



# SOCIAL JUSTICE COALITION

ANNUAL REPORT  
2018/2019



# Fighting for Justice and Equality!

---



Isivivana Centre  
8 Mzala Street  
Khayelitsha, 7784



(+27) 21 361 0298



info@sjc.org.za



www.sjc.org.za



@sjcoalition



social justice coalition



social\_justice\_coalition\_



## TOWARDS DIGNITY & DEMOCRATIC POWER

## CONTENTS

Letter from the General Secretary	01
What is the SJC?	02
The SJC branches	04
The SJC's influence	06
Constitutional court victory: Participatory democracy and the right to protest	10
Five years since the Khayelitsha Commission of Inquiry	12
Poverty as unlisted ground for discrimination	15
Infographic: In response to your request	18
Story of delays for the sanitation case	22
SJC 10 victory	24
2018 'The Year of the Land'	26
Workshops	28
Staff and Leadership	30
Audited Financial Statements	32
Our Supporters	33

---

Published in July 2019 for  
the Social Justice Coalition  
Annual General Meeting.

Designer: Gaelen Pinnock  
www.polygram.co.za

Cover photos:  
Darsha Indrajith

Registered S18A(1) Public  
Benefit Organisation:  
930031506  
Registered Non-Profit  
Organisation:  
067-689-NPO

# LETTER FROM THE GENERAL SECRETARY

---

This past year we celebrated major victories, and engaged in deep reflections and introspections on many fronts for our organisation.

These processes of reflection and the subsequent decisions were not without challenges. As our campaigns grow in momentum, we are equally as dedicated to processes that ensure our organisation is strong, sustainable and that we continue to organise for bigger impact.

On 19 November 2018, the Constitutional Court handed down a landmark judgment in the SJC10 case defending and protecting the right to protest as guaranteed by Section 17 of the South African Constitution. In this judgment the Court declared section 12(1)(a) of the Gatherings Act, which criminalised peaceful protesters, as invalid and unconstitutional. The Court affirmed the right to protest as one that is an inalienable right to participate in the affairs of the country by many who are often ignored. A victory for democracy.

On 14 December 2018, the Western Cape High Court - sitting as the Equality Court - handed down a landmark judgment in the SJC's police resources case. The Court in this judgment had to establish whether poverty qualifies as an unlisted ground of unfair discrimination. In his determination, Judge Dolamo said: "Discrimination on the ground of poverty, in my view, and as the applicants have shown, amounts to unfair discrimination." He declared that the system used by the South African Police Service (SAPS) to allocate police resources discriminates on the basis of race and poverty. A victory for the poor.

Amidst these victories, we reflected on our work in informal settlements and the continued failures of the City of Cape Town and government at all levels to respect the dignity of people who call informal settlements home residents. This reflection included unpacking what we see as deliberate delays in court by government to frustrate our efforts. Previously we saw this in our police resources case. This year we saw it in our sanitation court case against the City of Cape Town.

We themed the year, "The Year of the land", as debates on expropriation without compensation started to intensify in the country.

Our position, in these debates, was to centre the most marginalised in our society. Struggles such as those for adequate water and sanitation are directly linked to land struggles, and residents of informal settlements can claim their right to dignity and other rights through land tenure security. To this end we undertook to hold the City of Cape Town accountable (criminally where possible) for the illegal, violent and most inhumane evictions of poor people simply trying to make a dignified home.

We undertook a review of our internal policies and procedures relating to sexual harassment in the workplace, in tandem with many in the civil society sector. Linked to this we also reviewed our work on gender based violence and how we can better support these struggles in the communities we work with. We realise the need to increase our efforts to prevent gendered violence. We need to have more conversations and create spaces and processes of learning and unlearning both internally and broadly.

We also examined our leadership structures, their functioning and our internal accountability processes in relation to our constitution. We questioned whether our organising mechanisms established in 2008 are still appropriate in 2018. Reflection on our constitution included interrogating our relationships with the communities we support and how best to structure our political education and engagements. An important outcome of this process is the realisation that to build democratic power and real solidarity amongst communities we work with, we must focus on meaningful and sustained organising. From these reflections we have taken steps to improve. We are expanding our creative vision.

Over the past 10 years, thousands of people from different walks of life have been involved in our campaigns, protests and advocacy activities in the fight for justice and equality. The victory of the two landmark judgments over the past year are because of sustained struggles and activism, and a deep commitment by everyone who has contributed to the Social Justice Coalition (SJC) and towards the fight for dignity and democratic power for the poor majority in our country.

We will build on these successes by ensuring that resources are where they are needed most and that everyone's right to participate in the democratic process, and that includes protest, is respected.

I would especially like to acknowledge and thank our SJC organising team. None of our sustained contributions and landmark victories over the years would have been possible without the strength and dedication of our team.

We can only do better.

Forward to people's democratic power.

**Amandla!**

# WHAT IS THE SJC?

---

We are a democratic, mass-based social movement that campaigns for the advancement of the constitutional rights to life, dignity, equality, freedom and safety for all people, but especially those living in informal settlements across South Africa.

Informal settlements, mostly located on urban peripheries, make up around 20% of the households in each of South Africa's major cities. Spatial apartheid means that poor and working-class communities live in some of the most dangerous areas in the country. The majority of informal settlements have existed for more than 15 years, many for more than two decades. Yet, they continue to be treated as temporary and impermanent by the state.

Extreme economic and spatial inequality continues and state resource allocation tends to be highly unjust.

Founded on 16 June 2008, the SJC has built a movement for safety, justice and equality in informal settlements made up of 17 branches and thousands of members.

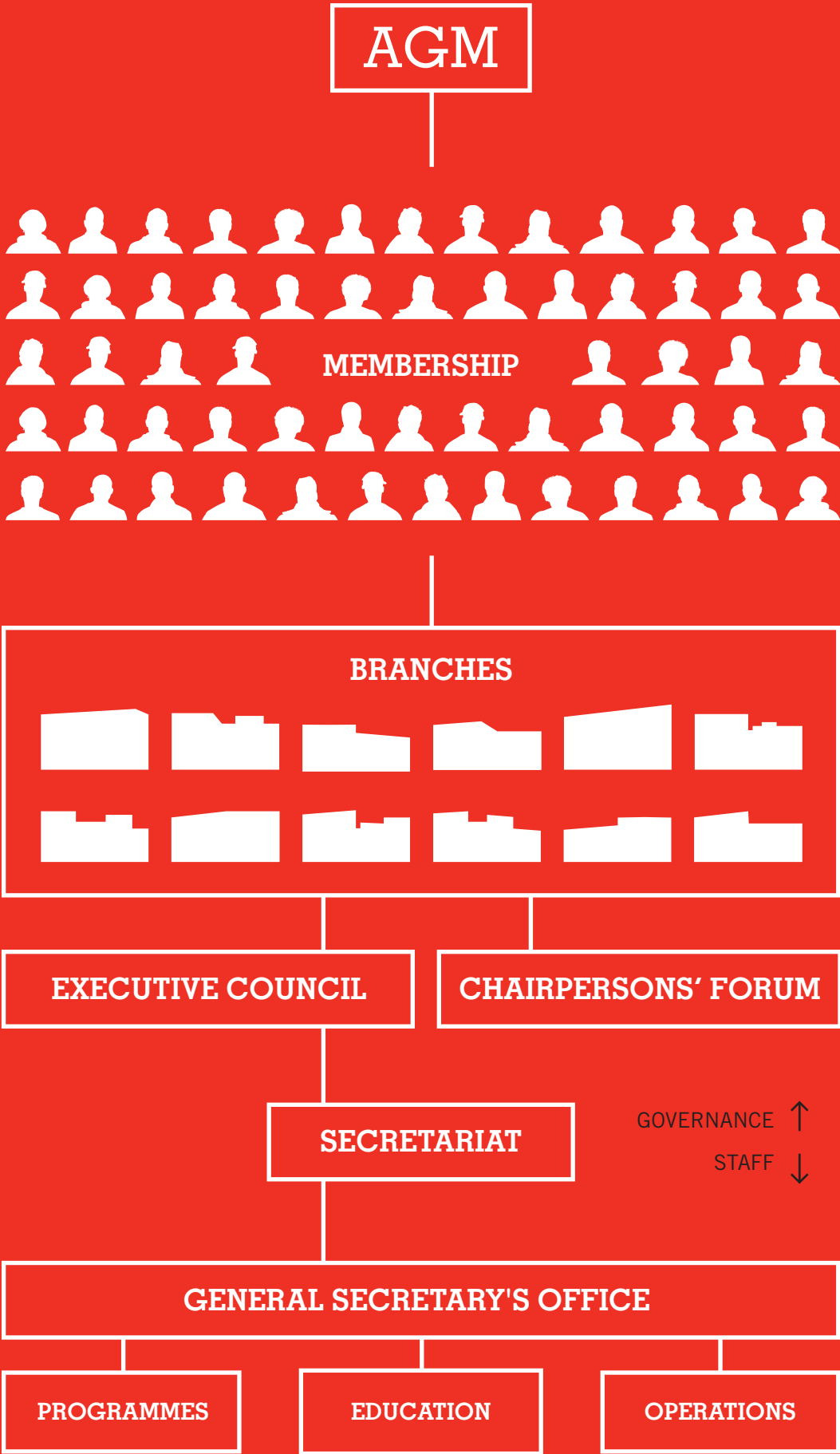
Using a variety of strategies and tactics, the SJC organises informal settlement residents to build democratic power within poor communities. The SJC uses research, organising, education and advocacy in sustained campaigns for social justice and to challenge power.

