stuart Wilson mentioned;

K Keepile “Evicted shack dwellers seek legal recourse” Mail & Guardian (2 July 2010);

“Metro police back down on ban on World Cup marches” Mail & Guardian (4 June 2010) on banning of marches.

Further, Business Day has run four feature opinion pieces (op-eds) by SERI staff members which covered the following topics: eviction law; problems with the state’s approach to RDP housing; role of the media and ‘service delivery’ protests; and informal settlement upgrading (see Annexes below).

Conferences and Convenings

SERI facilitated a number of conferences and convenings during 2010.

On 28 September 2010, SERI and the LANDfirst network (coordinated by Afesis-corplan) convened a workshop in Johannesburg for NGOs, think tanks, CSOs, social movements, lawyers and academics around coordinating efforts to advance informal settlement upgrading in South Africa;

SERI was invited by the Ford Foundation to organise and host a 3-day right to housing convening of Ford Foundation grantees from different regions working around on the right to housing. From 14 to 16 September 2010, the Ford Foundation Right to Housing Convening was held in Johannesburg. Representatives from organisations based in Egypt, India, Nigeria, South Africa and the United States attended the conference. The aim was for organisations working on right to housing issues in various countries to discuss common problems and solutions, thereby contributing towards better coordination, networking and relationship building;

On 20 to 21 May 2010, SERI together with the Legal Resources Centre (LRC) and Webber Wentzel Attorneys held a two-day seminar analysing the latest socio-economic rights decisions from the Constitutional Court (Olivia Road, Joe Slovo, Mazibuko, Joseph, Abahlali and Nokotyana) and engaged with communities and social movements on the way forward. The purpose of the seminars was to analyse the implications of the recent decisions for litigators and civil society; and to engage the legal profession and social movements and community organisations in a discussion about the possible/tactical use of litigation as part of their broader strategies for change.
7.

Litigation

SERI’s litigation department has been involved in over 30 cases since its establishment in early 2010, with three in the Constitutional Court, two in the Supreme Court of Appeal (SCA), approximately 13 in the South Gauteng High Court, two in the Durban High Court and eight in various Magistrates Courts.

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, or having their homes attached and sold in execution; and also advancing the defensive wall against unprocedural electricity and water disconnections. Most recently, SERI has begun the process of mounting a case (possibly cases) on inadequate water supply in informal settlements.

Further, SERI is enhancing 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 litigation receives media attention and through media campaigns highlights to the public the plight of poor people, as well the broader socio-economic issues at hand. Below are some of the litigation activities SERI is involved in, categorised per thematic area. SERI’s past and current cases are listed on our website and a full table of cases is available on request.

Housing and Evictions

- SERI has successfully defended hundreds of people against eviction applications in the High and Magistrates Courts, which are often brought in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE Act) or the Extension of Security of Tenure Act 62 of 1997 (ESTA);
- SERI has also revered a number of unlawful evictions, including the Chung Hua case (see box below);
- SERI has also assisted a number of individuals, mainly in Soweto, who are constructively evicted by prosecutions in terms of the Trespass Act 6 of 1959;
- SERI acted for the applicant in the Gundwana case in the Constitutional Court, which concerns the constitutionality of the execution of bonds against a person’s home without judicial oversight
- Stuart Wilson was counsel in the Blue Moonlight Properties case in the Supreme Court of Appeal (SCA), which revolves around the obligations of the state in relation to evictions by private landlords.
Basic Services

- SERI successfully assisted in a number of illegal water and electricity disconnections;
- In the Chiawelo Flats case (see box below) SERI challenged the practice of illegal disconnection of electricity and sought redress of unconstitutional action due to failure of administrative justice and procedural impropriety;
- SERI is pursuing a case in Freedom Park, North West Province concerning access to water in a number of villages, where the community is forced to buy water from those who can afford boreholes and the municipality has done nothing to provide adequate access to potable water. A similar case is being investigated in Langaville informal settlement in Ekurhuleni municipality, where there is practically no water provision to the poor households.
Residents of Chiawelo Flats v Eskom and City of Johannesburg ‘Chiawelo Flats’

Electricity disconnection - administrative action - Soweto - Eskom - South Gauteng High Court

On 10 September 2010, the South Gauteng High Court ordered Eskom to reconnect the electricity supply to 420 flats in Chiawelo, Soweto, by no later than 15 September 2010. The order was made in response to an urgent application brought by the residents of the Chiawelo (or Tshaiwelo) Flats, with the assistance of the SERI Law Clinic.

