



annual report

2015 / 2016



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Safety, Justice, and Equality for All!

Fighting for dignity and democratic power



Social Justice Coalition

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social justice coalition

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Letter from the General Secretary

As we look back on the past year, it is important to recognise how far we have come in strengthening and building a strong and effective social movement – one that has taken on serious challenges and developed real power within our communities.

At the beginning of 2015 we made a bold decision to undertake internal restructuring of the SJC, from a department structure to one based on programmatic work. This year we worked hard to consolidate this and its impact can truly be felt.

In 2015 we started work on a comprehensive branch support and education strategy to promote the development of dynamic and functional branches and a strong cadre of members who can engage in politics, and lead local campaigns for change and justice. Branches have initiated their own campaigns. I was fortunate to witness the first graduation of branch members who participated in the SJC's political education course.

This year was also a challenging one politically and in terms of our democracy more broadly. We must condemn the closing spaces of engagement with government. Democracy requires a state that respects the rights of its citizens and encourages meaningful participation, especially by poor and working class people.

We faced serious resistance from the Minister of Police on implementing the recommendations of the O'Regan-Pikoli Commission of Inquiry. After nearly a year of attempted engage-

ment, we eventually were forced to lead public action, protests, and occupations. Still facing refusals, we are now taking the Minister to court to compel him to change discriminatory police resourcing that is a remnant of Apartheid and to give substance to the Commission's recommendations.

Similarly, in our fight for decent sanitation and budget justice in Cape Town, the City of Cape Town tried to silence budget submissions from poor communities. We eventually forced them to acknowledge the submissions and respond. With new evidence we are campaigning for decent sanitation infrastructure in informal settlements and for a just, equitable, and fair budget in the city.

Following the conviction of ten SJC activists for a peaceful act of civil disobedience fighting for decent sanitation, we launched our appeal at the Western Cape High Court. We are challenging the constitutionality of the Gatherings Act in order to defend our right to protest.

There have also been good developments on the national front and in terms of building democratic power in poor and working class communities.

For several years, the SJC has engaged with Chapter Nine institutions and various national government departments on the need for comprehensive policies and standards for sanitation in informal settlements. In 2016, a draft national sanitation policy – with proposed norms and standards for informal settlement sanitation –

was introduced. Following our formal submission on the policy, we will be campaigning for the norms and standards to be adopted and implemented nationally.

Since 2013, our social audits have become an important part of developing participation of poor communities in holding local government accountable. This year we began hosting the Social Audit Network, which we are developing in order to support social auditing nationally.

As we reflect on all of this we must especially celebrate the calibre of leadership and activism our members have displayed. Their courage and commitment has given the entire organisation the strength to continue and to do our best in all these struggles.

To all those that supported the SJC this year, I'd like to say thank you.

Amandla!



Phumeza Mlungwana
General Secretary



What is the SJC?



The SJC works to advance the constitutional rights to life, dignity, equality, freedom and safety in the lives of all people, but especially those living in informal settlements in South Africa.

South Africa is one of the most unequal countries in the world and our cities remain deeply segregated. Informal households, mostly located on urban peripheries, make up around 20% of each of South Africa's major cities. Informal settlements suffer from high levels of unemployment, poor service delivery, and violent

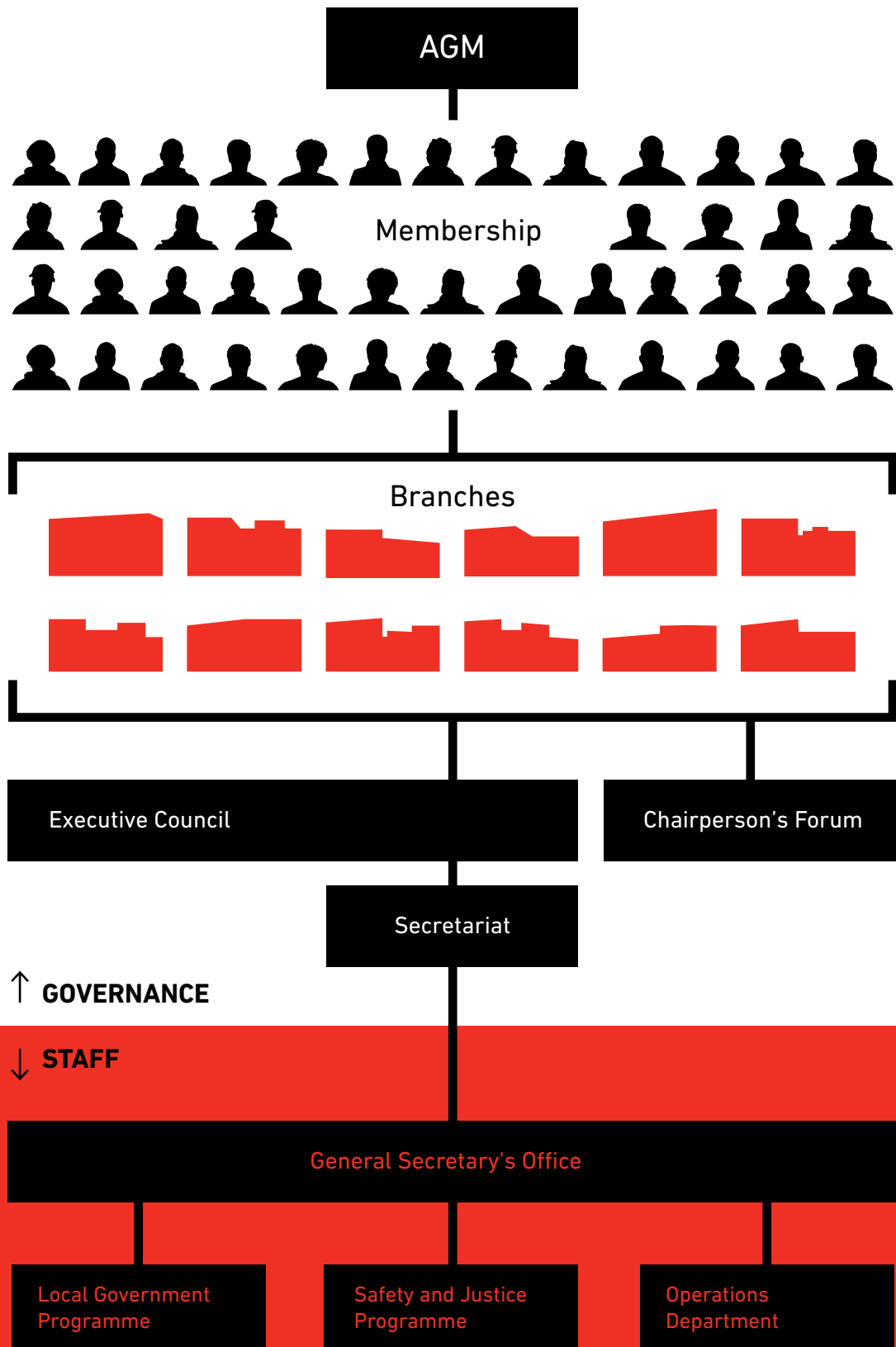
crime. They continue to be treated as temporary and transitory by those in government, even though many have existed for decades.