Our campaigns are divided across two programmes. The Safety and Justice Programme campaigns for improved policing and an improved criminal justice system, while the Local Government Programme leads our work on informal settlement services and infrastructure.

An Annual General Meeting (AGM) 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 the AGM - 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 organisation 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.





# THE SJC BRANCHES

---

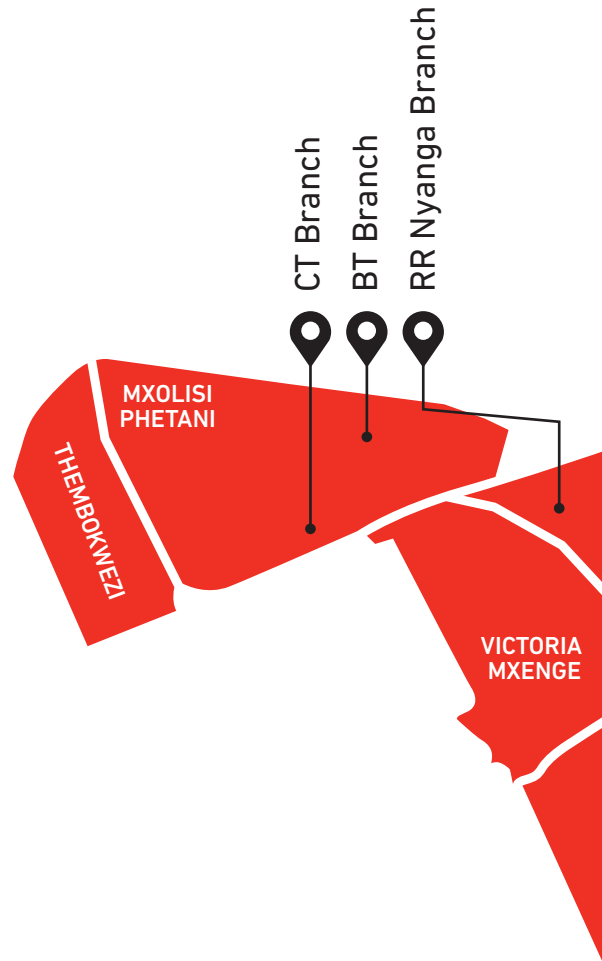
This year we focused on building leadership and consistency within and throughout our branches.

We continued to grow our membership across the Cape Town Metro, including organising in areas such as Siqalo, near Mitchells Plain, and Thabo Mbeki in Crossroads. Our branches are led by strong leaders who have participated in our branch political education programmes, which we have refined in the past year. Branch education continued to support members' growth as politically engaged and active citizens.

Having a regular platform for robust political debate and contestation of ideas is critical for the development of our young and vibrant leaders. As such, we have implemented regular mass meetings, Umrhabulo sessions, for political discussion, campaign strategising, debate and engagement between branches.

In 2015 we took the decision to start developing a new, comprehensive branch political education and support strategy. This year the programme grew significantly and is a key mechanism the SJC is now using in building sustainability and developing politically engaged and active members. Our education coordinator built and ran a programme of courses on history, urban land, radical Black feminism, and politics. This extended to a programme of activities including museum visits, documentary screenings and political discussions. We also began a fully-fledged branch fellowship programme, where branch members become fellows for fixed periods and undergo a skills training and development programme.

Of particular significance has been the ability of the Chairpersons' Forum – the co-ordinating structure of branch leaders – to lead branch work.



Having a regular platform for robust political debate and contestation of ideas is critical for the development of our young and vibrant leaders. As such, we have implemented regular mass meetings, Umrhabulo sessions, for political discussion, campaign strategising, debate and engagement between branches.



# CAPE TOWN

- Kraaifontein Branch
- Barcelona Branch
- Marikana 1 Branch
- Marikana 2 Branch



# THE SJC'S INFLUENCE

---

Since the SJC was launched, we have been an effective ally to residents of informal settlements in their struggles for justice and equality.

We have been a consistent force in influencing policy and public opinion through strategic protest, litigation, and comment in the media. These actions have elevated our campaigns to improve services in informal settlements and protect constitutional rights. We have fearlessly held government accountable, by offering well researched and informed critiques and recommendations. In this, we have shown ourselves to be a reliable people's movement intent on improving the lives of poor, working-class people across the country.

This has required a level of political education and engagements which have been both narrow, directed at staff, at our branches and in the communities where we have shown solidarity, and also broad, mostly through strategic media interventions, that have allowed for public insight into our campaigns. We have been able to frame public discourse by injecting facts, sound research and pro-poor sensibilities into conversations that have too often disregarded the dignity that residents of informal settlements have a right too.

We have garnered wide ranging public support for our campaigns and this public support has increased our impact. We have articulated our campaigns and principled positions in opinion pieces, public debates with the relevant government officials, in press releases, social media posts and commentary in newspaper articles, radio and television interviews. This consistent reiteration has shaped the debate in many of our key campaigns such as police

resources and access to dignified sanitation services. The language we use is frequently reiterated not only by others campaigning for their rights, but also by government. Our campaigns and our words now inform a discourse for positive change.

Before 2011, toilets and sanitation were not considered "properly political" issues. While service delivery protests had indeed become a national political concern, media and analysts did not directly associate these protests with toilets and sanitation. Two weeks before the 2011 election, the SJC organised a march for clean and safe sanitation that was attended by approximately 2500 people – the biggest protest specifically focused on access to sanitation in South African history with coverage in local, national, and international media. This campaign was so impactful that the 2011 elections were dubbed 'the toilet elections'.

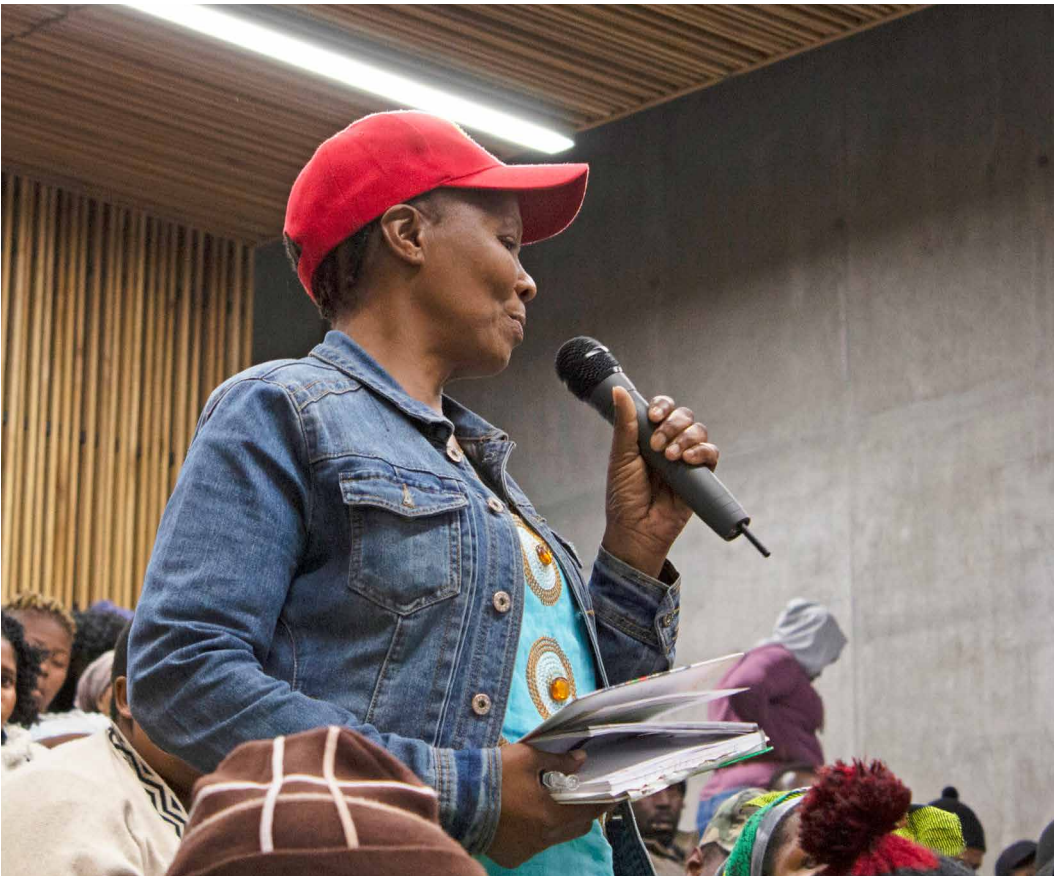
More recently, the Democratic Alliance (DA) in the Western Cape has been incorporating our language in their campaign around police resource allocation. Similarly, elsewhere, in municipalities where they are in opposition, they have mirrored our language on the necessity of effective public lighting to address crime.