The residents stated in their court papers that the decision to disconnect their electricity was made without notice to them and without granting them a reasonable opportunity to make representations, a requirement of administrative justice. This rendered the disconnection illegal. The order, which was made with the consent of Eskom, also required that Eskom engage with the residents in order to address their complaints relating to inaccurate billing. In their papers, the residents said that they were being billed for electricity consumed by previous occupiers of their flats and that Eskom would not open new accounts until they had paid off the previous occupiers’ arrears. Also, the residents complained that Eskom seldom came to read their meters; did not accurately record their consumption and often failed to record their payments to it. Eskom may not disconnect the residents in future except on 14 days’ notice.

Access to Justice

- SERI was appointed legal representative to Kabelo Betlane, a lay litigant in a Constitutional Court eviction appeal (see box below).
- SERI has assisted various social movements and leaders in cases where they are prevented, by various means, to carry out their work in holding government accountable.

Kabelo Betlane v Shelly Court CC ‘Betlane’

Eviction - Johannesburg - lay litigant - direct access - Constitutional Court

In this matter, SERI represented Kabelo Betlane, who appealed in person to the Constitutional Court against five orders of the South Gauteng High Court. The orders were granted against him whilst he was litigating as a lay litigant i.e. in person and without legal representation.

The first order evicted Mr Betlane from his home; the second order dismissed his application to reverse the execution of the eviction order, which was carried out unlawfully, while his application for leave to appeal it was pending; the third, fourth and fifth orders dismissed his attempts to appeal or rescind the first two orders, and restrained him from approaching the High Court again before he had satisfied various costs orders granted against him.

The case was heard before the Constitutional Court on 24 August 2010. Shortly before the hearing, the respondent abandoned the orders restraining Betlane from accessing the High Court. SERI argued that none of the above orders should have been granted, and it was submitted that the manner in which Mr Betlane was treated by the High Court was inappropriate, taking into account the fact that he was a lay litigant seeking to vindicate constitutional rights.

On 24 November 2010, the Constitutional Court handed down judgment. In a unanimous judgment, written by Mogoeng J, the Court set aside the writ of execution on which Mr Betlane was evicted from his home. This was because an earlier appeal against the eviction order was still pending at the time the writ was issued and because the writ was issued by the registrar in the absence of a court order authorising interim execution of the eviction. Such an order is required by Rule 49 (12) of the Uniform Rules of Court. Mr Betlane was declared the successful party, and the respondent was ordered to pay all disbursements incurred by SERI during the period of its legal representation.
Migrant Rights and Livelihoods

- Legal interventions have been undertaken in connection with regularisation of status of migrants, which hampers individuals’ ability to access essential services and enjoyment of socio-economic rights in South Africa;
- SERI took on an important case – *Hakizimana* (see box below) - on behalf of an asylum-seeker suffering from chronic renal failure who was refused life-saving haemodialysis treatment because she was not a refugee or permanent resident of South Africa.

**Hakizimana v Charlotte Maxeke Johannesburg Academic Hospital and Others**

‘Hakizimana’

asylum seeker – access to emergency health care – North Gauteng High Court

The applicant in this case was a Burundian asylum-seeker suffering from chronic renal failure and in urgent need of medical treatment. The applicant suffered from chronic renal failure, diagnosed after she was granted asylum seeker status in South Africa. Two hospitals refused her the appropriate treatment, haemodialysis, because she was not a refugee or permanent resident of South Africa.

Two urgent applications were launched on 6 November and 26 November 2010 respectively, in order to get her the necessary medical attention, including dialysis. The first application was directed towards providing the applicant with access to emergency medical treatment, including dialysis, pending her challenge to the lawfulness of the policy in terms of which she was refused dialysis. The second application was settled on the basis that should she be granted refugee status, she would be treated as a South African and would be eligible for treatment. Unfortunately, Mrs Hakizimana passed away on 23 December 2010, a day before her refugee status was granted.