Founded on 16 June 2008, the SJC is a membership-based social movement from Khayelitsha made up of 14 branches with over 2500 members who mainly live in informal settlements. Our campaigns are based on research, education, and advocacy and divided across two programmes. The Safety and Justice Programme campaigns for improved policing and an effective criminal justice system, while the Local Government Programme leads our work on sanitation and basic services, municipal budget justice, and social audits.

An Annual General Meeting is held every year where members formally adopt the SJC's priorities through branch commissions, discussions, and resolutions. The Executive Council, effectively the highest decision making body after AGMs, is made up of the elected leadership of all branches and provides strategic leadership and guidance throughout the year. Every two years there is an elective AGM where the SJC's Secretariat is elected.

The General Secretary is the head of the organization and the General Secretary's office coordinates all day-to-day work of the SJC, providing overall management of governance, programmes, operations and political education. The Operations Department manages our human resources, finance, and administration.





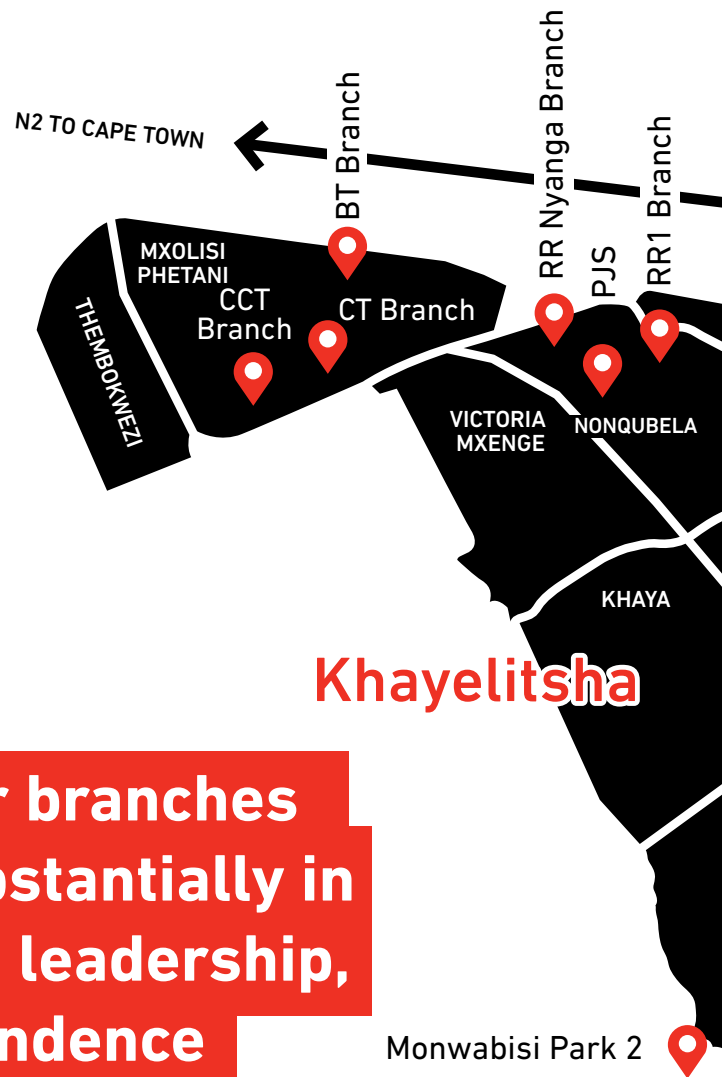
Building our movement

Branches are a central component of the SJC. This year branches grew substantially - in strength, leadership, and independence. They took on issues in their areas directly and started to build these into active branch campaigns such as on gender-based violence, water meters, drug abuse, and anti-xenophobia.

The Chairperson's Forum - the forum of branch leaders tasked with overall coordination of branch work - took its leadership to new levels and undertook branch-wide organising and events throughout the year. This also included support of branch administration and recruitment drives. In early 2016 two new branches prepared to launch - CCT and Monwabisi Park 2.

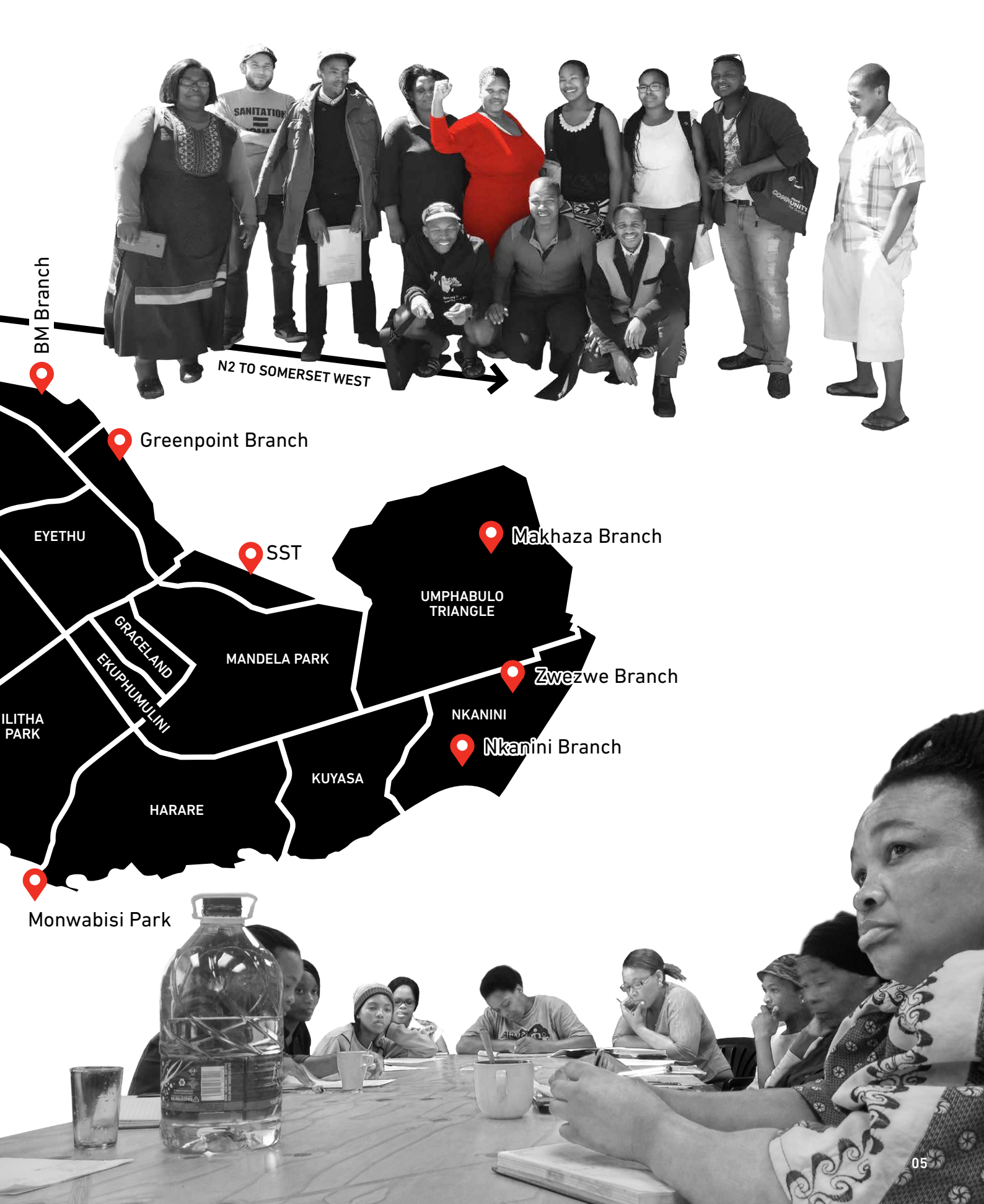
Following our first branch leadership camp in July 2015, we took the decision to start developing a new, comprehensive, branch political education and support strategy.