This reflection serves as a reminder to us, to those we have worked with, those we have shown solidarity with and to government, that even if it takes time, even if we are frustrated in our attempts to be seen and listened to, we will persist. We will persist and we will prevail - in small and big ways.









**In community and with communities.** The SJC is a dedicated ally in fighting for dignity in informal settlements.





# CONSTITUTIONAL COURT VICTORY: PARTICIPATORY DEMOCRACY AND THE RIGHT TO PROTEST

---

We challenged not only the SJC10 convictions but also the criminalisation of protest action where notice has not been given.

In November 2018, the Constitutional Court affirmed the right to protest when it handed down a landmark judgment in the *Mlungwana and Others v S and Another* (SJC 10 judgment). The court upheld a judgment that was handed down by Judge Ndita of the Western Cape High Court in January 2018. Judge Ndita declared section 12(1)(a) of the Gatherings Act invalid and unconstitutional as it criminalised peaceful protesters who don't notify the authorities of their intention to protest. The criminal convictions — for convening an illegal gathering — of the 10 Social Justice Coalition (SJC) members were overturned. The State appealed this High Court Judgment.

In the appeal heard by the Constitutional Court, the SJC, represented by the Legal Resources Centre, was joined by Equal Education (EE), the Right2Know Campaign (R2K) and the UN Special Rapporteur on freedom of assembly and association as *amici curiae*.

In a unanimous judgment, penned by Petse AJ, the Constitutional Court confirmed the High Court's declaration of invalidity. Justice Petse wrote:

"It is true that barely a quarter of a century ago we emerged from an era in which a substantial majority of the citizenry was denied their inalienable right to participate in the affairs of their country. They were afforded virtually no avenue through which to express their views and aspirations."

"Taking to the streets to vent their frustration was the only viable avenue they had. It mattered not during the reign of the apartheid

regime that their gatherings were peaceful. They were ruthlessly crushed without any regard for the legitimacy of the grievances underlying their protests."

"People who lack political and economic power have only protests as a tool to communicate their legitimate concerns. To take away that tool would undermine the promise in the Constitution's preamble that South Africa belongs to all who live in it, and not only a powerful elite." The court held that "it would also frustrate a stanchion of our democracy: Public participation".

The ruling comes years after many of our protests demanding a plan for water and sanitation in Cape Town's informal settlements fell on deaf ears. In this victory we remember Nolulama Jara, one of the SJC 10 leaders who passed away in August 2015 that had been convicted for peacefully protesting for clean safe and dignified sanitation services in Khayelitsha. We deeply mourn the loss of comrade Nolulama and thank her and her family for all their courage. We honour her memory and contribution to the struggle for freedom and democracy.

This ruling and its significant consequences for our democracy cannot be overstated. It is more than just a victory for the appellants whose convictions have been set aside. It is more than just a victory for the SJC. It is a victory for the many South Africans whose only way of being heard by government is through demonstration and gatherings. It is truly a victory for democracy.





# FIVE YEARS SINCE THE KHAYELITSHA COMMISSION OF INQUIRY

25 August 2019 will mark five years since the closing of the Khayelitsha Commission of Inquiry (the Commission). The Commission still informs our engagement with all three levels of government in relation to safety and better policing. It also informs how the media and other civil society actors approach issues surrounding policing and the lack of safety in poor, working-class communities. This is a direct result of our campaigning.

We have successfully placed the findings and recommendations of the Commission on the agenda. We have done so in a structured and evidence-based manner. Others too, are now calling for the Commission's findings and recommendations to be acted on. These communities, community structures and individuals approach us to contextualise the recommendations and to illustrate how they stand to benefit from their implementation. .

During the reporting period, the SJC presented to the Portfolio Committee on Police in Parliament on two occasions. The first was on the SAPS budget, and the second on the SAPS Annual Report. In both instances we successfully raised the issues we are campaigning around with members of Parliament.

We are now routinely invited to make presentations to the committee.

## THE COMMISSION'S RECOMMENDATIONS

Although all 20 of the recommendations made by the Commission are important and deserve attention, time and energy, we have chosen to engage specific recommendations that we believe would help unlock and facilitate the implementation of the others. An obvious example of this reasoning would be, that by securing the rational, non-discriminatory reallocation of human resources (recommendation 7) to police precincts burden with a high-rate of crime, those additional resources would allow those precincts to more meaningfully engage with, and be responsive to the community they serve.





## Recommendation 6

# VISIBLE POLICING

## Provincial Commissioner to Issue Guidelines for Visible Policing in Informal Neighbourhoods



### FINDINGS:

Routine visible policing patrols are only conducted in vehicles on paved roads and most informal neighbourhoods are not accessible by vehicle. The result, as one station commander admitted to the Commission, is that the policing of informal neighbourhoods is “neglected”. The Commission considered it completely unacceptable that neighbourhoods where residents are particularly vulnerable are being largely overlooked by the SAPS.

As a result, the Commission recommended that guidelines regulating the visible policing of informal settlements be developed within 6 months and that they identify the manner in which patrols of informal neighbourhoods should take place and ensure that they are undertaken routinely.

### 5 YEARS LATER:

As part of the Khayelitsha Task Team, jointly convened by the Western Cape’s Department of Community Safety (DOCS) and the provincial leadership of the SAPS, we are privy to the fact that these guidelines do not exist, are not being developed and that if they were to be developed, it would have to be undertaken at national level.

According to Statistics South Africa, 13.6% of primarily poor black people in South Africa live in informal housing. The Constitutional obligation of the SAPS towards communities is not contingent on where people live, whether there are roads and whether they have clearly identifiable addresses. The failure to provide a service like visible policing to residents of informal neighbourhoods, comparable to the service provided to wealthier formal housing, results in discrimination.

Importantly, and not to be overlooked, the absence of guidelines for visible policing in informal neighbourhoods also places police officers at risk in these neighbourhoods.

### SJC RESPONSE:

Over the last year we have continued to raise the absence of these guidelines, not only with the Minister of Police and SAPS senior management, but also with members of parliament in two presentations to the Portfolio Committee on Police.

## HUMAN RESOURCE ALLOCATIONS

**The SAPS system for determining the THRR should be revisited and the human resources at each of the Khayelitsha's three police station should be urgently reallocated.**

For years we consistently attempted, in good faith, to highlight the problems with the system used by the SAPS to determine the allocation of police resources. Despite numerous letters, petitions, some meetings and protest actions the state was unresponsive and failed to act.

Left with no other recourse the applicants turned to the courts. In March 2016 we filed an application with the Nyanga Community Policing Forum (also represented by the Legal Resources Centre) and Equal Education (EE) to compel the SAPS to remedy the manner in which it allocates police officers to police stations. The respondents in this case were the Minister of Police, the National Police Commissioner, the Western Cape Provincial Police Commissioner and the Western Cape Department of Community Safety.

In court we challenged the Theoretical Human Resource Requirement (THRR), the system enlisted by SAPS *nationally* to inform its resource allocations to all 1,140 police stations across the country. We argued the numbers generated by the THRR indirectly resulted in discrimination on the basis of race and poverty. We motivated this argument by presenting data to the court which showed that police stations serving wealthier, white populations with low contact crime rates received more police resources than police stations serving poor, black communities with high contact crime rates.

In December 2018, Judge Dolamo in the High Court, sitting as an Equality Court, made a ground-breaking judgment that has considerable consequences for poor, Black people in South Africa. The Court declared:



- “the allocation of Police Human Resources in the Western Cape unfairly discriminates against Black and poor people on the basis of race and poverty; and
- ... the system employed by the South African Police Service to determine the allocation of the Police Human Resources, in so far as it has been shown to be the case in the Western Cape Province, unfairly discriminates against Black and poor people on the basis of race and poverty.”

The judgment attributes the discriminatory allocation to the THRR. Stating that it “*resulted in allocations which were skewed and in favour of privileged and historically White areas*”. The court found this to be discriminatory on the basis of race and poverty.

The declaratory orders and the judgment are a vindication of our work with EE, the Nyanga Community Police Forum and our legal team, over many years. This is a victory for poor, Black police precincts that have been confronted with high rates of extreme violent crime on a daily basis. We welcome the court's finding in this landmark judgment.

### REMEDY

During court proceedings the applicants agreed to a separate hearing on remedy in the event that the court finds that the system used in allocating resources is discriminatory on the basis of race and poverty. We will now work alongside all parties to propose the appropriate remedy to court that we believe will address the flaws that leads to unfair discrimination in the police's national resource allocation system. In doing so, we will continue to fight for substantive equality and justice.

