



# annual report

2014 / 2015



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# Safety and Security for All!

7 years of fighting for dignity, equality, and justice



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social justice coalition

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# Letter from the General Secretary

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On 23 January 2014, I joined nearly 100 Khayelitsha residents as we listened to the first day of the public hearings of the O'Regan-Pikoli Commission of Inquiry into policing in Khayelitsha. I was deeply moved – this moment emerged through the decade long struggle of Khayelitsha residents for safety and justice, years of advocacy since the founding of the SJC in 2008, and after more than a year in court battling against the Minister of Police.

We listened to the testimony of close to 100 community witnesses and read the statements of many more. For the very first time, community members – often through tears – told their stories. High ranking officials had to account for their actions, and we came to understand some of the difficult conditions under which police officers work.

We knew that the struggle to fix the police service would be a difficult one. However, we knew very little of the character of this institution as a complex, militarised, anti-democratic part of the state.

On 25 August 2014, the Commission released its report with clear recommendations, which if implemented properly will have a major impact on all our lives.

Our work did not end on that day. The Commission clearly showed how residents of informal settlements lack the most basic needs to live dignified and safe lives. We are now working in cooperation with the police in Khayelitsha, but much is to be done. We must

still ensure that the Minister takes firm action on the recommendations, especially those with national implications. Only this will guarantee the realisation of safety and justice in the lives of poor and working class communities across South Africa.

While we celebrated this victory, we continued to face the refusals of the City of Cape Town to take the action needed to ensure clean and dignified sanitation in Cape Town's informal settlements.

Through this struggle, I was one of ten SJC activists convicted in the Cape Town Magistrate's Court, after organising a peaceful act of civil disobedience. We protested because after years of failed promises, we could no longer accept the stalling and denials of the Mayor about sanitation. We are appealing these convictions because we feel the law that regulates protest is unconstitutional. We refuse to be criminalised for a peaceful protest.

We have exhausted all avenues of attempted engagement with the City. Informal settlements cannot be treated as temporary, emergency situations. We need a proper plan for the delivery of sanitation and will take legal action against the City if necessary. The lives of our members and poor working class communities across this city are at stake.

This year was a difficult one for the SJC in terms of our capacity and we undertook internal restructuring to deal with some of these challenges. I believe that out of this we have

emerged a far stronger organisation, one ready to take on the tasks that face us in the coming year. We must celebrate the calibre of activism and leadership our members have shown. Their courage and commitment gave us the strength to do our best.

I'd like to thank all of those that supported the SJC this year. There are many people and organisations that have been central to our struggles.

But most of all, I'd like to thank every SJC member. It is because of you that we had a Commission. It is because of you that the SJC has come this far.

Amandla!



**Phumeza Mlungwana**  
General Secretary



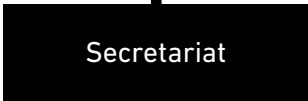
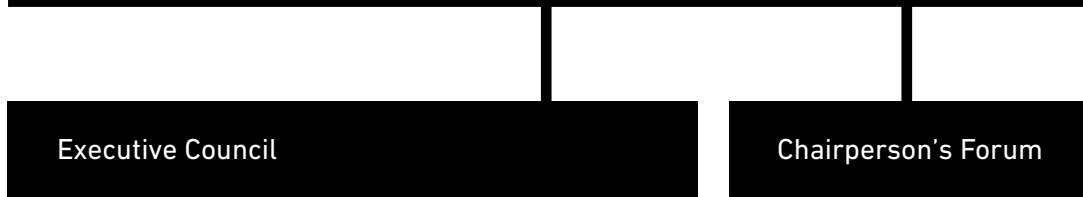
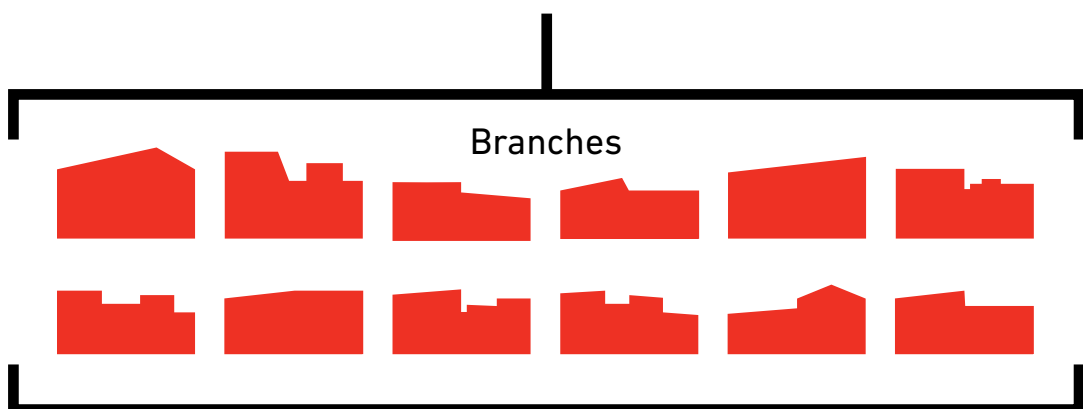
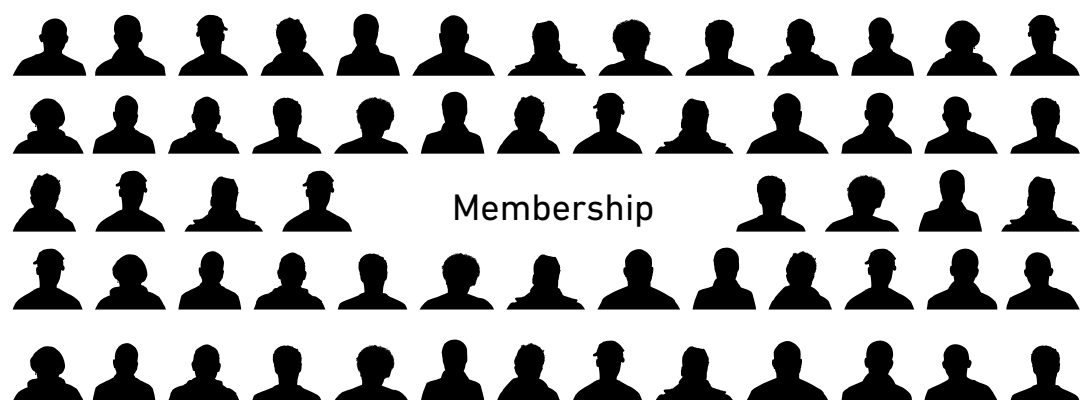
# What is the SJC?