The branch education and support programme is a central part of building our movement. As part of the programme, we organised museum visits, hosted documentary screenings, and ran courses on politics, history, and society, as well as on building confidence for public speaking. At the end of 2015, we saw the first group graduate from our politics course. As a priority area for the SJC, this is just the beginning of rolling out a full programme over the course of 2016 that will include various components such as skills development, internships, and courses.



**This year branches
grew substantially in
strength, leadership,
& independence**





BM Branch

N2 TO SOMERSET WEST

Greenpoint Branch

SST

Makhaza Branch

Zwezwe Branch

Nkanini Branch

Monwabisi Park

The Khayelitsha Commission: from victory to the struggle for implementation

The O'Regan-Pikoli Commission of Inquiry into policing in Khayelitsha has laid the foundation for long-term systemic change to safety and justice in South Africa.

The Commission identified twenty clear recommendations, which have the potential to change the face of policing and justice in South Africa, particularly in poor and working class communities.

The Commission was a truly ground-breaking moment. For the first time in South Africa many of the inner workings of the police were made public as tens of thousands of pages of SAPS information was made available. It offered the opportunity for residents to tell their stories and senior officers had to account to the public. The Commission identified twenty clear recommendations, which have the potential to change the face of policing and justice in South Africa, particularly in poor and working class communities.

The Commission was the outcome of many years of campaigning on safety and justice. It was the result of a combination of legal advocacy, mass action, research, education, and mobilization with an alliance of organisations including Ndifuna Ukwazi, Equal Education and the Treatment Action Campaign. When we first advocated for a commission of inquiry in 2011 the police opposed it.

Once it was established, the Minister went to the High Court and the Constitutional Court to try stop it or reduce its powers. He failed to do this.

One of the most damning findings of the Commission was that "a system of human resource allocation that appears to be systematically biased against poor black communities" had survived twenty years into post-apartheid democracy. The Commission concluded that, "the survival of this system is evidence of a failure of governance and oversight in every sphere of government."

The SJC and Equal Education confirmed that a similar pattern of inequitable resourcing exists in Kwa-Zulu-Natal, where peri-urban Black communities with high crime rates are vastly under-resourced compared to other communities. It is likely that this is the situation faced by most poor, Black communities across the country.



The Minister of Police refuses to respond and implement the recommendations

The obligations of the Minister and National SAPS Commissioner are clear; the vast majority of recommendations require national instructions and policy changes. Since the release of the report on 25 August 2014, the Minister never acknowledged or responded to the findings publicly and was dismissive throughout this time.

The SJC and its partners tried every avenue to engage with the Minister about the recommendations and how to start implementing them. We wrote countless letters, met with representatives of the Minister's office, and sat in many meetings and imbizos.

On 5 June 2015, suspended National Police Commissioner Riah Phiyega responded to the Commission in a document marked "Strictly Confidential", sent to the Western Cape Premier. The Premier made the response public on 7 August. In the document, Phiyega dismissed the report and every single one of its recommendations.

"The South African Police Service holds a view that the Commission of Inquiry was not necessary...[and] that the findings and recommendations of the Commission are biased and misdirected." - General Ria Phiyega, suspended SAPS National Commissioner, 5 June 2015.

Given this clear dismissal and refusal to act, we adopted a programme of action, led protests and eventually in August 2015, staged an occupation outside parliament.

Because of our public action, the SAPS and the Western Cape provincial government established a joint task team. It was made up of officials from the police and the Western Cape government. In November, community representatives, including the SJC General Secretary Phumeza Mlungwana, were invited to join the task team. The task team's mandate however was never clear and only two meetings took place. It soon became apparent that the task team was not going to be implementing the recommendations.

Going to court

Despite every attempt to deal with the Minister's dismissal of the Commission's recommendations, the SJC and Equal Education were left with no alternative but to take him to court.

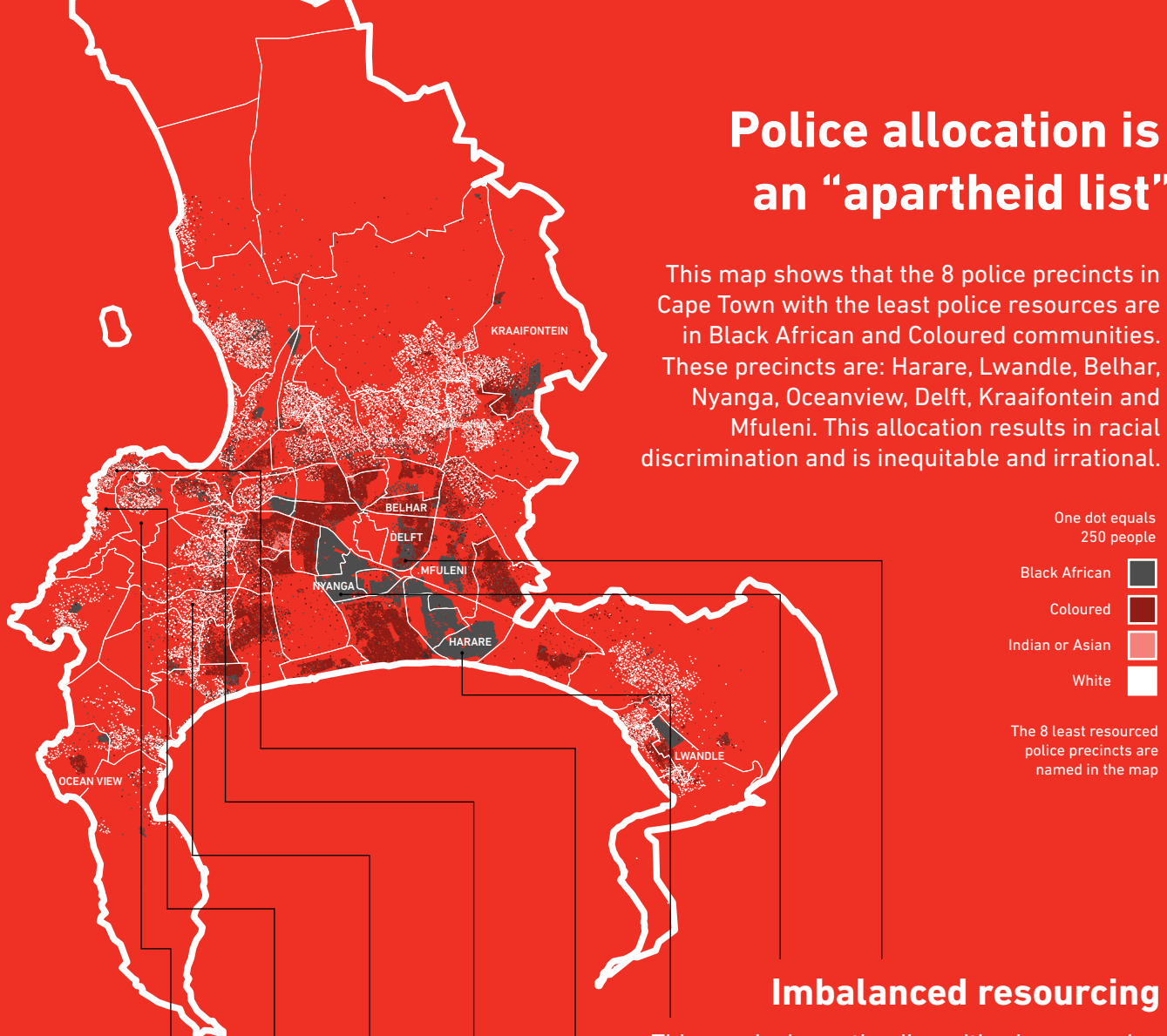
In 2016 we launched an application in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 against the Minister of Police and acting National Commissioner. The court application is to compel them to urgently review and change the inequitable and irrational allocation of police resources in poor and working class areas and to ultimately give substance to the Commission's recommendations. The SJC is represented by the Legal Resource Centre.