This case is important as it challenged the discriminatory healthcare policy affecting migrants whose status is as yet undetermined, and sought to enforce equal treatment in terms of the right to healthcare amongst migrants as well as South African citizens in the country.
## 8. Financial Statements

<table>
<thead>
<tr>
<th>Statement of Financial Position as at 28 February 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
</tr>
<tr>
<td>Note</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Non current assets</strong></td>
</tr>
<tr>
<td>Equipment</td>
</tr>
<tr>
<td><strong>Current assets</strong></td>
</tr>
<tr>
<td>Accounts receivable</td>
</tr>
<tr>
<td>Accrued income</td>
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<tr>
<td>Cash and cash equivalents</td>
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<tr>
<td><strong>Total assets</strong></td>
</tr>
<tr>
<td><strong>RESERVES AND LIABILITIES</strong></td>
</tr>
<tr>
<td>Note</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Reserves</td>
</tr>
<tr>
<td>Accumulated surplus</td>
</tr>
<tr>
<td>Equipment fund</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
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<tr>
<td>Accounts payable</td>
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<td>Deferred income</td>
</tr>
<tr>
<td><strong>Total reserves and liabilities</strong></td>
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## Statement of Comprehensive Income for the Period

20 October 2009 (Date of Corporation) to 28 February 2011

### Income

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<tr>
<th>Note</th>
<th>Description</th>
<th>Amount (R)</th>
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</thead>
<tbody>
<tr>
<td>9</td>
<td>Grants and donations</td>
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<tr>
<td>10</td>
<td>Fees received</td>
<td>74,035</td>
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<td></td>
<td>Interest earned</td>
<td>67,070</td>
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<td></td>
<td><strong>Total Income</strong></td>
<td><strong>5,269,678</strong></td>
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</table>

### Expenditure

<table>
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<tr>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Accounting fees</td>
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</tr>
<tr>
<td>Advertising and marketing</td>
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<tr>
<td>Bank charges</td>
<td>9,267</td>
</tr>
<tr>
<td>Computer and website costs</td>
<td>103,264</td>
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<tr>
<td>Consulting fees</td>
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<tr>
<td>Courier and postage</td>
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<td>Equipment hire and maintenance</td>
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<td>Insurance</td>
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<td>Rent, security, water and electricity</td>
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<td>Repairs and maintenance</td>
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<td>Salaries, wages and contributions</td>
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<td>Staff welfare and recruitment</td>
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<td>Travel and accommodation</td>
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<td>Workshops, conferences and seminars</td>
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<td><strong>Total Expenditure</strong></td>
<td><strong>4,770,699</strong></td>
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### Unexpended Surplus for the Period

**499,179**
## STATEMENT OF CHANGES IN RESERVES FOR THE PERIOD ENDED 28 FEBRUARY 2011

<table>
<thead>
<tr>
<th></th>
<th>Accumulated Surplus</th>
<th>Equipment Fund</th>
<th>Total</th>
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<tr>
<td>Surplus for the period</td>
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<td>-</td>
<td>499 179</td>
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<tr>
<td>Transfer to equipment fund</td>
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<td>261 298</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation during the period</td>
<td>-</td>
<td>(44 190)</td>
<td>(44 190)</td>
</tr>
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<td><strong>Balance at 28 February 2011</strong></td>
<td>237 881</td>
<td>217 108</td>
<td>454 989</td>
</tr>
</tbody>
</table>
9.

Contact Details

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mamello@seri-sa.org

**Website:** www.seri-sa.org
**Facebook:** https://www.facebook.com/SocioEconomicRightsInstitute
**Twitter:** https://twitter.com/SERI_RightsSA
10. Annexes

Publications

Here we list only those publications for the period 2010-2011 – a full list of staff publications is on the SERI website.

Jackie Dugard


Blessing Karumbidza


Jennifer MacLeod

Kate Tissington

- L Chenwi & K Tissington (2010) “Engaging meaningfully with government in the realisation of socio-economic rights in South Africa: A focus on the right to housing”, Community Law Centre (CLC) and SERI. Know your rights booklet.

Stuart Wilson


Conference and Workshop Presentations

Jackie Dugard

- Presented the South African case study at the RIPCOCA conference, Leeds University, 3 December 2010.
- Presented on the importance of socio-economic rights in South Africa at a meeting hosted by ESCR-Net in New York from 12-13 October 2010, to strategise around the ICESCR Optional Protocol.
- Presented on the Mazibuko water rights case at the KwaZulu-Natal Students for Law and Social Justice (SLSJ) conference in Durban, 25 September 2010.
- Presented a paper on “The South African Constitutional Court’s Socio-Economic Rights Jurisprudence”; and co-presented a paper with Siri Gloppen (Bergen University) on “Legal Mobilisation in South Africa” at the Law and Society Association meeting in Chicago, 27-31 May 2010.
- Presented on the *Olivia Road* and Mazibuko cases at a Ford Foundation international meeting on the enforcement of socio-economic rights litigation held in Bogota, Colombia from 4 to 9 May 2010.
- Invited to be part of an expert panel on the right to water, convened by the University of Durham, United Kingdom, 22-23 March 2010.