“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

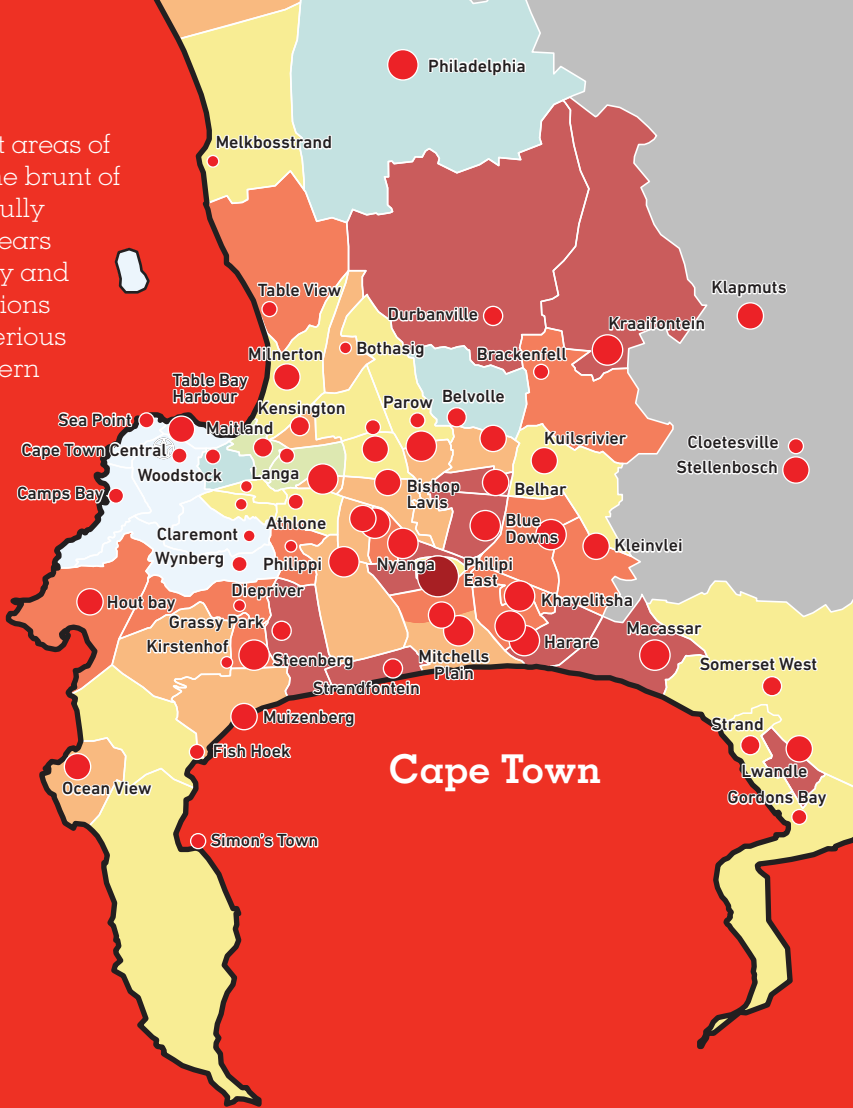
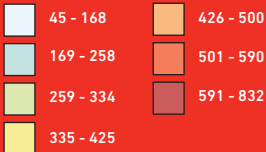
#### Murder per 100k population:



#### Cluster boundaries:



#### Police per population ratio:



## POVERTY AS UNLISTED GROUND FOR DISCRIMINATION

This judgment is a major step forward for substantive equality

In seeking a declaratory order that the allocation of police resources discriminates on the basis of race and poverty, the applicants required the court to establish whether poverty qualifies as an unlisted ground of unfair discrimination.

For the first time in more than 25 years of our constitutional jurisprudence, the courts had to venture into poverty as a ground of unfair discrimination. The Equality Court upheld our arguments and found that discrimination on the ground of poverty amounted to unfair discrimination. The Equality Court persuasively remarked that after 25 years into our democracy, poor black people still live under conditions which existed during the apartheid system of government. The court pointed out that the unfortunate reality is that residents of communities such as Khayelitsha in Cape Town, who are poor and black, continue to receive inferior services from SAPS.

Poverty now sits alongside HIV status and nationality, which were previously declared as unlisted grounds of unfair discrimination by court judgments. The inclusion of poverty will further empower poor people in securing greater access to security of tenure, education, sanitation services, water, public transport, well-located and inclusionary social housing, and generally safe and dignified communities.

Recommendation 18

CCTV  
CAMERAS



The system of CCTV surveillance in Khayelitsha should be improved through a collaborative effort between senior SAPS members and the City Officials.

FINDINGS:

The Commission found that counter to the City of Cape Town’s own criteria, the City had not installed cameras at all transport hubs in Khayelitsha. In addition, the Commission found that there were no CCTV cameras in the Harare police precinct - one of the most violent precincts in the country which serves 172 473 people.

5 YEARS LATER:

During the reporting period the City of Cape Town, partly in keeping with recommendation 18 of the Commission, installed 8 additional CCTV cameras in Khayelitsha. These 8 cameras were installed in Town Two only which means that the vast majority of the Harare police precinct is still not adequately covered.

SJC RESPONSE:

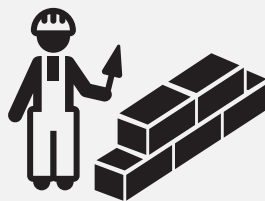
In November 2018 we submitted a Promotion of Access to Information Act (PAIA) request for the number of CCTV cameras deployed in each ward across the City. The data we subsequently received points to a discriminatory allocation of CCTV cameras that mirrors the discrimination in the allocation of police resources. We used this data to bolster our campaign for additional CCTV cameras in areas of Cape Town with high rates of violent crime.



CCTV Camera distribution in Khayelitsha at the time of the Khayelitsha Commission of Inquiry

## INFRASTRUCTURE

**The Physical Infrastructure of the Khayelitsha Police Station should be upgraded and the new Makhaza Police Station should be established.**



### 5 YEARS LATER:

The SJC has tracked the failure of the SAPS to implement this recommendation. The failures to take the necessary steps to ensure the construction of the Makhaza Police Station have been reflected in the Police's annual reports.

In our two presentations to Parliament we highlighted these failures.

### SJC RESPONSE:

During the previous year SAPS finally updated the SJC that the land for the proposed police station had been acquired. Moving forward the campaign will now focus on the need for construction to start as a matter of urgency.

**Commission's finding that "inadequate lighting is a security issue"**

The City of Cape Town's *Design and Management Guidelines for a Safer City* states, "Good lighting is one of the most effective means of increasing levels of safety and deterring crime". The guidelines further stipulate, amongst others, the following requirements for "effective public lighting":

- Provide lighting poles more regularly, at 8 m to 10 m intervals and at a height of approximately 3 m.
- Avoid high-mast spotlights that cast dark shadows.
- Where low-level lighting is used, fittings must be vandal-resistant.
- Where appropriate, provide additional surveillance in the form of closed-circuit television cameras.

A map, produced by the City of Cape Town, of all street and high-mast lights across the City makes it clear that the distribution of public lighting between communities is inequitable. The map reveals that historical black African townships, like Khayelitsha, receive mostly high-mast spotlights "that cast dark shadows" and that "effective public lighting" is almost entirely reserved for main roads, thoroughfares and other communities.

The implications of this are literally life and death.

In 2018/2019 we continued to apply pressure on the state to provide effective public lighting equitably across the City.

Most notably we have been a resource and support to the residents of the Marikana informal settlement in Philippi East. Marikana is home to more than 60 000 people and yet is reliant on a single temperamental and ineffective high-mast spotlight. Over the current reporting period we have enabled them to voice their needs and demands with the City, through protest action, on two occasions.

Over the last year we also worked with two doctoral students in the Institute of Science, Technology and Policy at ETH Zürich. Our working partnership has produced up to date maps revealing the extent of public lighting across the City. We have also supported the two students in their research testing localised solar lighting in SST, Khayelitsha and Virtual Reality (VR) surveys of people's perceptions of different types of lighting in PJS, Khayelitsha.













Our campaigning and research output has also now firmly placed the lack of effective public lighting, and the impact on safety and security thereof, on the agenda. In a presentation to the Portfolio Committee on Police in Parliament on 24 October 2018 we highlighted the impact a lack of effective public lighting in areas with high rates of crime has.