The Minister's refusals since the Commission are about life and death in poor communities. We're going to court to change a system that, in its current form, is a tool of discrimination, inequality and injustice.



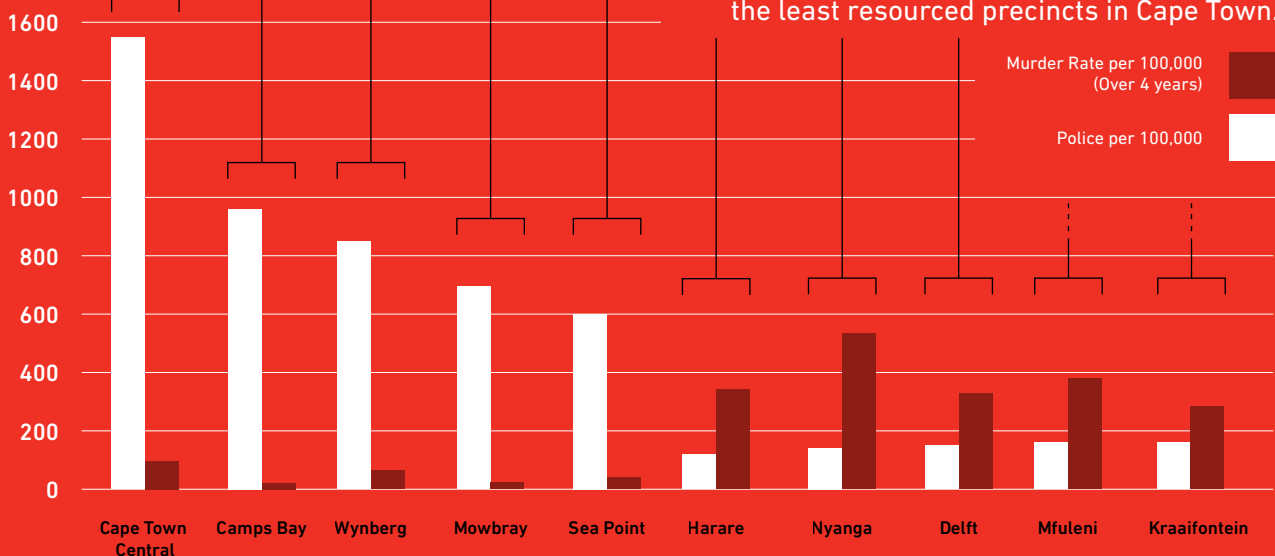
Police allocation is an “apartheid list”

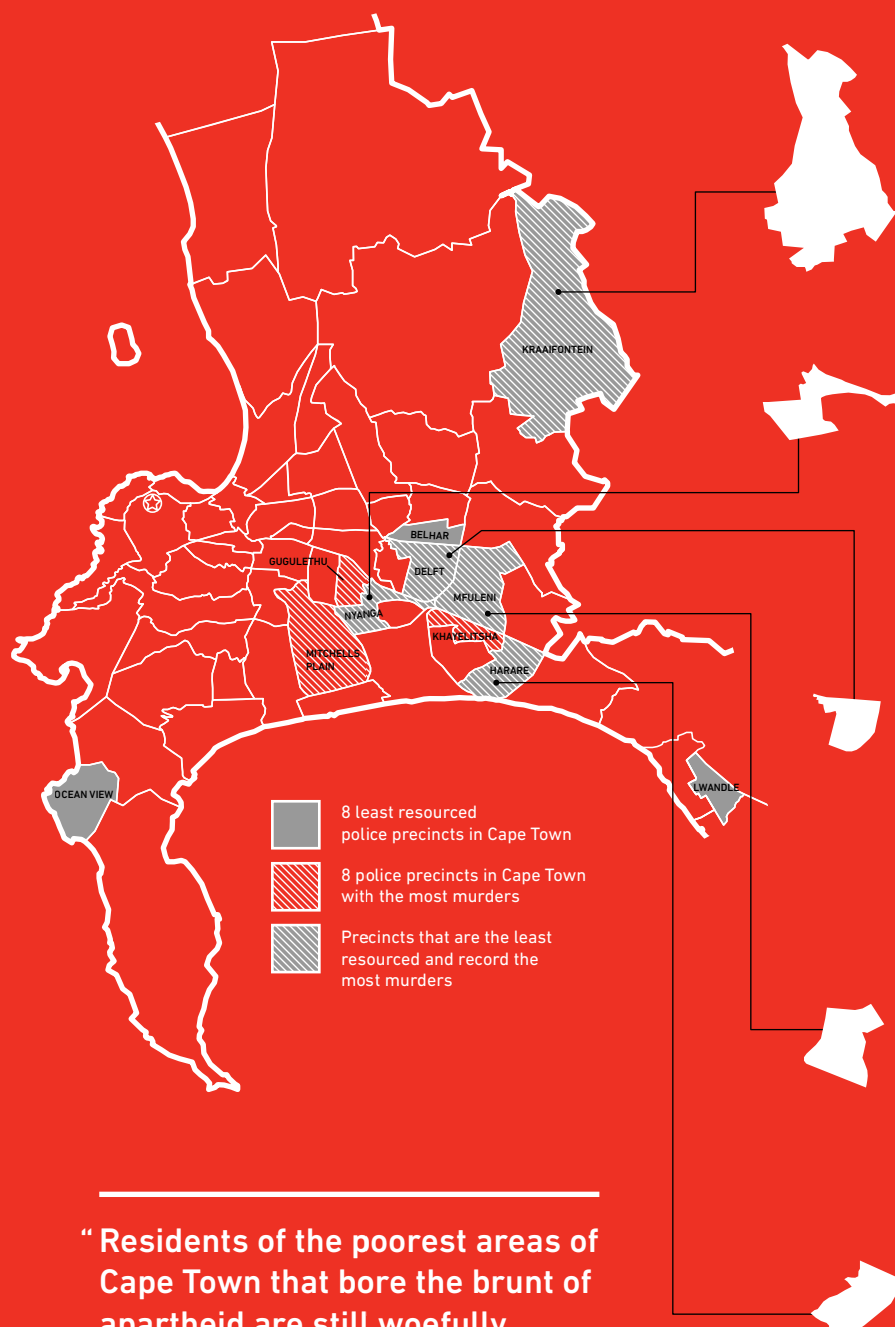
This map shows that the 8 police precincts in Cape Town with the least police resources are in Black African and Coloured communities. These precincts are: Harare, Lwandle, Belhar, Nyanga, Oceanview, Delft, Kraaifontein and Mfuleni. This allocation results in racial discrimination and is inequitable and irrational.