**Blessing Karumbidza**

- Presented on informal trading and women at an event organised by the Gauteng Provincial Legislature’s Public Participation and Petitions Unit on 14 March 2011.

**Lwazi Mtshiyo**

- Presented on access to justice at SERI and Planact’s community/social movement leadership workshop, 11 to 13 March 2011.
- Presented on access to information at the Law and Organising skills workshop held as part of Khanya College’s ’Crisis and Resistance’ Winter School, 2 to 3 August 2010.

**Kate Tissington**

- Presented on “Budget Analysis” at the International Commission of Jurists Southern Africa Socio-Economic Rights Camp, 1 September 2010.
- Presented on the law around evictions and the right to protest at the National Symposium on Workers and the Law “At the Crossroads in the Quest for Socio-Economic Justice? - Workers and the Law beyond the LRA” held in Johannesburg on 10 September 2010.
- Presented on the Mazibuko water rights case at the Eastern Cape Students for Law and Social Justice (SLSJ) conference in East London, 19 September 2010.
- Presented on the legal access to water in South Africa at an event organised by the Amandla! Forum, Sawyer Seminar Series and the Wits Department of Sociology, 20 October 2010.
- Presented on the subject “Defining the role of developmental (local) government within the informal economy” to the Informal Trade Management Summit organised by South African Local Government Association (SALGA), SANIEF and SA LED Network, held in Polokwane from 10 to 12 November 2010.
- Presented a paper entitled “Between praxis and paralysis: Exploring the relationships and roles between legal NGOs and social movements” at the University of the Johannesburg (UJ) symposium “A Decade of Dissent: Reflections on Popular
Resistance in South Africa, 2000-2010”, 12 to 14 November 2010 at the University of Johannesburg.

Stuart Wilson

- Presented to a group of Kenyan lawyers and judges on South Africa’s experiences in litigating and adjudication of socio-economic rights and the right of access to information, at the International Commission of Jurists workshop for Judges and Magistrates held in Naivasha, Kenya from 27 to 29 January 2011. The purpose of the workshop was to discuss the impact of the inclusion of socio-economic rights and the right of access to information in Kenya’s new Constitution. Arising from this conference, in a judgment of 4 March 2011, the High Court in Kenya relied upon the work of Stuart Wilson in granting a conservatory order preventing the eviction of thousands of informal settlers in Nairobi. The High Court also urged the Kenyan government to adopt a comprehensive housing policy which includes measure to provide interim relief for desperately poor people facing eviction. Judge Musinga acknowledged the scholarly work of Stuart Wilson in his article “Breaking the Tie: Evictions, Homelessness and the New Normality”, upon which he relied in preparing his judgment.
- Presented on “Landlord / Tenants: Using the Rental Housing Tribunal” at ProBono.Org’s Inner city housing legal clinic introductory seminar, 17 September 2010.

Media

Jackie Dugard

- Interviewed on SABC 2’s Talk SA programme on the right to water, to air on 22 March 2011.

Teboho Mosikili

- Interviewed on SAFM and Kaya FM in relation to the Kliptown evictions, July 2010.

Lwazi Mtshiyo

- Interviewed on Soweto TV on legal education and knowing one’s rights around evictions, 3 March 2011.

Kate Tissington

- Interviewed on the SABC 2 consumer affairs show Speak Out, about evictions and access to housing in inner city Johannesburg. The episode was aired in January 2011.
- K Tissington and L Royston “Making up lost ground in SA’s informal settlements” *Business Day* (16 November 2010).
- K Tissington, K Rust, R McGaffin, M Napier and S Charlton “Let’s see the real value in RDP houses” *Business Day* (31 August 2010).

Editorships and Advisory Bodies

**Jackie Dugard**

- In September 2010, Jackie Dugard was invited to become a member of the Advisory Council of the newly-formed Council for the Advancement of the South African Constitution (CASAC).

Academic Teaching

**Jackie Dugard**

- Lectured on “The Role and Impact of Socio-Economic Rights Litigation” for Pretoria University’s consolidated course on The Judicial Enforcement of Socio-Economic Rights, 9 March 2011.
- Taught Wits LLM on Land and Water in 2010.

**Stuart Wilson**

- Teaches Constitutional Law at Wits.
- Taught Property Law at Wits in 2010.

**Kate Tissington**

- Lectured on tenants’ rights to the Wits Masters in Housing course module on Management of Existing Stock, 13 September 2010.
Photos from SERI’s launch at Constitution Hill (19 April 2010)

Photos by Julia Grey