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For the past seven years, the SJC has worked to advance the constitutional rights to life, dignity, equality, freedom and safety for all people, but especially those living in informal settlements across South Africa. While these rights are protected and promoted by our Constitution, people do not feel them in their everyday lives.

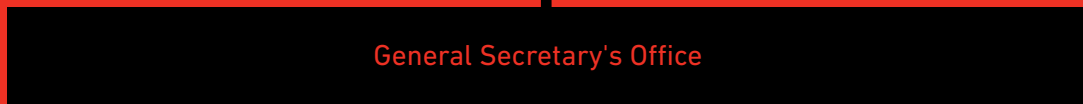
Founded in 2008, the SJC is membership-based social movement made up of 12 branches, located mainly in informal settlements across Khayelitsha, Cape Town. Our campaigns are based on ongoing research, education, and advocacy and divided across two programmes. The Local Government Programme leads the work on sanitation, budgets, and urban land. The Safety and Justice Programme is focused on policing and the criminal justice system.





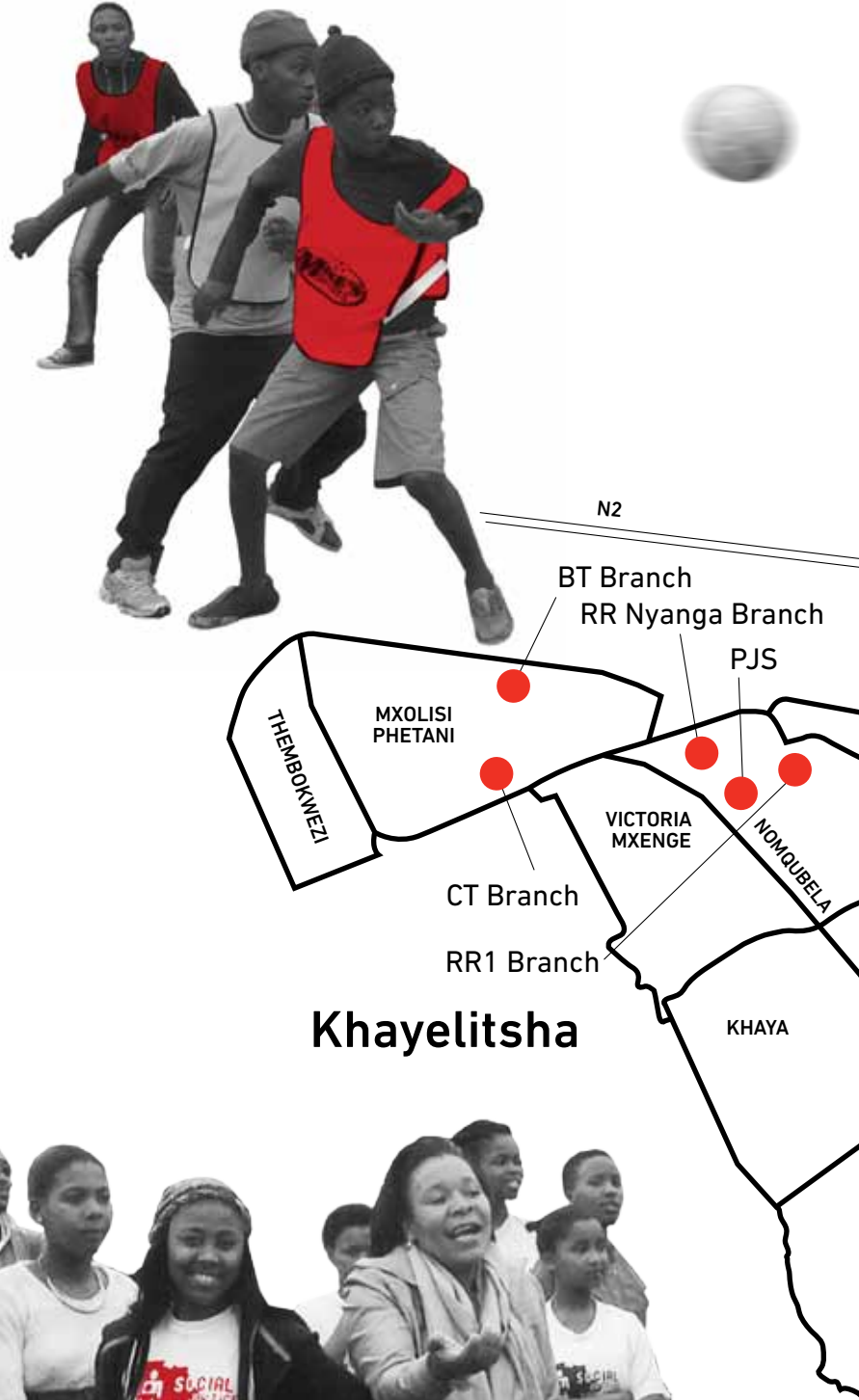
↑ **GOVERNANCE**

↓ **STAFF**

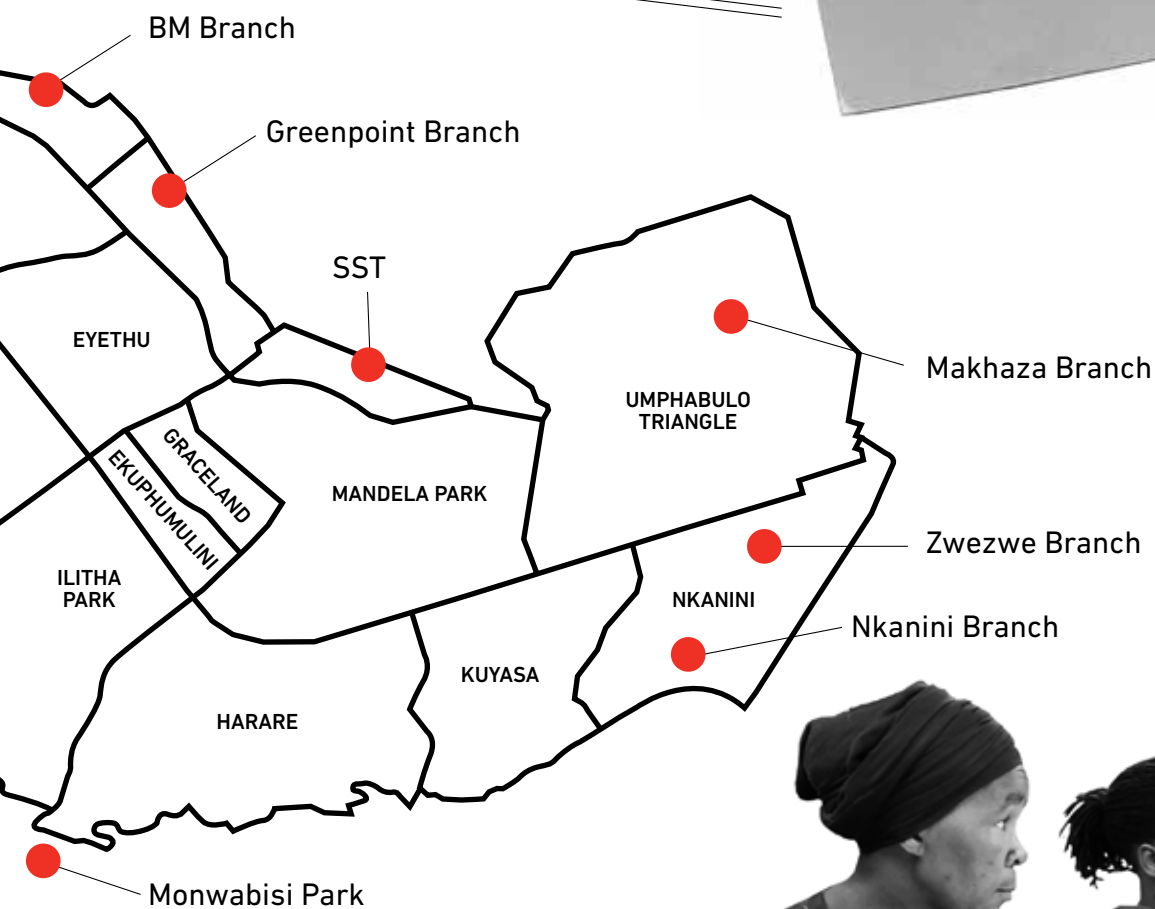


# Our branches

Branches are the foundation of the SJC. This year our members participated in sustained leadership training and political education programmes, marched for dignified sanitation, researched budgets, and celebrated the Khayelitsha Commission. Members also organised branch activities such as public debates, sports tournaments, documentary screenings, and drama groups. We welcomed the launch of two new branches in 2014, PJS and Zweze.



**Branches are  
where SJC  
members meet,  
educate, and  
mobilise.**



# The Khayelitsha policing Commission of Inquiry and the struggle to change the Apartheid state

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For more than a decade, an alliance of communities, organisations, and social movements called for the police and the state to take action to improve safety and justice in Khayelitsha. This is the story of that struggle.

Khayelitsha in Cape Town is one of the most dangerous places in South Africa. In Khayelitsha, at least one person is murdered, two people are raped, and almost five assaults with intent to inflict grievous bodily harm occur every day. Less than 1% of all crimes reported at the three police stations result in a conviction. Khayelitsha is also one of the poorest townships with a median income of R20 000 per year, mainly from extremely low-paying jobs in the service industries or from social grants. More than 50% of households live in informal settlements.

Led by the SJC, social movements based in Khayelitsha, such as the Treatment Action Campaign (TAC), Equal Education (EE) and Free Gender, supported by Ndifuna Ukwazi (NU) and Triangle Project (TP), campaigned for the Western Cape government to establish the Commission. Campaigns relating to individual cases of police inefficiency experienced by TAC, SJC, EE and Free Gender members and their families were drawn together into a united campaign.

Commenting on these cases in its Report, the Commission stated:

*“No-one could read the above cases without a profound sense of dismay. Three of the complaints concern the brutal murders of young women, two of the three also involving rape. Two of the cases concern community members who were shot by members of SAPS in Khayelitsha, while going about their daily business and*