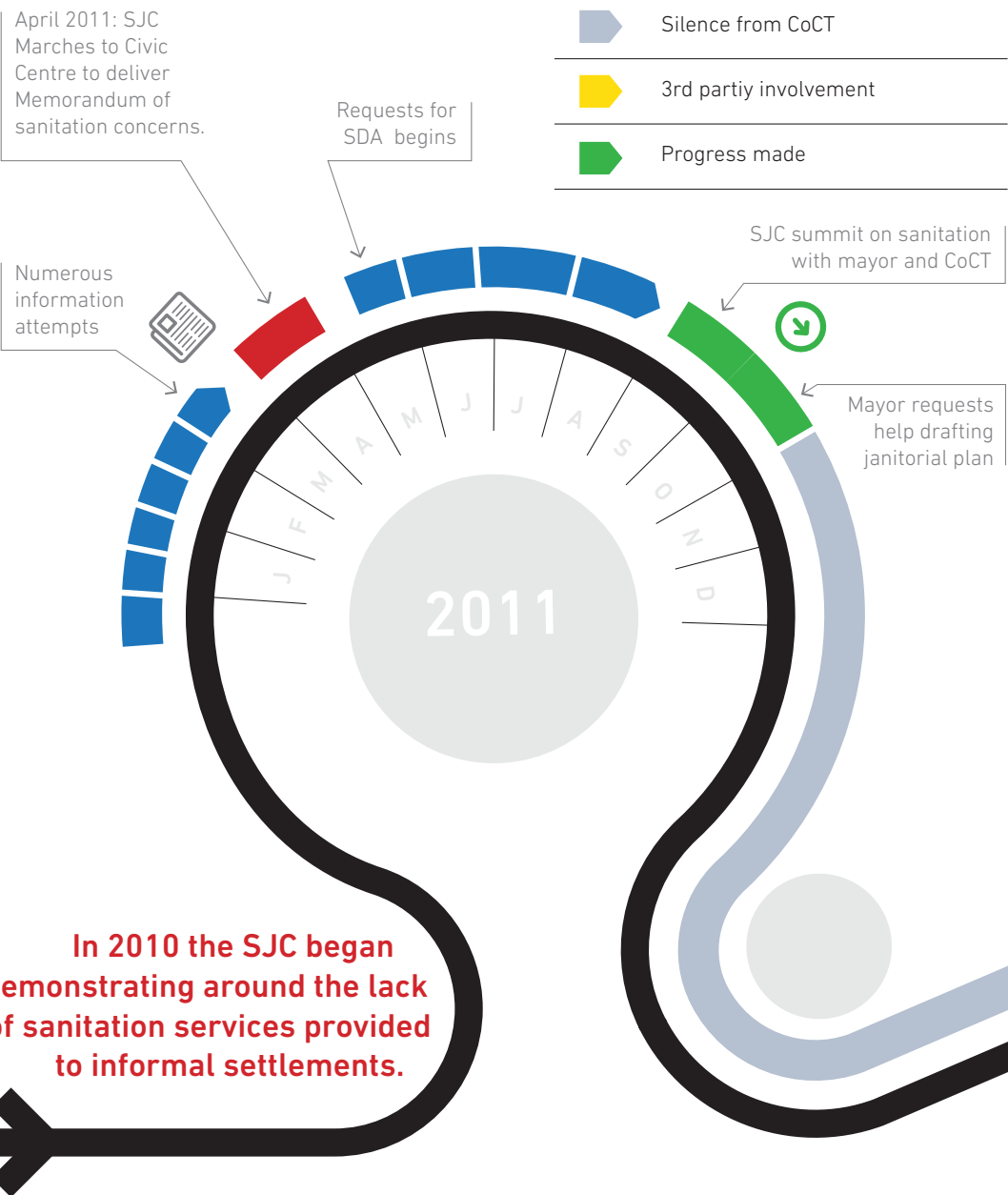
Key:

# IN RESPONSE TO YOUR REQUEST ...

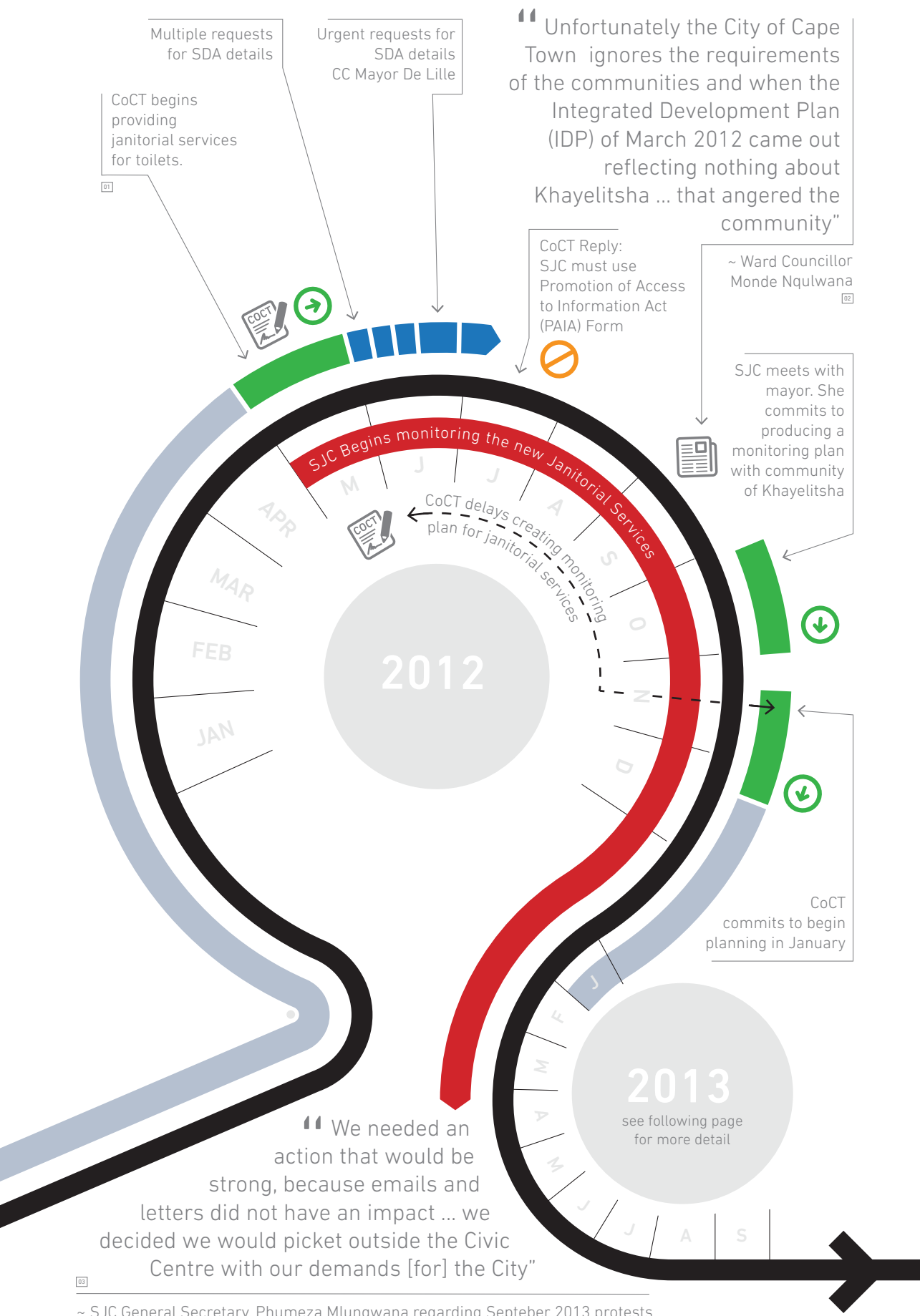
## A MAP OF CIRCUMNAVIGATION

This diagram illustrates the increasingly strained relationship between the City of Cape Town and The Social Justice Coalition, Ndifuna Ukwazi and partners. At the beginning of the Sanitation Campaign, we see a government willing to engage with residents regarding sanitation concerns. As we travel through years of correspondence and circuitous miscommunication, we find a growing resistance to engagement, an increasingly frustrated citizenry, and a rise in the use of force when dealing with activists. Use the key on the right to help guide you through.