Imbalanced resourcing

This graph shows the disparities in resourcing relative to murder rates in 5 of the best and 5 of the least resourced precincts in Cape Town.





KRAAIFONTEIN

- 7th **least resourced** in Cape Town
- 7th **most murders** in Cape Town (9th in South Africa)
- 2nd **most drug-related crimes** in Cape Town (and in South Africa)

NYANGA

- 4th **least resourced** in Cape Town
- **Most murders** in Cape Town (and in South Africa)
- **Most sexual crimes** in Cape Town (and 5th in South Africa)
- 3rd **most aggravated robbery crimes** in Cape Town (and 3rd in South Africa)

DELFT

- 6th **least resourced** in Cape Town
- 3rd **most murders** in Cape Town (and 5th in South Africa)
- 4th **most drug related crimes** in Cape Town (and 5th in South Africa)
- 5th **most sexual crimes** in Cape Town (and 12th in South Africa)

MFULENI

- 8th **least resourced** in Cape Town
- 4th **most murders** in Cape Town (and 6th in South Africa)
- **Most incidents of public violence** in Cape Town (and 5th in South Africa)

HARARE

- **Least resourced precinct** in Cape Town
- 8th **most murders** in Cape Town (and 10th in South Africa)
- 4th **most aggravated robbery crimes** in Cape Town (and 10th in South Africa)
- 2nd **most sexual crimes** in Cape Town (and 16th in South Africa)

“Residents of the poorest areas of Cape Town that bore the brunt of apartheid are still woefully under-policed twenty years into our new democracy and are often the police stations with highest levels of serious contact crime. This pattern needs to change as a matter of urgency”

~ Khayelitsha Commission of Inquiry

Notes:

- All data for the five precincts above is from 2014/15
- All crime data drawn from the annual crime statistics released by the South African Police Service.
- Police per 100,000 numbers obtained from SAPS by the Khayelitsha Commission of Inquiry.
- Population data for previous page from Census 2011

Building democratic power for safety in Khayelitsha

For years there was a difficult relationship between the local police in Khayelitsha and the SJC, particularly in the time leading up to the Commission. During the Commission, SAPS at a local level became cooperative for the first time. As a result of the Commission a new Cluster Commander was appointed who, under difficult circumstances, undertook to engage with the SJC and communities in Khayelitsha in order to improve safety in the township. The relationship between the SJC and Community Policing Forums also improved.

Building local power and monitoring court cases

The Cluster Commander set up a Joint Forum, bringing together SAPS officials, community members, civil society organisations, and academics to deal with and help implement some of the Commission's recommendations at a local level. The forum had much potential and we participated in it substantively. Due to the lack of national action on the Commission's recommendations however, the Forum's impact remained limited.

An important part of this work was the building of meaningful participation of Khayelitsha communities in improving safety.

We ran several programmes throughout the year including safety dialogues, safety walks, as well as seminars and workshops on various topics relating to safety, justice, and policing.

In Khayelitsha, there are high levels of gender based violence, low levels of reporting, and few convictions in reported cases.

The SJC started monitoring and offering support to survivors and families of gender based violence cases at the Khayelitsha Magistrates' Court.

Monitoring cases involves attending court proceedings, meeting with survivors and families, ensuring police and prosecutors make progress and update those involved, and using public action to apply pressure when necessary. This promotes a more professional and efficient criminal justice system in similar cases, builds trust in the system, and encourages the reporting of cases.



Court cases the SJC monitored during the last year



Anovuyo Ndamase

In February 2015 five year-old Anovuyo Ndamase disappeared in Nkanini, Khayelitsha. Despite an immediate door-to-door search by the community and police, her remains were found five days later in a blue municipal refuse bag covered in flies twenty metres from her home. A blood trail led the community and police to the shack where a bloody hammer was found. After the suspect's arrest the mother of another five year-old opened a case of sexual assault against the same man on behalf of her daughter.



Bongiwe Ninini

In July 2015 Bongiwe Ninini was assaulted and killed. Her body was dumped in an uncovered drain (which remains uncovered) in an open field (that Old Mutual has been obligated to develop as part of a sale agreement in the CBD since 2008). Four suspects were identified and arrested. The case has been referred to the Western Cape High Court.



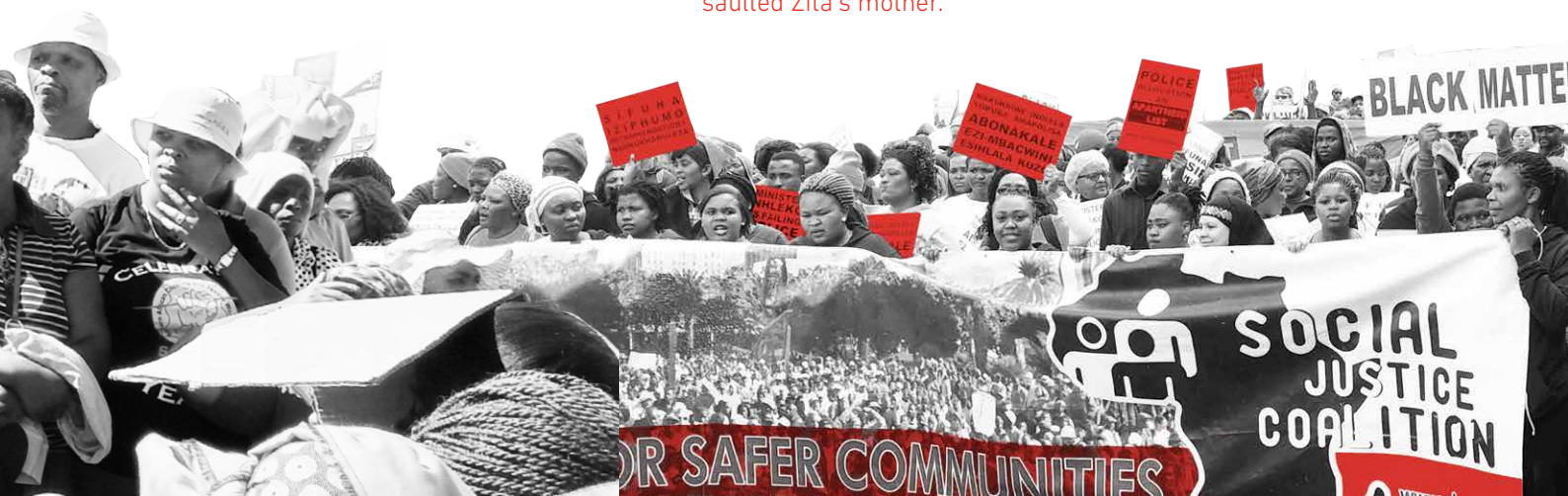
Simnikiwe Mpethulwa

In August 2015 Simnikiwe Mpethulwa, who is unable to speak, was raped and her partner shot and killed. An ex-boyfriend of Simnikiwe was arrested soon after. In April 2016 charges against him were withdrawn because of insufficient evidence. Justice for Simnikiwe and her partner at the moment seems unlikely.