*one relates to the alleged rape of a young child.*

*... it is noticeable that in several of the cases, court proceedings only came to fruition after the campaign waged by complainant organisation was well underway. ... the commission wishes to make plain that it should not be necessary for members of the community to have to launch protest campaigns to obtain justice.”*

## Fighting for the Commission in court

With the Commission's work well underway in 2012, the Minister of Police approached the Western Cape High Court and tried to stop the Commission. He was unsuccessful and appealed in the Constitutional Court in 2013.

On 1 October, the Court delivered judgment. Deputy Chief Justice Dikgang Moseneke, writing on behalf of a unanimous court, held that the Commission had to continue and noted:

*“The police service has been entrusted with a duty to protect the inhabitants of South Africa and to uphold and enforce the law. The Constitution requires accountability and transparency in governance. It establishes a general framework for oversight as well as specific mechanisms through which a province may exact accountability. The complainants [SJC, TAC, EE, TP and NU] sought to invoke these*

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**“No one walked to school alone...If they came to rob us and we were in a group, we could run in different directions”**

~ Sifiso Zitwana's testimony to the Commission

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*oversight mechanisms which will be best served by a commission entrusted with powers of subpoena over members of the police service."*

The judgment also set the first precedent on the powers and duties of the police, the right of communities to hold police accountable and the duty and right of a province to protect its residents from violent crime. This means that local communities anywhere in the country can demand that provinces take the responsibility to ensure effective, efficient and honest policing.

## Public hearings

The Commission's first phase of public hearings began on 21 January 2014. Between January and May, over two main phases, we heard testimony from hundreds of people including community members, experts, and police officers. The evidence was at times difficult to hear and painful. It included accounts of gross violations of the rights to life, human dignity, equality, freedom and security, amongst others. For Khayelitsha residents and

even some police officers, this was the first time they were able to tell their stories. Many people broke down and cried as they did so.

The community of Khayelitsha and the members of our organisations were also given a sense of their own power when South African Police Services (SAPS) officials, from local Station Commanders to SAPS National Management and the Provincial Commissioner, had to give evidence in public, account for their failures, and face rigorous cross-examination.

On 29 May 2014, all parties delivered their final arguments.

The Commission opened the vaults of secrecy by accessing more than 50 000 pages of documents from the SAPS Khayelitsha, as well as from provincial and national government. This is now contained in a public electronic database, a crucial resource.