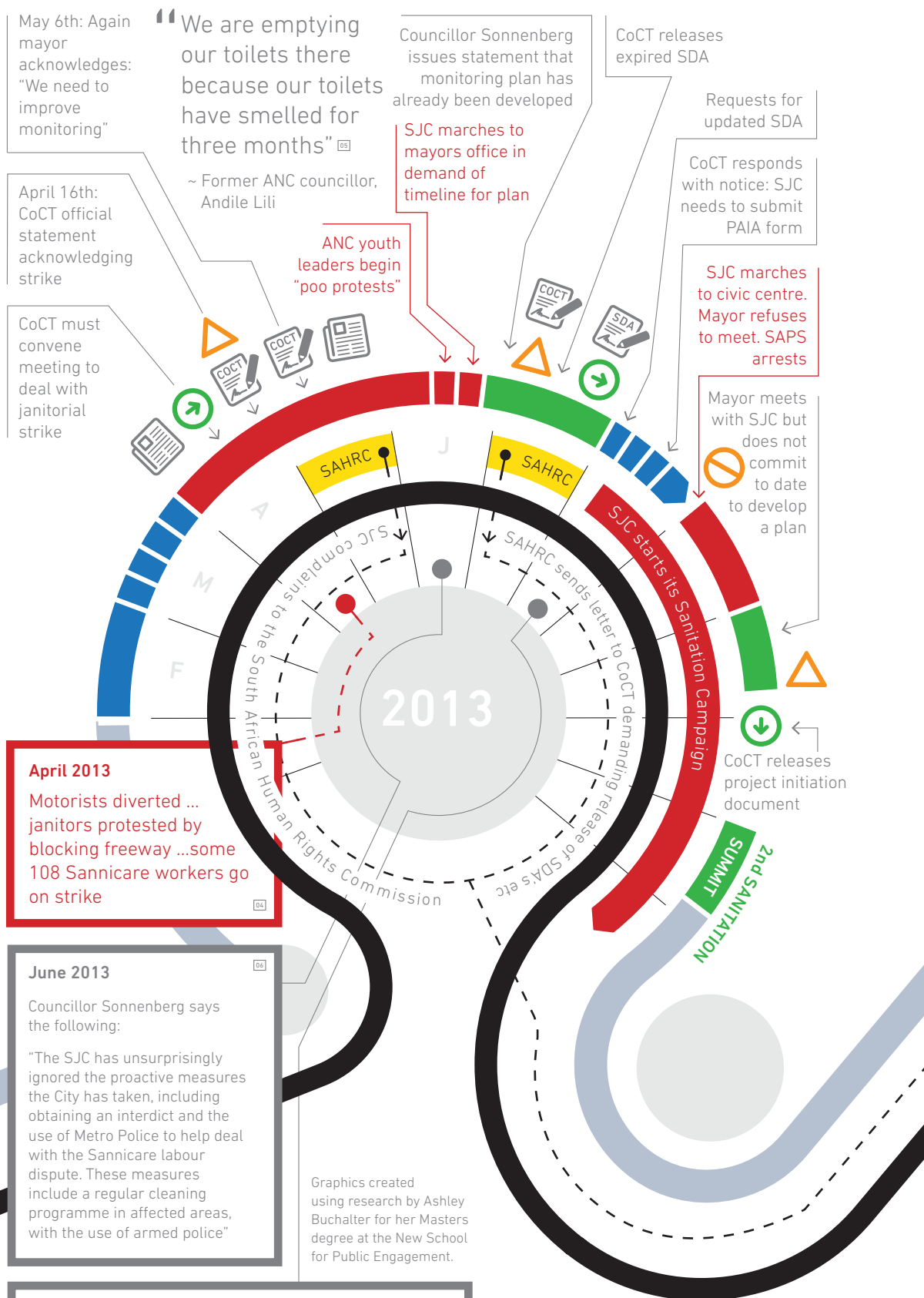
	Newspaper article or publication
	CoCT official release or statement
	Service Delivery Agreement
	Courtcase or legal action
	Process blocked by CoCT
	Process delayed by CoCT
	Process facilitated by CoCT
	Request for action or information
	Civil, public or accountability action
	Silence from CoCT
	3rd party involvement
	Progress made







~ SJC General Secretary, Phumeza Mlungwana regarding September 2013 protests



#### Footnotes:

- |  |  |
|--|--|
| [01] <a href="http://goo.gl/LRsa5z">http://goo.gl/LRsa5z</a> | [06] <a href="http://goo.gl/qGqn8M">http://goo.gl/qGqn8M</a> |
| [02] <a href="http://goo.gl/Qu4xsN">http://goo.gl/Qu4xsN</a> | [07] <a href="http://goo.gl/fP4MI3">http://goo.gl/fP4MI3</a> |
| [03] <a href="http://goo.gl/ohd6Ds">http://goo.gl/ohd6Ds</a> | [08] <a href="http://goo.gl/CrsY6Y">http://goo.gl/CrsY6Y</a> |
| [04] <a href="http://goo.gl/5kf5wj">http://goo.gl/5kf5wj</a> | [09] <a href="http://goo.gl/nnEf72">http://goo.gl/nnEf72</a> |

Clr Sonnenberg commits to develop Implementation Plan & proposes a committee to draft it

July 19th: SAHRC releases damning report:  
“Portable toilets a rights violation”  
~ SA Human Rights Commission of the Western Cape

Masizole Mngqasela interview: “Access to Sanitation is Key”

SJC requests data from UTD & Health Department

SAHRC  
SJC begins social audit

### Findings from the Social Audit:

1/3

residents said janitors cleaned their toilets only 1 day per week

1/2

toilets inspected found to be either dirty or very dirty

1/4

toilets not working at all

### July 2014

21 SJC activists stand trial for peaceful demonstration at Civic Centre, in violation of the Regulation of Gatherings Act (RGA)

2014

2015

10 of the 21 SJC activists charged are convicted of “convening an illegal gathering.”

Mayor De Lille invites public to make submissions on 2015/16 draft budget

Over 500 residents make written submissions on the draft budget, describing the everyday indignity & insecurity of going to the toilet in informal settlements.

SJC marches to demand detailed responses for their sub missions and more money to be allocated to sanitation

~ CoCT Official Release in response to SJC’s budget mismanagement accusations

“While we recognise the value in an engaged civil sector, it is most beneficial if they engage constructively and in good faith – two characteristics the SJC have thus far failed to demonstrate”

# STORY OF DELAYS FOR THE SANITATION CASE

---

We have been campaigning for dignified sanitation since 2010, forced to take legal action in 2016 and the city continues to deprioritise the lives of poor black residents.

In September 2016, the SJC, represented by the Ndifuna Ukwazi Law Centre, launched a court application in the Equality Court against the City of Cape Town. The court action was to compel the City to develop a reasonable plan to meet its obligations to provide a basic level of water and sanitation to the hundreds of thousands in Cape Town who do not have access.

This court action comes after several years of campaigning by the SJC and its members for the development and implementation of such a plan to improve sanitation services for residents living in Cape Town's informal settlements generally, and in Khayelitsha specifically. Despite numerous requests from the SJC over many years, the City of Cape Town had not produced a detailed and reasonable plan. A year into the court proceedings on 19 September 2017, the City placed, for the first time, its previously unknown Informal Settlements Pipeline plan ("ISPP") before the court. The City claimed that this was their plan for the provision of permanent sanitation services to residents of informal settlements.

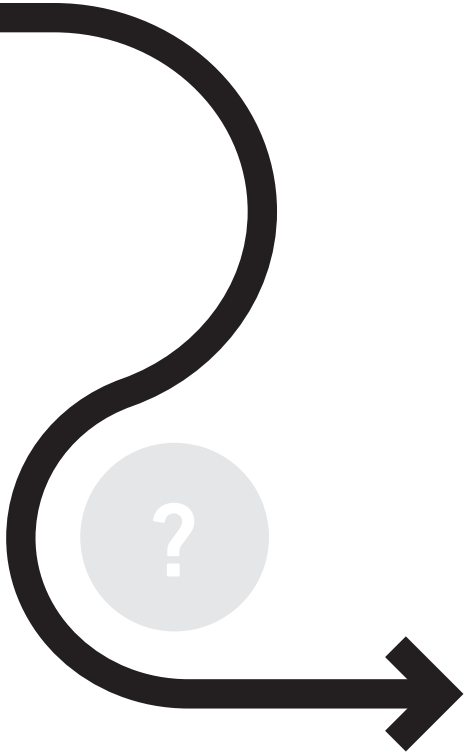
Now, given that the SJC had been asking for a plan for several years, and given that the City over those several years failed to produce a plan, the logical conclusion was that there was no plan. As a consequence the SJC decided to turn to the courts to demand that a plan be developed. The sudden appearance then, of what the City claimed was a plan, ultimately undermined the SJC's key demand in court. This was an act of bad faith by the City.

After studying the ISPP, the SJC, along with our lawyers, determined that what the City had placed before the court was not a reasonable plan. The ISPP contains no detailed plan for the provision of safe and dignified sanitation to the overwhelming majority of informal settlements in Cape Town. The ISPP simply does not address what steps the City plans to take, and when it

plans to take them, in respect of 346+ informal settlements..

There have been countless delays in the court case since 2016. The City's failure to produce their plan, when asked in letters, on the streets, in meetings and from police holding cells, caused the biggest delay. This was because in response to the plan finally being made available to us in court proceedings the SJC had to amend our Notice of Motion. Instead of demanding a plan we are now arguing that what the City claims is a plan is not a reasonable plan.

It is clear that, not only hasn't the City has prioritised the lives and safety of poor, Black residents of informal settlements, but also that is unwilling to be transparent and accountable to them on decisions that impact their lives.



I want to talk about my experience of the sanitation case. We have been waiting a long time for the City of Cape Town to give us feedback. We feel bad about that because the toilets are leaking, and they don't respond. When people who want to go to the toilets, the toilets are blocked or there is no water in the toilets and our children get sick.