Zita Fulani

In September 2015 Zita Fulani was raped by two men. Having appeared in court on three occasions the accused were granted bail. The court revoked bail after it was revealed that they had assaulted Zita's mother.



The fight for decent sanitation and fair, just and equal city budgets

In April 2015, with assistance from the SJC, 502 residents from Khayelitsha's informal settlements participated and made submissions on the 2015/16 Draft Cape Town budget.

This was the first time submissions like this were made on Cape Town's budget or any municipal budget in South Africa.

The submissions were hand delivered to the City by residents three weeks after Cape Town Mayor, Patricia de Lille, tabled the City's draft budget in Council on 25 March 2015 and invited public submissions.

Supported by Ndifuna Ukwazi and the International Budget Partnership, we spent months learning about the budget in order to get to the point of assisting residents to make those submissions. In early 2015 we ran many workshops and then a camp for 60 SJC members to study the budget. SJC members and residents went out into their communities to help other residents make submissions.

The City's public participation process is formalistic and limited. In 2014 there were just 23 submissions from the public, none from poor and working class residents. Since 2007 there hadn't been more than 57 submissions in any given year. This is incomprehensible for a budget of over R35 billion which affects the lives of 3.7 million people.

Many of the 502 submissions talked about daily personal experiences such as the indignity of using portable flush toilets (also known as porta-potties), the distance informal settlement residents have to walk to a toilet or a bush to relieve themselves, and the dangers of doing so. These submissions also made recommendations and sugges-

tions on improving the sanitation situation in informal settlements.

SJC members used the budget period to campaign for just and equitable capital spending on sanitation. When City officials said that we didn't understand the budget and tried to defend it, we led protests and held 'budget classes' throughout the city to teach people about Cape Town's unfair budget.

When tabling the final budget on 29 May 2015, faced with all this evidence, Mayor Patricia de Lille used her official speech to attack the SJC and deny the sanitation crisis and unfair budget in Cape Town.

The 502 individual submissions were labelled a "focus group" in the final budget participation report and therefore ignored.

Following our campaign, Deputy Mayor Ian Neilson finally admitted in December 2015 that the City had misrepresented the submissions and that no focus group had taken place.

The City subsequently sent responses to the 502 residents on 2 February 2016, eight months after they were supposed to have been responded to.

However, instead of addressing the multitude of issues raised in these submissions, the City issued an identical, generic response to all 502 submissions. Because of the way that the submissions were misrepresented, Council never considered them in the budget process and these voices were not heard.

Through data we got from the City itself, we now show that the City misrepresents the constraints to installing proper infrastructure in informal settlements

The City's unfair budget

The findings from our research and analysis on the budget show that capital allocations for sanitation in informal settlements – used for long term infrastructure such as flush toilet systems – are extremely low and disproportionately small.

The City prioritises spending on inferior, expensive and temporary sanitation facilities meant for emergency environments such as chemical, portable flush, bucket and container toilets. Of all toilet technologies provided to informal settlements, 73% are temporary toilets.

Temporary toilets are also so expensive that for the cost of every one chemical toilet, the City could build and operate nine flush toilets if it were to prioritise long-term infrastructure.

The City argues that it cannot increase capital allocations for sanitation because of the constraints in informal settlements, such as floodplains, that would prevent installing infrastructure. The City makes the irrational argument that just a single

constraint prevents sanitation infrastructure in an entire area or across all settlements – regardless of whether that constraint affects 1% of an area or 99%, and regardless of the nature of the constraint.

Through data we got from the City itself we now show that the City misrepresents the constraints to installing proper infrastructure in informal settlements.

While constraints are present, they are exaggerated, they only affect portions of any given area, and they can be overcome. Long-term infrastructure also still costs far less than temporary services even with constraints.

In 2016, the SJC is making a submission on the 2016/17 Cape Town draft budget based on this new research. We will campaign for urgent action to develop a plan for eradicating temporary services and implementing decent sanitation infrastructure in informal settlements in Cape Town. We will be assisting informal settlement residents to engage with the budget – roughly 3000 residents are making submissions. This time their voices will be heard.



The City of Cape Town's **unfair** budget

The City makes capital allocations to build sanitation infrastructure like **flush toilets**



Only

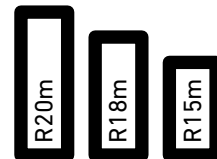
R15M

is proposed for all 204 informal settlements in 2016

The capital allocations for informal settlements

DECREASED

from 2014 to 2016

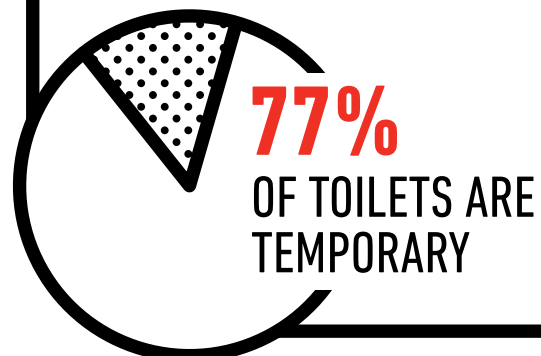


The City prioritises temporary services over

LONG TERM INFRASTRUCTURE

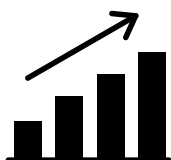


In four Khayelitsha communities:
CT Section, Enkanini, TR Section, RR Section



Over the long term temporary services are also the most

EXPENSIVE



1 CHEMICAL TOILET

costs the same as installing and operating

9 FLUSH TOILETS

It is

IRRATIONAL

for the City to prioritise temporary, inferior toilets



21%

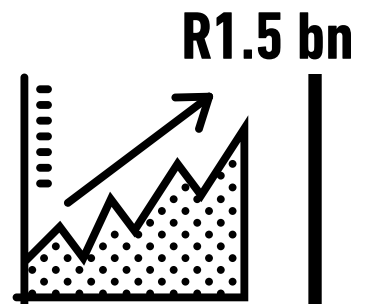
of households are informal but get only

1%

of capital allocations



Meanwhile the
water and
sanitation capital
budget for the city
increased from
2014 to 2016



R1.15 bn

The City says it cannot install sanitation infrastructure because there are

constraints

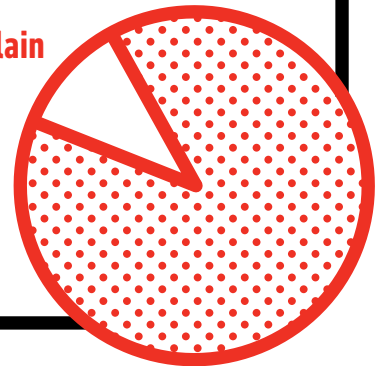
But this is wrong

Constraints only affect a portion of each area and are not a barrier to infrastructure

For example, over 90% of CT Section informal settlement has no constraint

Flood plain

No constraint



Mayor de Lille,

**R15M IS NOT
ENOUGH**

Informal settlements
need more resources for
long term infrastructure

WE DEMAND



**A FAIR,
EQUAL &
JUST
BUDGET**

Social audits and community power

A social audit is a community-led process of reviewing official documents to determine whether the public expenditure and service delivery outcomes reported by the government really reflect the public money spent and the services received by the community.