A key finding of the Commission related to the irrational and unfair allocation of human and material resources. The ten safest suburbs in the City of Cape Town, all established largely white middle and upper class

suburbs, with an average murder rate of 6 per 100 000 people have one police officer for every 232 residents. The ten most dangerous suburbs, all black and coloured working class areas, with an average murder rate of 84 per 100 000 people have only one police officer for every 1153 people. Harare in Khayelitsha, which had 164 murders in between 2013 and 2014, has one police officer for 1702 people; while Claremont, which had 0 murders in the same period, has one police officer for every 281 people.

The Commission identified numerous systemic problems with the way the police operate, but also heard about the challenges faced by police in carrying out their duties and remained sensitive to these. Colonel Marais, Detective Commander at Site B Police Station, testified about the unbearable workload his detectives faced.



**SUPPORT THE  
COMMISSION OF  
ENQUIRY**

*“ There are 5000 open dockets in the branch, which means that each docket-carrying investigator has between 150 and 160 dockets...He said that some of his murder investigators are carrying as many as 150 murder dockets”*

To some small degree, the Commission helped humanise members of SAPS as people struggling to work in a system that is seriously flawed.

The final report of the Commission stated it in this way:

*“ One of the questions that has most troubled the Commission is how a system of human resource allocation that appears to be systematically biased against poor black communities could have survived 20 years into our post-apartheid democracy. In the view of the Commission, the survival of this system is evidence of a failure of governance and oversight in every sphere of government.” (p.394)*

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**For more information about the Khayelitsha Commission of Enquiry:**  
**[www.khayelitshacommission.org.za](http://www.khayelitshacommission.org.za)**

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The Commission set a deadline for permanent change for this “unconscionable state of affairs”. The realisation of this goal will mean that our organisations will have achieved radical change in less than five years in a process that has eluded the government for more than two decades.

The Commission was the result of a variety of strategies, including research, education, and public and legal advocacy. Our attorneys came from the Legal Resources Centre and we were fortunate to work with some of the best advocates in the country: Pete Hathorn and Ncumisa Mayosi. They did outstanding work and fought alongside our organisations in ensuring the Commission went forward.

SJC and NU led the team, which gave instructions to our legal team. NU researched the legal framework for the initial complaint to the Premier and helped frame the context for a Commission of Inquiry. NU also guided SJC and EE in gathering more than 70 community affidavits and data on the levels of crime in Khayelitsha, systemic problems with the police and the specific needs of vulnerable people, particularly refugees, asylum-seekers and immigrants and the LGBTI community.

## **Laying the foundation for participatory government and an accountable police service**

The recommendations of the Commission, released in its final report on 25 August 2014 in Khayelitsha, are far-reaching and both practical and system-changing. The Commission radically altered the nature of participatory government in the sphere of safety, policing, and justice. Its recommendations require participation in areas such as school safety, provision of adequate street lighting and gang prevention.

The recommendations also prompted the appointment of a new Cluster Commander for the Khayelitsha Cluster. The new Cluster Commander invited SJC, NU, EE, other community-based organisations and provincial and City government departments into a joint forum with SAPS. As one of the first forums of its kind, it is charting a new way for participation in fixing the police. The joint forum contains sub-forums dealing with vigilantism, alcohol and drug abuse, road safety, youth gangs, business crime, and violence against women and children.

For SJC, the new phase in 2015 moves towards one of greater partnership and cooperation, particularly with SAPS Khayelitsha. This however will depend on whether the National Minister of Police acts on the Commission recommendations. So far he has not responded to the Commission’s report.

Remedying more than 350 years of police inefficiency, mismanagement, brutality and incompetence will be the work of more than another decade. Now we are working with government to address the police service and ensure that people enjoy the rights to life, security, and dignity. The police in South Africa, like many other parts of the state, are a legacy of Apartheid. Now, the groundwork has been laid to change it. ■



**“It is important therefore to remind ourselves throughout the workings of this Commission of Inquiry; lest we all forget as we perform our various roles towards its proper functioning; that this Commission is about the interests of real people who have names; families; aspirations; and are entitled to the same constitutional protections as you and I...Some of these families are here today. They wish to tell this Commission that although it may be too late for Zoliswa and Nandipha to enjoy the most basic of human rights - the right to life; human dignity; equality; freedom and security of person - it is not too late for their families and fellow members of the Khayelitsha community.”**

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Opening statement given by Advocate  
Ncumisa Mayosi on behalf of the complainant  
organisations at the O'Regan/Pikoli Commission  
of Inquiry into Policing in Khayelitsha

23 January 2014

# Khayelitsha Commission

## TIMELINE

The O'Regan/Pikoli Commission of Inquiry into Policing in Khayelitsha was established in 2012, but the history of the Commission lies in more than a decade of struggle for safety and justice in Khayelitsha.



**2008**

The SJC is founded in response to the xenophobic attacks of 2008. Soon after, the SJC starts developing a campaign for dignified sanitation and safe communities. The calls of Khayelitsha residents and civil society for proper action to be taken on safety are largely ignored. Years of deep-rooted systemic issues push the SJC and other civil society organisations to call for a formal investigation into policing in Khayelitsha.

**13 December 2003**

TAC activist Lorna Mlofana is raped and murdered



**Early 2000s**

Treatment Action Campaign (TAC) begins to advocate for better policing, access to justice and safer communities in Khayelitsha. TAC held marches and protests, submitted memoranda to the police and government, monitored court cases and assisted victims of crime.

**4 February 2006**

Zoliswa Nkonyana is murdered

**16 December 2005**

TAC activist Nandipha Makeke is raped and murdered

**23 September 2010**

At a picket of more than 500 people at the Provincial Legislature, Khayelitsha organisations call for then Western Cape MEC for Community Safety, Albert Fritz, to launch an independent investigation into the continued failures of the Khayelitsha criminal justice system.

**30 September 2010**

MEC Fritz indicates that this process will happen. No developments take place and in 2011 Dan Plato becomes the new MEC for Community Safety.



#### 4 October 2011

At a picket of more than 600 people, MEC Plato receives a memorandum once again requesting an independent investigation.

#### 13 October 2011

Khayelitsha civil society organisations meet with Western Cape Premier Helen Zille and MEC Plato to discuss our memorandum. It was agreed in principle that an investigation would lead to better policing and safety. The Premier indicated that she was waiting for our organisations to lodge a formal complaint.