For us to be staying in the same situation as ten years ago is challenging every day. Accessing a basic service like a toilet because we must use temporary toilets or portable toilets is a challenge every day. It is frustrating that you must face these challenges that are not changing. This is part of our everyday life. We must use public toilets everyday, that is not just meant for you but you must share them with 20 or so people. It stays dirty and it is daily. Strangers dirty the toilet you use and the toilets don't get serviced. People employed to clean the toilets are robbed by gunpoint. They stop coming for these reasons.





# SJC 10 VICTORY

## Participatory Democracy and The Right to Protest

In November 2018, the Constitutional Court affirmed the right to protest when it handed down a landmark judgment in *Mlungwana and Others v S and Another* (SJC 10 judgment). The court upheld a judgment that was handed down by Judge Ndita of the Western Cape High Court in January 2018. Judge Ndita declared section 12(1)(a) of the Gatherings Act invalid and unconstitutional as it criminalised peaceful protesters who don't notify the authorities of their intention to protest. The criminal convictions — for convening an illegal gathering — of the 10 Social Justice Coalition (SJC) members were overturned. The State appealed this High Court Judgment.

In the appeal heard by the Constitutional Court, the SJC, represented by the Legal Resources Centre, was joined by EE, the Right2Know Campaign (R2K) and the UN Special Rapporteur on Freedom of Assembly and Association as *amici curiae*.

In a unanimous judgment, penned by Petse AJ, the Constitutional Court confirmed the High Court's declaration of invalidity. Justice Petse wrote:

- “It is true that barely a quarter of a century ago we emerged from an era in which a substantial majority of the citizenry was denied their inalienable right to participate in the affairs of their country. They were afforded virtually no avenue through which to express their views and aspirations.
- “Taking to the streets to vent their frustration was the only viable avenue they had. It mattered not during the reign of the apartheid regime that their gatherings were peaceful. They were ruthlessly crushed without any regard for the legitimacy of the grievances underlying their protests.”
- “People who lack political and economic power have only protests as a tool to communicate their legitimate concerns. To take away that tool would undermine the promise in the Constitution's preamble that South Africa belongs to all who live in it, and not only a powerful elite.” The court held that “it would also frustrate a stanchion of our democracy: Public participation”.





The ruling comes years after many of our protests demanding a plan for water and sanitation in Cape Town's informal settlements fell on deaf ears. In this victory we remember Nolulama Jara, one of the SJC 10 leaders who passed away in August 2015 that had been convicted for peacefully protesting for clean safe and dignified sanitation services in Khayelitsha. We deeply mourn the loss of comrade Nolulama and thank her and her family for all their courage. We honour her memory and contribution to the struggle for freedom and democracy.

This ruling and its significant consequences for our democracy cannot be overstated. It is more than just a victory for the appellants whose convictions have been set aside. It is more than just a victory for the SJC. It is a victory for the many South Africans whose only way of being heard by government is through demonstration and gatherings. It is truly a victory for democracy.

This is victory for the many South Africans whose only way of being heard by government is through demonstration and gatherings. It is truly a victory for democracy.

## VICTORY IN PRACTICE ?

**On 31 January 2019, two-and-a-half months after the Constitutional Court ruling, Public Order Police (POP) irrationally and without warning violently dispersed a peaceful protest outside the Cape Town Civic Centre.**

Residents living in the informal settlements of Island, Greenpoint, Philippi East & Kraaifontein, with support from the SJC, had gathered outside of the Civic Centre to demand dignified sanitation services. The police fired stun grenades and rubber bullets at about 150 peaceful protestors without giving them a warning. A disabled woman was injured in the ensuing chaos.

One of the protesters, Axolile Notywala, our General Secretary was arrested after demanding that The POP explain why they were suppressing a peaceful protest. While in custody Axolile was assaulted by the police. The charges against him were eventually struck off the court roll after the police failed to bring his docket to court on three occasions. He has since laid assault charges against the police.

This event highlights that our court victory has not been enough to ensure the South African Police Services act in accordance with the law. To give real substance to freedom of assembly and our right to protest more advocacy is required to ensure police protect the right to protest.



# 2018 'THE YEAR OF THE LAND'

---

We stand with landless communities across Cape Town to demand that land be made available for residential purposes under the slogan *Sifuna Umhlaba Wokuhlala Wabahlali* (We want land for living).

105 years after the Native Land Act was passed and 68 years since the passing of the Group Areas Act, Cape Town continues to perpetuate apartheid spatial planning. The legacy of these laws are upheld through the city's inequitable resource allocation and evictions of the poor from land occupations in townships and the inner city. Cape Town's reputation as the 'Apartheid City' is well deserved. In 2018, the housing backlog in Cape Town stood at 345 500. It would take over 60 years for everyone who qualified for house to receive one. This excludes the millions of South Africans who cannot even apply for state housing due to government's strict eligibility requirements. Millions of South Africans are forced to live in informal settlements in constant threat of eviction and with poor service delivery where they live with no security of tenure.





We joined Ndifuna Ukwazi, Reclaim the City and the District 6 Working Committee, in mobilising thousands of people from diverse communities to stand together for their land and dignity. On 21 March 2018, 5000 people marched to the City of Cape Town to deliver a memorandum directed to all levels of government demanding:

- Land tenure security and upgrading of informal settlements
- Land for decent human settlement
- An end to evictions and displacement

People who were previously divided by race, railways and at times only the distance of a road, walked hand in hand on 21 March 2018. Together we called for a recognition of collective humanity and dignity, which can only be achieved through land justice.

## LAND TENURE SECURITY AND UPGRADING OF INFORMAL SETTLEMENTS

There are over 2700 informal settlements in South Africa today. Informal settlements are characterised by inadequate living situations, poverty, unemployment, crime, illness and disasters such as floods or fires. The dire living conditions of poor people, and the challenges with the existing housing crisis, have not seen any significant improvement despite numerous policies that have attempted to address these issues.

A central component of inequality in relation to within land inequality is in the lack of security of tenure that results in the economic exclusion of the majority of South Africans, particularly women and youth in rural and urban areas. In South Africa currently, has over 60% of households citizens whose do not have their land/property rights are not recorded nor registered.

The SJC's Social Justice Coalition main focus on land and security of tenure and land has been through the on the Upgrading of Informal Settlements Programme (UISP). The UISP aims and intentions are to improve the conditions of informal settlements through planning and upgrading that is more responsive, flexible and effective than previous policies. However, implementation of the UISP has been poor across the country. The biggest challenge contributing to this is lack of political will.

Land reform in South Africa has yielded little success in establishing a new generation of sustainable home owners, small scale and commercial black farmers. The reasons for this include the cited include a dearth or absence of security of tenure and a failure to lack of transfer of title deeds of the acquired portions of land to beneficiaries. and the poor post-settlement

support system. Despite constitutional provisions and policies, tenure insecurity remains persists nationally a pervasive occurrence. People living in informal settlements, backyard shacks, inner-city buildings, on commercial farms and in communal areas face challenges due to weak, informal, and 'un-registrable' tenure rights in law and in practice due to governance failures.

Addressing the urban spatial and developmental challenges requires that land reform objectives must become a key consideration in the manner in which urban plans, housing projects and land-use management are planned and implemented, and must be linked with ensuring that those who remain landless have legally recognisable, protectable and registrable tenure rights.

## EVICCTIONS

Days after the march we were inundated with requests for assistance from communities that were violently and illegally evicted from their homes by the City of Cape Town's Land Invasion Unit. The first community to approach us was Island in Makhaza, Khayelitsha. Island suffered successive illegal evictions where homes were demolished, materials confiscated and property damaged. We assisted with litigation in partnership with Ndifuna Ukwazi Law Centre. The community continued to experience evictions even after legal proceedings had been instituted against the City of Cape Town. The City flagrantly defied court orders to cease all evictions in that community and continued to terrorise people with further illegal evictions.

The call for support in fighting illegal evictions grew rapidly. In a mere four months, over 2000 people who had been illegally evicted by the City of Cape Town sought out assistance from us. Communities such as Ses' Khona in Phillipi East, Nkandla in Kraaifontein, Wallacedene in Kraaifontein, Vrygrond in Muizenberg, Qandu-qandu in Green Point, Khayelitsha, Vosho in Nkanini, Khayelitsha all required support.

Without the capacity to assist with this level of litigation, we created educational material and held workshops on the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, which lays out the procedure of a lawful eviction. We continue to provide this assistance to communities. We are still awaiting finalisation on the Island eviction matter.

# WORKSHOPS

---

Through workshops and training sessions we equip both staff and community members with the skills and knowledge to advocate for justice.

## UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME (UISP)

When the 2018 draft budget of the City of Cape Town was tabled, we held UISP workshops with Nkanini, BM Section, Monwabisi Park and Green Point communities. Together, we explored how they were represented in the budget and what the city had proposed for each area. By comparing the information on the budget with what residents observed in their neighbourhoods we discovered that the UISP was not being well implemented by the City throughout all the communities we worked with. The budget was also incoherent and often contradictory on the various municipal documents. These engagements, as a result, informed our ongoing tracking of the roll-out of the UISP across the City of Cape Town.

## GENDER-BASED VIOLENCE

While women occupy leadership positions in government, civil society and the private sector, South Africa has still not achieved equitable gender justice. Heteronormative gender roles do not only give men power in society but in intimate relationships as well, prohibiting women from accessing their basic human rights. Rates of gender based violence in South Africa are among the highest in the world.

As part of our Political Education strategy, we held workshops in Khayelitsha to discuss gender-based violence in our communities. We used Paulo Freire's model of popular education which includes participatory role playing, drama, music and board games as tools to engage with the various violences women experience. We also facilitated conversations about patriarchy, the causes of gender-based violence and

power imbalances in intimate relationships. We investigated the role cultural, religious and traditional norms have in maintaining and promoting gender based violence. Importantly, we explained the South African legislation and policies that protect women from violence like the Sexual Offences Act and explored the various options women have for getting assistance. We had focused sessions on Protection Orders and guided women from communities across Khayelitsha through the procedure of how to apply for them.

## INTERNATIONAL BUDGET PARTNERSHIP (IBP)

As a member of the International Budget Partnership (IBP) network, we were invited to the IBP Discrimination and Budget Workshop in Nairobi. Activists from around the globe shared presentations on how they use budget advocacy to push for effective governance and equitable resources for those who have been denied basic services. We explored the meaning of discrimination in the budgeting process and brainstormed advocacy tactics, including strategic litigation and mass mobilization.

*"As a researcher, who often approaches budgets in a focused way, often from a policy perspective, it was amazing to engage on how other activists all around the world used the knowledge of budget allocations and processes to bring about equitable distribution of resources and services."*

*~ Khadija Bawa*



## FILM TRAINING

In 2018, in collaboration with the University of Cape Town's Stepping Stone Film Training Programme, we started a 12 week film training programme for members of the SJC. The programme allowed participants to tell their own stories about important issues affecting the communities they live in. Individuals received training in planning and producing short documentaries which allowed participants, in the end, to produce documentaries 5-10 minutes in length. The programme was mainly conducted in isiXhosa and focused on elements such as storytelling, directing, editing videos, photos and audio. Participants graduated at the end of the programme and received a UCT accredited

NQF level 5 certificate. Some of the participants that graduated have pursued film related opportunities further and assist film crews in many parts of the City.

Most of the participants were young people that have never held a camera before but through this programme have managed to produce important social justice films. Five short films were produced by the participants in 2018 that looked at different issues such as land occupations, 'illegal' electricity connections in informal settlements, and lack of access to libraries for poor communities. These are films that the SJC and the participants will use for education and advocacy purposes in our struggle for justice and equality.

# STAFF AND LEADERSHIP

---

We made a number of structural changes to staff positions and job titles. Many of these changes are to allow us to continue bettering and streamlining how we work internally and improve coordination, communication and focus towards better ways of community organising.

Organisers now focus on both organising and education, with the three educators joining the organising team. This team is managed by the Head of Organising and Advocacy, formerly Co-Head of Programmes. The other Co-Head of Programmes position is now the Head of Policy and Research and this role oversees our research team.

The Branch Support Officer is now the Governance and Support Officer and is positioned within the General Secretary's office together with the Education Coordinator and the Media and Communications Officer.

Tyronne McCrindle resigned from the position of Chief of Staff at the end of February 2019. We have since changed this position to Governance and Finance Manager. Thando Mhlanga, who was coordinating the Social Audit Network (SAN), also left in February when the hosting of the SAN moved from the SJC to the International Budget Partnership (IBP). Thando now coordinates SANs work from the IBP.

## SECRETARIAT

---



CHAIRPERSON  
**Wiseman Mpepo**



DEPUTY CHAIRPERSON  
**Sisanda Makumsha**



GENERAL SECRETARY  
**Axolile Notywala**



DEPUTY GENERAL SECRETARY  
**Mandisa Dyantyi**



TREASURER  
**Andrew Ardington**

## GENERAL SECRETARY'S OFFICE

---



GENERAL SECRETARY  
**Axolile Notywala**



DEPUTY GENERAL SECRETARY  
**Mandisa Dyantyi**



CHIEF OF STAFF  
**Tyronne McCrindle**  
(Until February 2019)



## OPERATIONS DEPARTMENT

---



OPERATIONS MANAGER  
**Siham Surve**



FINANCE & OFFICE  
ADMINISTRATOR  
**Thabo Gumede**  
(From May 2017)



OFFICE KEEPER  
**Nandipha Qegu**

## EDUCATION

---



EDUCATION CO-ORDINATOR  
**Ntebaleng Morake**  
(From August 2017)



POLITICAL EDUCATOR  
**Bonga Zamisa**  
(From March 2017)



EDUCATOR  
**Zingisa Mrwebi**



EDUCATOR  
**Nosiphelele Msesiwe**

## PROGRAMMES

---



HEAD OF ADVOCACY AND  
ORGANISING  
**Musa Gwebani**  
(From November 2017)



HEAD OF RESEARCH AND POLICY  
**Dalli Weyers**



GOVERNANCE AND SUPPORT  
OFFICER  
**Ntuthuzelo Vika**



PROGRAMME ADMINISTRATOR  
**Thozama Mngongo**  
(until March 2019)



SOCIAL AUDIT NETWORK  
COORDINATOR  
**Thando Mhlanga**  
(Until February 2019)



PROVINCIAL ORGANISER  
**Zukiswa Qezo**



COMMUNICATIONS  
OFFICER  
**Darsha Indrajith**  
(Until April 2019)



RESEARCHER  
**Khadija Bawa**  
(From May 2018)



RESEARCHER  
**Justin Jafta**  
(From June 2018)



ORGANISER  
**Nontando Mhlabeni**



ORGANISER  
**Xoliswa Mbadlisa**



ORGANISER  
**Sibusiso Mdlankomo**

# AUDITED FINANCIAL STATEMENTS

For the year ended 28 February 2019  
Registration Number 067-689 NPO

This year the total grant funding received was R10 269 073. An amount of R4 923 153 was brought forward from 2018 and we deferred an amount of R6 056 269 to the 2019/2020 year. This means that for the 2018/2019 year, we had grant and donation income of R10 957 217 for our 2018/2019 programmes. Other income received totalled R43 025. Total expenditure for the 2018/2019 year was R9 872 543.

## STATEMENT OF FINANCIAL POSITION:

ASSETS:	2019	2018
<b>Non-Current Assets</b>		
Property, plant & equipment	246 867	353 377
<b>Current Assets</b>		
Trade and other receivables	60 190	60 190
Cash & cash equivalents	9 366 088	7 549 819
<b>Total Assets</b>	<b>9 673 145</b>	<b>7 963 386</b>

FUNDS AND LIABILITIES:	2019	2018
<b>Funds</b>		
Accumulated surplus	3 195 504	2 798 974
<b>Current Liabilities</b>		
Trade & other payables	421 372	241 258
Deferred income	6 056 269	4 923 154
<b>Total Equity &amp; Liabilities</b>	<b>9 673 145</b>	<b>7 963 386</b>

## DETAILED INCOME STATEMENT:

INCOME:	2019	2018
Grants and	9 824 101	8 699 960
Donations	43 983	78 564
Sundry income	10 860	10 860
Interest received	357 964	364 197
<b>Total income</b>	<b>10 269 073</b>	<b>9 149 100</b>
	<b>2019</b>	<b>2018</b>

EXPENDITURE:	2019	2018
<b>Operational costs:</b>	<b>1 877 626</b>	<b>1 972 541</b>
Staff costs	707 152	657 332
Overheads	1 170 474	1 315 209
<b>Programme costs:</b>	<b>7 994 915</b>	<b>6 721 055</b>
Staff costs	4 743 447	4 338 650
GS governance & branch development	788 503	730 117
Safety and justice programme	185 877	737 398
Local government programme	2 277 088	914 890
<b>Total expenditure</b>	<b>9 872 543</b>	<b>8 693 596</b>

<b>SURPLUS FOR THE YEAR</b>	<b>396 530</b>	<b>455 504</b>
-----------------------------	----------------	----------------



INTERNATIONAL BUDGET PARTNERSHIP  
Open Budgets. Transform Lives.

MILLENNIUM TRUST



OPEN SOCIETY FOUNDATION  
FOR SOUTH AFRICA



BERTHA  
FOUNDATION



FORD FOUNDATION

CONSTITUTIONALISM  
FUND



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!





(+27) 21 361 0298  
info@sjc.org.za  
www.sjc.org.za  
@sjcoalition  
social justice coalition  
social\_justice\_coalition\_  
Isivivana Centre  
8 Mzala Street  
Khayelitsha  
7784