The SJC's social audits

The right of all South Africans to participate in the political life of the country is enshrined in the Constitution. But in practice poor and working class people are often excluded from the government decision-making processes that affect them. Communities that try to engage with government are often ignored and treated with contempt or even violence.

Social audits build community power, deepening the culture of participatory democracy and public deliberation. They provide an opportunity for marginalised voices to be heard, and a space for people who have been excluded and discriminated against to achieve a measure of justice and to hold government to account.

By the beginning of 2015, the SJC had completed three major social audits on basic services in informal settlements – outsourced chemical toilets, refuse collection, and the janitorial service for communal flush toilets. Following a review of our social audit work, we started moving towards an increasingly localised form of social audits.

The localised audits include more emphasis on participation and leadership with area-specific social audits and a

focus on verifying municipal data and documents. This is aimed at building meaningful local power and getting direct remedial action.

We supported the first localised social audit in Green Point, Khayelitsha in August 2015, focused mainly on the provision of 'Mshengu' chemical toilets and a Phase 3 housing development that was promised in 2007 but never happened. Findings related to the health and safety of workers, violations of contractual obligations, and the complete lack of access to any sanitation for disabled residents. The Ward Councillor and City officials refused to participate in the social audit public hearing. Those at the hearing decided that the Phase 3 housing steering committee together with the leadership of Green Point would follow up and give regular feedback to the community.

The leadership of the Green Point community played an important role in leading this social audit. Together with residents they are now following up with the City and engaging the Ward Councillor to ensure remedial action and justice.

Developing a Social Audit Network

Established in 2015, the Social Audit Network (SAN) aims to incrementally expand the use of substantive social auditing in South Africa through training and support of social audits. On 18 November 2015 we co-hosted a roundtable where we officially

launched a Guide to Conducting Social Audits in South Africa, a publication we developed with Ndifuna Ukwazi, the International Budget Partnership, and the Open Society Foundation for South Africa.

The guide is available on the social audit website (www.socialaudits.org.za) which went live later that month as the online home for the network.

The first of its kind, the social audit guide aims to provide a firm foundation for building social audit practice in South Africa and will be the basis for substantive education and training going forward.

A learning exchange on procurement and social audits was also undertaken in December 2015 in the Philippines, which included representatives from the SJC, Equal Education, Ndifuna Ukwazi, Heinrich Boll Foundation, Open Society Foundation for South Africa, Corruption Watch, Afesis-Corplan and Planact.

Towards the end of 2015, the SJC began the process of taking over hosting of the SAN from Ndifuna Ukwazi, who had been doing so up until that point. In 2016, we will appoint a network coordinator and move into the next phase of building the network and developing substantive social audits across the country.

During the past year, social audits have continued to grow and we've lent our support and training to several social audits across the Western Cape, Gauteng and Mpumalanga.

Khayelitsha

SJC on chemical
toilets,
April 2013

SJC on refuse
collection,
September 2013

SJC janitorial
service social
audit, July 2014

SJC and
Greenpoint:
Sanitation and
housing,
August 2015

Wolwerivier

NU & Wolwerivier:
on housing and
services,
November 2015

Gauteng:
Equal Education
on schools,
March 2015

Mpumalanga:
Planact on
water access,
February 2016

Western Cape:
Equal Education
on schools,
November 2015

Map of
social audits in
South Africa
so far



A national sanitation policy for South Africa

On 12 February 2016, the Minister of Water and Sanitation published a draft national sanitation policy and opened it for public comment. This was a major step forward for improving sanitation across the country.

For several years the SJC has organised nationally on the need for comprehensive sanitation policies and standards, through our National Sanitation Summit process of 2014, and engagements with the South African Human Rights Commission (SAHRC) and various national departments such as National Treasury and the Department of Planning, Monitoring, and Evaluation. We also advocated on these issues through the SAHRC's national hearings on sanitation in 2012 and 2013 and presented to the national hearings on local government and housing in 2015, in which we were formally represented as an interested stakeholder.

To date there has been no single, substantive policy regulating sanitation provision in South Africa, leaving implementation haphazard and without basic standards. The draft policy commits the Minister to developing norms and standards for sanitation in the country and in informal settlements in particular.

The draft national policy however does not set timeframes or a process for the development of the norms and standards. It also does not go far enough in defining permanent, interim and emergency services and needs to provide far more information about which services should be provided to informal settlements that are not part of formal upgrading programmes such as the Upgrading of Informal Settlements Programme (UISP). This is important since the majority of settlements are in fact not currently part of the UISP.

The SJC made a detailed submission on the policy and is engaging with the Department of Water and Sanitation on our recommendations.

We will be campaigning for the final adoption and rollout of the national norms and standards for sanitation in informal settlements and for municipalities to develop long-term plans to comply with these. These norms and standards will be an important development in the struggle for social justice and equality by informal settlement residents across the country.

To date there has been no single, substantive policy regulating sanitation provision in South Africa, leaving implementation haphazard and without basic standards.



The 'SJC10' appeal: challenging the Gatherings Act for our right to protest

On 11 September 2013, SJC members and supporters staged a peaceful and organized act of civil disobedience outside the offices of Cape Town Mayor Patricia de Lille, chaining themselves to the railings of the Civic Centre. This followed more than two years of attempted engagement with the Mayor that had increasingly been met with broken promises, hostility, and refusals.

21 activists were arrested and charged with contravening the Regulation of Gatherings Act (RGA). In February 2015, the 10 elected leaders who identified as the convenors of the protest were convicted; the other 11 were acquitted.

We expected the convictions. When the trial began we admitted the facts and did not deny that the gathering took place, but argued that the RGA itself is unconstitutional and a remnant of Apartheid.

Leave to appeal was granted in July 2015 in the Cape Town Magistrate's Court. This means that a higher court can now determine the constitutionality of the Gatherings Act.

In her judgment Magistrate Fredericks explained that there is a reasonable prospect that a higher court may find elements of the RGA unconstitutional. Our appeal application is being lodged at the Western Cape High Court in March 2016 following delays with accessing the court record.

We argue that Section 12(1)(a) of the RGA limits the right to freedom of assembly as guaranteed by the Constitution. It criminalises a gathering of more than 15 people just because no notice was given and is unconstitutional.