#### 28 June 2012

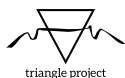
SJC holds a night vigil for lives lost to vigilante violence. A SAPS report states that in a period of 14 months between 2011 and 2012, 78 people lost their lives to vigilante violence in Khayelitsha. Many said that people were taking the law into their own hands because they had lost all hope in the police.

### EARLY CAMPAIGN

2010

2011

2012



#### 28 November 2011

Khayelitsha civil society organisations lodge the formal complaint (based on a decade of evidence) in terms of Section 206 of the Constitution. The complaint was sent to the police, who largely ignored it until June 2012. This was the first time that communities and civil society have used this provision in our Constitution.

Despite different fields of focus, our organisations had been united by addressing crime, violence and an under-resourced, overworked and often non-responsive police and justice system in Khayelitsha.

#### 22 August 2012

Premier Zille announces the Commission of Inquiry. The Commission's terms of reference were to: investigate allegations of a breakdown in the relationship between the police and the community of Khayelitsha and ineffective policing in the area.

#### October 2012

Then Minister of Police Nathi Mthethwa and Premier Zille meet to discuss the Commission and the Minister urges the Premier to not proceed with the Commission.



# Khayelitsha Commission TIMELINE



**14 January 2013**

Judgment is delivered and a split decision dismisses the SAPS application, allowing the Commission to continue.

**1 February 2013**

SAPS make an application to the Constitutional Court to appeal against the High Court ruling and stop the Commission's work.

**6 August 2013**

Constitutional Court case is heard and on 1 October 2013 judgment is delivered. The Court dismisses the SAPS application with costs. The highest court in the country ruled the Commission must go ahead.

EARLY CAMPAIGN

2012

2013

FIGHTING IN COURT

**November 2012**

Minister Mthethwa and the SAPS go to court to declare the establishment of the Commission unlawful. On 13 December 2012, the case is heard before a full-bench of the Western Cape High Court.



PHOTO: SHAE HERRMANN

**29 October 2013**

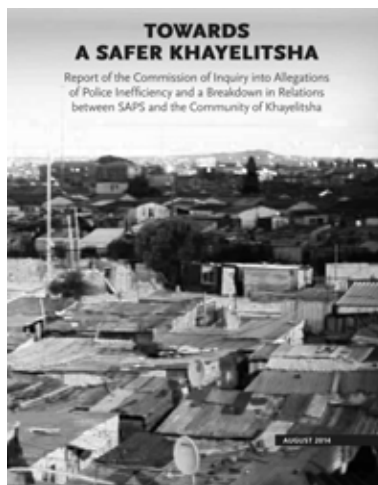
The Commission holds its first preliminary sitting and explains how it will gather evidence and proceed.





### 23 January 2014

Commission public hearings begin at Lookout Hill in Khayelitsha. Residents of Khayelitsha attend every day. Between January and May, the Commission hears from more than 100 witnesses: Khayelitsha residents, police, government officials and experts. The full record of all the information supplied is more than 50 000 pages.



### 25 August 2014

Commission publically releases the report in Khayelitsha. Residents hold a celebratory march to Lookout Hill to receive it.

### October 2014

SAPS invites SJC, other civil society organisations, government departments and other Khayelitsha stakeholders to be part of a Joint Forum to further the work of the Commission and its recommendations. The Joint Forum consists of 8 sub forums: vigilantism, alcohol and drug abuse, road safety, youth gangs, business crime, violence against women and children, and research.

2014

2015

## THE COMMISSION

## IMPLEMENTING THE RECOMMENDATIONS

### 21 January 2014

Commission begins its public phase of work, conducting site inspections of Khayelitsha police stations and crime hotspots. The Commission had also been collecting evidence and hundreds of individual testimonies for months before the public hearings.

### 29 May 2014

Lawyers for all parties deliver their final arguments and the public hearings are completed. The Commission breaks to write its report.

### 8 November 2014

The Joint Forum hosts a summit at the University of Cape Town attended by many senior police officers, activists and researchers.

Engagement with the new Minister of Police, Nkosinathi Nhleko, begins for his office to formally recognise the Commission's report and to get commitments and plans to implement the recommendations.



# Our campaign for clean and dignified sanitation

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Toilets in informal settlements are not private spaces where a grandmother, a child, or any other person can undertake one of the most basic human functions. Many, who have no access at all, still use the nearest field or bushes.

For residents, using a toilet can be one of the most dangerous things you can do. Many have been mugged or assaulted trying to use a toilet and there is constant fear of being raped. The rights to human dignity, freedom and security of the person are among the most basic rights and freedoms violated when using toilets in informal settlements in Cape Town.

According to the City's data, roughly three quarters of all toilets it has provided since 2007 are temporary facilities that are distributed through private service providers. Yet, the majority of informal settlements have existed for more than 15 years. In long-term environments, the City has prioritised the delivery of temporary services meant for emergency conditions.

Since 2009, the SJC's sanitation campaign has focused on three areas:

1. the need for a reasonable plan for safe and clean sanitation in informal settlements
2. the implementation of a plan for a janitorial service for communal flush toilets
3. the demand that the City monitors and ensures the adequate delivery of services where they are out-sourced

## The City fails to keep its promises to plan for informal settlements

Cape Town Mayor, Patricia De Lille, took up the SJC's demand for a janitorial service for communal flush toilets in informal settlements in 2012.

# 66%

of informal settlement clusters in Cape Town are older than 15 years

# 80%

of informal settlement clusters in Cape Town are older than 10 years

# 4%

are less than five years old

## In Cape Town

**29 000** homes

**100 000** people

Have no access to any sanitation facilities

**48 000** homes

**168 000** people

Still use bucket latrines.

## In Khayelitsha

**1 / 3**



of households have no access to water

**1 / 4**



of households have no access to a flush toilet connected to a sewage system

An effective janitorial service has the potential to dramatically improve conditions and access to toilets through maintaining public, shared toilets. Only two other municipalities in the country, eThekweni and Overstrand, had this service.

For 18 months, Mayor De Lille kept promising to develop a janitorial plan and repeatedly admitted that the City had failed to implement it properly. We wrote a constant stream of letters and emails to City officials and made countless telephone calls to all levels of the City – from the Mayor's office to the faceless call-centres. We attended meetings and organised protests. The anger, desperation and frustration of our members and the community at large at being forced to use dehumanising, degrading and unequal toilet facilities, and in many instances, no facilities at all, cannot be underestimated.

Despite our continued attempt at engagement, the Mayor and her officials did not keep their promises. With every month that went by, they became more antagonistic and denialist.

Following the civil disobedience, the Mayor agreed to host a janitorial services summit in order to develop the janitorial plan. The summit, held on 28 February 2014 (more than 18 months after she first promised to do so), was to be an important step forward.

But on the day, Cllr Ernest Sonnenberg, MAYCO member for Utilities Services, tried to derail the summit. The summit did not produce the plan, but after heated disagreements, we emerged with another commitment from the City to do so.

### **The SJC and NU hold social audit on janitorial services**

Four months later in July 2014, still with no plan and after more stalling from the City, the SJC, NU, residents of Khayelitsha, and partners from around the country, undertook a social audit on the janitorial service in Khayelitsha. This was the third social audit the SJC had done since 2013.

**On 11 September 2013, 15 SJC activists and leaders staged an act of civil disobedience – they chained themselves to the railings outside the Civic Centre. They demanded the Mayor of Cape Town uphold her commitment to develop a plan for the janitorial service and refused to leave until she addressed them. 21 people were arrested that day.**



PHOTO BY DAVID HARRISON

**After the City of Cape Town failed to keep its promise to develop a janitorial plan, we conducted a social audit of the janitorial service for communal flush toilets in informal settlements.**

**More than 80 residents, and partners from around the country, audited hundreds of toilets and interviewed residents and janitors. The findings were dire. A quarter of the toilets were unusable, janitors and residents faced life-threatening risks, and every day the rights to equality, dignity, and safety were being violated.**

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The full Report of the social audit into the Janitorial service for communal flush toilets in Khayelitsha, *Our Toilets Are Dirty* is available at:

<http://nu.org.za/wp-content/uploads/2014/09/Social-Audit-report-final.pdf>

# What is a social audit?

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**A social audit is a civil society driven process that encourages community participation for monitoring government service delivery and expenditure. Social audits began in India more than 20 years ago. Since then they have been used as an important tool for enhancing grassroots participation and monitoring the accountability of government spending. The process allows communities to understand, measure, verify, report and ultimately contribute to improving government performance.**

The janitorial service social audit included comprehensive inspections of 528 flush toilets and nearly 200 interviews with residents who use the facilities and janitors who clean the toilets. More than 80 people, representing a number of civil society organisations from across the country, participated.

The social audit culminated in a public hearing where community members presented their evidence and asked their elected leaders the question: Why is a highly funded service that could have a major positive impact on people's lives not being fully delivered?

The final social audit results were released in a report in Khayelitsha on 1 October 2014. The report showed how the service remained haphazard, poorly implemented, and regularly ineffective. Amongst other things, a quarter of toilets in informal settlements were in an unusable state: only one in eight janitors was inoculated against disease as required by City janitorial service documents, and janitors were under severe risk due to lack of training and protective equipment.

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**“ The toilets are dirty and we have kids and these toilets affect their health.”**

~ Resident, BT Section

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We called for immediate remedial action, a janitorial plan, and a plan for sanitation in Cape Town's informal settlements.

But following the release of the report, the City attacked the SJC and the social audit method.

Only after threatening the City with legal action, Cllr Sonnenberg responded in January 2015. He confirmed that the City did not have a plan for sanitation

in informal settlements and would not produce one. The City also then announced that it was scaling back the janitorial service in some areas due to operational difficulties, blaming the affected communities themselves, rather than taking responsibility for inadequate planning.

We want a city that is just and a society where equality is made real in the lives of every woman, man, and child. We want a government that is accountable and that gives effect to our constitution.

The City has refused to take the required action to make this real. It is likely that it will now have to explain its actions to a court.

## Budget justice

A plan for sanitation must be accompanied by adequate and equitable spending – particularly capital spending for sanitation infrastructure.

With NU and the International Budget Partnership, we have been educating ourselves about how the City's budget works, how government spends public money, how people can participate in the budget, and exactly how much money is set aside for toilets. This has included over six months of training of more than 60 activists from Khayelitsha and NU and SJC staff during 2014 and 2015.

The City's budget is unreasonable and unconstitutional. Our research shows that capital allocations for water and sanitation infrastructure to informal settlements are disproportionately small and decreasing.

It is also extremely difficult to participate in the budget process. Leading up to the tabling of the 2015/16 City budget, the SJC and NU will be facilitating the collection of budget submissions from Khayelitsha residents. Public participation is of particular importance for people that have historically been excluded. They must not only have a chance to speak, they must be listened to. ■

# The 'SJC21': Civil disobedience and challenging Apartheid laws

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Following a peaceful act of civil disobedience, ten SJC leaders were convicted of organising an illegal gathering. We are now challenging the law under which we were convicted. It is an Apartheid law that criminalises those using their right to peaceful protest and freedom of assembly.

On 11 February 2015, 10 SJC leaders were convicted on the charge of convening an illegal gathering under the Regulation of Gatherings Act. Another 11 were acquitted of all charges.

This was the judgment at the Cape Town Magistrate's Court in the case of 21 SJC activists arrested for a peaceful protest at the Mayor's office in September 2013. On that day, SJC activists chained themselves to the railings outside the office of Mayor De Lille, demanding she uphold her commitments to produce a janitorial plan.

In the judgment, the Magistrate described the years of attempting to engage with the City of Cape Town on the sanitation crisis facing Cape Town's informal settlements that led

to the protest. She explained that the protest was peaceful, that no harm was caused, and that nobody resisted arrest.

From the start of the trial we did not deny that we held the protest and admitted all the facts. As such, we expected the ten would be convicted. They were cautioned and discharged – the minimum sentence the court could impose.

The Constitution guarantees everyone the right to assemble peacefully. The Gatherings Act criminalises peaceful protest – especially for poor and working class communities struggling for dignity and equality. It makes criminals of people who, like us, were merely exercising the democratic right to protest. If 16 people walk down the pavement to take a petition to their local councillor without giving notice, they commit a crime. Receiving a criminal record for a peaceful gathering of more than 15 people is unconstitutional.