A number of civil society organisations with an interest in upholding the right to protest have expressed interest in being admitted as Amicus Curiae (friends of the court). The 'SJC 10' are represented by the Legal Resources Centre. The case will be heard in the Western Cape High Court in 2016.

Nolulama Jara, one of the convicted SJC leaders, tragically passed away in August 2015. We deeply mourn the loss of Nolulama and thank her and her family for all their courage. She remains on our appeal.

A higher court can now determine the constitutionality of the Gatherings Act.



Leadership and staff

The SJC's AGM for this year was held on 4 July 2015. For several weeks before, SJC members participated in commissions that deliberated and discussed our campaigns, setting priorities for the year.

In 2015, there were four commissions: sanitation and budgets, safety and justice, urban land, and branch development.

The 2015 AGM was an elective one and a new Secretariat was elected for a two-year term. Phumeza Mlungwana, Dustin Kramer, Nkosikhona Swaartbooi, and Andrew Ardington were re-elected as General Secretary, Deputy General Secretary, Chairperson, and Treasurer. Zimkita Booi was elected as Deputy Chairperson.

In January 2015 we undertook internal restructuring, moving from a department structure into a programme structure. This process formed the Local Government Programme and Safety and Justice Programme. The restructuring was consolidated this year and we made several new appointments to improve programme capacity including, senior researchers and programme administrators.

In early 2015 we went through a difficult period due to a series of burglaries at our offices where we were repeatedly subjected to serious, and what appeared to be targeted, ransacking and destruction of property. The SJC was eventually left with no choice but to vacate and after nearly three difficult months without offices we were able to find alternative office space within Site B, Khayelitsha as an interim measure. In mid-2016, we are moving to the new Isivivana building in Khayelitsha.

An important focus this year was on improving our internal planning and reporting through the adoption of annual strategic plans complemented by programme work plans as well as a new budgeting and financial reporting system developed with the assistance of Cathy Masters Development Services (CMDS). Braude Gordon & Co audited our financials this year and we continue to use CMDS for our management accounts and for financial planning, processing, and management support.

The organisation as a whole is consequently far more functional and efficient and this has allowed all of our work to remain especially focused.

An important focus this year was on improving our internal planning and reporting through the adoption of annual strategic plans

**This year we held an
elective AGM where
members participated
in commissions and
elected the Secretariat for
the next two years**



Leadership and staff

Secretariat:



Chairperson
Nkosikhona Swaartbooi



Deputy Chairperson
Zimkita Boo



General Secretary
Phumeza Mlungwana



Deputy General Secretary
Dustin Kramer



Treasurer
Andrew Ardington



Co-opted member
Mandisa Shandu
Until 4 July 2015



Co-opted member
Thabisa Mfubesi
Until 4 July 2015



Co-opted member
Zackie Achmat
Until 4 July 2015

General Secretary's office:



General Secretary
Phumeza Mlungwana



Deputy General
Secretary
Dustin Kramer



Communications &
Political Education
Coordinator
Joel Bregman



Branch Organiser
Zukisa Klaas

Operations Department:



Operations Manager
Siham Surve



Administrator
Tembakazi Gxanase



Office cleaner
Nobesuthu Kilo

Local Government Programme:



Head of Programme
Axolile Notywala



Senior Researcher
Thandeka Kathi



Programme Administrator
Ntuthuzelo Vika



Junior Researcher
Thozama Mngcongo



Community Advocate
Zukiswa Qezo



Community Advocate
Luthando Tokota



Community Advocate
Zingisa Mrwebi



Community Advocate
Nosiphelele Msesiwe



Community Advocate
Xoliswa Mbadlisa

Safety & Justice Programme:



Head of Programme
Chumile Sali



Senior Researcher
Dalli Weyers



Programme Administrator
Amkelwa Mapatwana



Community Advocate
Nomthetho Kilo



Community Advocate
Khanyiswa Gxotani



Community Advocate
Malwande Msongelwa



Community Advocate
Nontando Mhlabeni



Community Advocate
Sifiso Zitwana

Annual financial statements

As at 29 February 2016
Registration Number 067-689 NPO

This year the total grant funding received was R9 000 741 and other income was R157 112. Of the total income, R3 808 256 was deferred to the 2016/17 year. This leaves our reported income for 2015/16 as R5 996 903. Although the total expenses for the 2015/16 year were R7 259 096 our budget was fully met with effectively deferred income from the previous two financial years. This is the first year that we moved to a deferred income structure in our financial statements and so the actual amount deferred from previous years is not included in the R5 996 903.

Statement of Financial Position

Figures in R	2016	2015
Assets:		
Non-Current Assets		
Property, plant & equipment	176,621	73,950
Current Assets		
Receivables	252,445	-
Cash & cash equivalents	5,106,779	3,316,951
	<u>5,359,224</u>	<u>3,316,951</u>
Total Assets	<u>5,535,845</u>	<u>3,390,901</u>

Equity and Liabilities:

Equity		
Accumulated surplus	1,604,730	2,866,923
Current Liabilities		
Trade & other payables	122,859	523,978
Deferred income	3,808,256	-
	<u>3,931,115</u>	<u>523,978</u>
Total Equity & Liabilities	<u>5,535,845</u>	<u>3,390,901</u>

Detailed Income Statement

Figures in R	2016	2015
Income:		
Grants and Donations	5,542,490	8,672,480
Membership fees	1,058	2,310
Sundry income	296,243	74,276
	<u>5,839,791</u>	<u>8,749,066</u>
Other Income:		
Interest received	157,122	124,095
	<u>157,122</u>	<u>124,095</u>
Expenditure:		
Programme expenses:		
Governance & branch development	1,988,617	1,301,818
Local government programme	1,778,911	1,534,606
Safety & Justice Programme	1,931,126	3,981,766
Administrative expenses:		
Accounting & payroll fees	177,072	106,521
Auditors' remuneration	22,715	21,160
Bank charges	7,064	3,786
Communications	154,503	96,505
Computer expenses	74,877	14,425
Consulting fees	-	56,131
Depreciation	94,108	41,933
Insurance	17,632	18,426
Legal fees	6,726	-
Printing, materials & stationery	63,069	65,839
Recruitment Services	-	40,590
Refreshments	23,652	18,202
Rent & services	64,836	50,370
Security	37,728	13,377
Staff costs	675,008	660,586
Staff welfare & development	57,553	12,253
Subscriptions	1,614	-
Travel & transport	40,057	37,099
Workman's Compensation	42,228	6,496
	<u>7,259,096</u>	<u>8,081,888</u>
Surplus/(deficit) for the year	<u>1,262,193</u>	<u>791,273</u>

**We would like to thank
our institutional funders
and every individual
and organisation
that contributed so
generously to our work
this year.**

There are so many people
that have been central to our
struggles. With your support
we will continue to fight for
safety, justice and equality.

Viva SJC Viva!



Safety, Justice, and Equality for All!

Fighting for dignity and democratic power

Social Justice Coalition

Isivivana Centre
8 Mzala Street
Khayelitsha
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💻 www.sjc.org.za

🐦 @sjcoalition

📘 social justice coalition