The Magistrate's Court does not have jurisdiction to hear the constitutional argument. The SJC will consequently be taking the convictions on appeal to the higher courts and challenge the law. Exercising our rights is not a crime. Apartheid laws must change.

The SJC is represented in this case by the Legal Resources Centre (LRC). ■



# National organising and building community monitoring

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## A National Summit

In April 2014, the SJC hosted the first National Summit on Water and Sanitation, bringing together over one hundred civil society organisations, communities, social movements, researchers, lawyers, and stakeholders from around the country.

The attendees heard from a number of speakers including, Pregis Goven-der, Deputy Chairperson of the South African Human Rights Commission (SAHRC), Thabo Makgoba, Archbishop of Cape Town, and Joconia Rahube, the brother of Osiah Rahube, who was shot and killed during water protests in Madibeng in January 2014.

Participants discussed the challenges of inadequate sanitation, the recommendations of the SAHRC's national Water and Sanitation Report, and the role of community organisations and government in the struggle for proper water and sanitation facilities around the country.

During October 2014, SJC staff then travelled across four provinces – Limpopo, Gauteng, KwaZulu-Natal, and the Eastern Cape – to engage, learn and organise on water and sanitation across the country. We are now working with communities, sanitation experts, budget specialists and other stakeholders to develop the People's Plan, which can be used to advocate and plan for clean and safe sanitation for all people in South Africa.

## Community monitoring in South Africa

Our social audit on 'Mshengu' chemical toilets, held in April 2013, was the subject of a year-long investigation by the SAHRC. The SAHRC released its report on 9 July 2014.

Key findings and recommendations of the report included that the City violated the rights to sanitation, equality and dignity of informal settlement residents and that the use of temporary sanitation services over the long term is racially discriminatory against black African people in the City of Cape Town. The City appealed the report and on procedural grounds the report was sent back to the Western Cape SAHRC office for further investigation in 2015.

Over the past year we have also been working to incrementally expand monitoring methods such as social audits, in South Africa. We continue to work with partners from around the country and train activists and community members in social audit methods, particularly through including them in our own social audits.

In 2014, the SJC was part of an international delegation that went to India to engage with several pioneers of social audits and community based planning. This was supported by the Heinrich Böll Foundation in South Africa, Soros Foundation in Kazakhstan and the International Budget Partnership. From 16 to 26 November 2014 we visited Support for Advocacy and

Training to Health Initiatives (SATHI) in Pune, Samarthan in Bhopal and Telangana's Society for Social Audit, Accountability and Transparency (SSAAT). We are using the outcomes of this international exchange for teaching and learning on social audits.

Going forward we will be expanding our own social audit methods, in particular using localised social audits across Khayelitsha to verify government data and to build democratic power in communities to monitor services and hold local government accountable. We are doing this together with the development of a community driven fault reporting system for toilets in informal settlements. We are now piloting this new technology in Khayelitsha. ■

**One of the main outcomes of the summit was the beginning of the development a People's Plan for Water and Sanitation, a roadmap for sustained organising across South Africa.**

# Urban land justice: where the right to life depends on where you live

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South African cities have been shaped through centuries of dispossession and the ongoing struggle for urban land. Nowhere is this clearer than in Cape Town. The city's race and class segregation is a primary legacy of Apartheid, but has been maintained and worsened by successive post-Apartheid administrations.

The majority of Cape Town's 3.7 million people remain in townships on the outskirts of the city, far from socio-economic opportunities and resources, in areas that lack even the most basic needs for safe and dignified lives.

On 2 and 3 June 2014, several hundred residents of Cape Town, watched their homes being demolished in Lwandle, near Strand. An area as large as six soccer fields was cleared.

Poor and working class families were pushed behind barbed wire to watch their homes being destroyed. These evictions left hundreds destitute. Together with NU and Equal Education, we coordinated the humanitarian response for the hundreds of people left homeless. A year later, many of those evicted are still destitute and without homes.

## The 7th Annual Irene Grootboom Memorial Dialogues

Since 2008, the SJC has hosted an annual dialogue series in memory of Irene Grootboom – an activist who played an instrumental role in the struggle for housing in poor communities. These dialogues bring together community members, activists, academics and practitioners from a number of fields to discuss some of the most pressing issues facing the city.

For the third year running, the dialogues were jointly hosted by the SJC and the African Centre for Cities based at the University of Cape Town.

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**“ When I came back from school, I returned to our shack to find that our entire home had been destroyed. All our possessions had been destroyed. All I had was the school uniform I was wearing and my schoolbooks.”**

~ Florence, learner from Lwandle, 6 June 2014.

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The 2014 dialogues, held in Khayelitsha and City Hall, dealt with the history of urban land and dispossession, the impact of spatial Apartheid on the majority of the city's residents, and whether there are ways that all people can have equal rights to the city.

Over four dialogues, hundreds of community members, activists, academics and practitioners, discussed a variety of issues including densification, expropriation, evictions, and international experiences of land struggles.

**“The Province’s actions with regard to these properties are unlawful in terms of the Constitution. The Province must halt this process and consult with local and national government with regard to using this land as part of a broader plan to deal adequately with the urgent spatial planning and housing needs of the City.”**

From joint objection by the SJC, NU, and EE to the Western Cape Provincial Government.

## Objecting to land sales by local and provincial government

On 26 March 2014, Minister Carlisle, then Western Cape MEC for Transport and Public Works, held an ‘Investors’ conference, to showcase central properties the province was making available for sale and lease. On 17 October 2014, a notice calling for comment or representation on the proposed sale of a significant amount of City-owned land was published in the *Cape Times*.

The SJC and its partners lodged formal, written objections – both to the Western Cape Government and the City of Cape Town on the sale of this central land in Cape Town. We called on the City and Province to halt the proposed sale of land until such time as a broader plan to deal adequately with the urgent spatial planning and housing needs of the City is developed.

Improving access to centrally

located land must be prioritised with the recognition of government’s obligations on constitutional rights, particularly those of marginalised and vulnerable residents.

Bringing affordable housing inside the city also has important long-term economic benefits. People need to live closer to the places that they work and to the social and economic resources of the city.

We are now working with our partners to improve our understanding of how much land is available, where it is located, who owns it and what plans local government has in regard to urban land. We are also building our understanding of recent laws such as the Spatial and Urban Land Management Act (No. 16 of 2013) SPLUMA, which advocates spatial justice in the planning and use of urban land.

It is imperative that we reverse Apartheid spatial planning. This must be done urgently. ■



# Leadership and staff

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The SJC's Executive Council consists of the elected Chairpersons and Deputy-Chairpersons from each branch, and the Secretariat. It is the highest decision making body in the organisation between Annual General Meetings.

The Secretariat – elected every two years – is tasked with overall political leadership in support of management.

The General Secretary and Deputy General Secretary are employed full time in the organisation. The General Secretary's office coordinates the day-to-day work of the SJC and provides overall leadership on political education, governance, and branches.

In the past year, the SJC went through significant organisational restructuring from a departmental staff structure to our current and modified programme structure. Major new appointments included two programme heads and senior researchers. During April 2015 we employed four new Community Advocates as well as a Local Government Programme Administrator. Xoliswa Mbadlisa stepped down from her position as Deputy Chairperson when she was appointed as a Community Advocate.

The SJC's Operations Department manages our finance, human resources, and administration. Over the past year, we appointed a new Operations Manager and have placed considerable resources towards improving our financial management systems and oversight. We continue to use Cathy Masters Development Services for all our bookkeeping and the SJC is audited annually by Braude Gordon & Co.

## Legal defense fund

In October 2012, Angy Peter and Isaac Mbadu, both SJC staff members at the time, were charged with murder and kidnapping. Since then they have maintained that the charges brought against them were fabricated. The SJC was shocked and deeply saddened when, on 1 October 2014, they were convicted in the Western Cape High Court.

This case has been one of the most difficult situations faced by the SJC. We raised over R2.4 million for their defense and worked with their lawyers for two years in the hope that they would be exonerated. Amnesty International, Freedom House, as well as many of our existing donors and others, contributed significantly towards their defense. Angy and Isaac will be taking their case to the Supreme Court of Appeal. The SJC will respect the outcome emerging from this process.

**24 staff members manage the day-to-day work of the SJC**

**This year the SJC restructured.  
Now our campaigns are managed  
through two programmes,  
Local Government and  
Safety and Justice.**



# Leadership and staff

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## Secretariat:



Chairperson  
Nkosikhona Swartbooi



Deputy Chairperson  
Xoliswa Mbadlisa



General Secretary  
Phumeza Mlungwana



Deputy General Secretary  
Dustin Kramer



Treasurer  
Andrew Ardington



Co-opted member  
Mandisa Shandu



Co-opted member  
Thabisa Mfubesi



Co-opted member  
Zackie Achmat

## 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



Security Officer  
Tobile Funani

## Local Government Programme:



Head of Programme  
Axolile Notywala



Senior Researcher  
Zenande Booï



Programme Administrator  
Ntuthuzelo Vika



Junior Researcher  
Thozama Mngcongo



Community Advocate  
Zukiswa Qezo



Community Advocate  
Luthando Tokota



Community Advocate  
Zingisa Mrwebi



Community Advocate  
Nosphelele Msesiwe



Community Advocate  
Xoliswa Mbadlisa

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## Safety & Justice Programme:



Head of Programme  
Chumile Sali



Senior Researcher  
Dalli Weyers



Community Advocate  
Khanyiswa Gxotani



Community Advocate  
Malwande Msongelwa



Community Advocate  
Nomthetho Ndzima



Community Advocate  
Nontando Mhlabeni



Community Advocate  
Sifiso Zitwana

# Annual financial statements

As at 28 February 2015

Registration Number 067-689 NPO

The SJC emerged out of a difficult financial period during 2013 and 2014. We have recovered well and in 2015 are in a good position to continue our work.

## Statement of Financial Position

Figures in R	2015	2014
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### Assets:

#### Non-Current Assets

Property, plant and equipment	73,950	78,657
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#### Current Assets

Cash and cash equivalents	3,316,951	2,304,126
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<b>Total Assets</b>	<b>3,390,901</b>	<b>2,382,783</b>
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### Equity and Liabilities:

#### Equity

Accumulated surplus	2,866,923	2,075,650
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#### Current Liabilities

Trade and other payables	523,978	307,133
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<b>Total Equity and Liabilities</b>	<b>3,390,901</b>	<b>2,382,783</b>
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## Detailed Income Statement

Figures in R	2015	2014
<b>Income:</b>		
Grants and Donations	8,672,480	6,405,208
Membership fees	2,310	-
Sundry income	74,276	32,783
	<b>8,749,066</b>	<b>6,437,991</b>
<b>Other Income:</b>		
Interest received	124,095	40,945
	<b>8,873,161</b>	<b>6,478,936</b>
<b>Total Income:</b>	<b>8,873,161</b>	<b>6,478,936</b>
<b>Expenditure:</b>		
Accounting fees	106,521	80,090
Auditors' remuneration	21,160	19,380
Bank charges	3,785	12,280
Communications	96,505	189,093
Computer expenses	14,425	9,100
Consulting fees	56,131	-
Depreciation	41,933	36,712
Insurance	18,426	13,383
Legal Defence expenditure	1,468,358	416,370
Legal fees	-	3,221
Local government programme	718,371	591,175
Organisational governance	150,736	78,747
Other education and activities	10,732	112,971
Printing, materials and stationery	65,839	147,416
Recruitment Services	40,590	-
Refreshments	18,202	1,570
Rent and services	50,370	69,570
Safety and Justice Programme	1,794,865	1,050,679
Staff costs	3,335,714	3,299,010
Security	13,377	-
Staff welfare and development	12,253	10,310
Travel and transport	37,099	-
Unallocated cash	-	105,893
Workman's Compensation	6,496	22,533
	<b>8,081,888</b>	<b>6,269,503</b>
<b>Surplus for the year</b>	<b>791,273</b>	<b>209,433</b>

NOTES:

[illegible]

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

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This year has not been easy, but with the support of our donors and partners, we will continue working towards dignified and safe communities in Cape Town and South Africa.

Viva SJC Viva!

*The*  
**ATLANTIC**  
*Philanthropies*



**SIGRID RAUSING TRUST**

**SOUTH AFRICA**  
DEVELOPMENT FUND

# *safety and security for all!*

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7 years of fighting for  
dignity, equality, and justice

## **Social Justice Coalition**

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(+27) 021 361 8160  
[info@sjc.org.za](mailto:info@sjc.org.za)  
[www.sjc.org.za](http://www.sjc.org.za)

🐦 @sjcoalition

📘 social justice coalition

