



16 October 2018

**FOR IMMEDIATE RELEASE**

**LEGAL AID SA CONTINUES TO MAKE HUMAN RIGHTS A REALITY IN THE FACE OF LONG-TERM BUDGET CUTS**

Legal Aid South Africa (abbreviated as Legal Aid SA) appeared before the Portfolio Committee on Justice and Correctional Services on Tuesday, 16 October 2018 to present our Annual Performance Report 2017/18. We presented on the performance of the organisation during the 2017/18 financial year and outlined our future plans, with particular emphasis on the impact that continued budget cuts will have on our ability to fulfil our constitutional mandate.

***Highlights***

The 2017/18 financial year has seen Legal Aid SA continue to champion the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services in criminal and civil legal matters. We delivered professional legal services to nearly 732,000 people. These legal services include providing legal representation in 426,617 criminal and civil legal matters, as well as providing legal advice to 305,239 people. Assisting such a large number of people and ensuring that their human rights are upheld requires strong pillars of financial management, governance and human resources across the organisation.

Our commitment to accountability and good governance continues, with the receipt of our 17<sup>th</sup> consecutive unqualified audit opinion from the Auditor-General of South Africa, which was also a clean audit. Our responsible spending of public resources is founded on good governance and prudent financial management, which saw us spending 98.7% of our budget in 2017/18. We have met more than 93% of our set targets in our Business Plan for the financial year, highlighting Legal Aid SA's efforts to sustain its status as a high performing public entity. Our commitment to benchmarking against and implementing contemporary human resources practices, resulted in Legal Aid SA being named a Top Employer in South Africa for the 9<sup>th</sup> consecutive year, as well as an Industry Leader in the Public Sector category for the 3<sup>rd</sup> consecutive year.

***Legal Services Provision***

In the 2017/18 financial year, Legal Aid SA provided legal representation and advice to 731,856 poor and vulnerable persons. We are able to serve the public through our mixed model delivery system, comprising 128 Legal Aid SA Local Offices and Satellite Offices nationwide, which handle 95.3% of our legal caseload; Judicare practitioners briefed individually and through Agency Agreements, who assist with 3.2% of our matters, and Co-operation Agreements with NGO

partners that account for 1.5% of our caseload. We took on a total of 426,617 new legal matters and finalised a total of 420,061 matters.

The vast majority of matters that Legal Aid SA handles are criminal matters 371,202 (87%), with 55,415 (13%) being civil matters. We are able to handle such numbers of criminal matters through our presence at all criminal courts throughout the country. This ensures that we meet our legislative mandate as stipulated in Section 35 of the Constitution, regarding the rights of arrested, detained and accused persons.

In the 2017/18 financial year, Legal Aid SA assisted children in 16,350 matters; 62% of these were criminal matters where children were in conflict with the law and 38% were civil legal matters. We also monitored children awaiting trial in custody with the aim of concluding these matters as speedily as possible. This intervention resulted in a 41% decrease (as compared to 2016/17) in the number of children awaiting trial in correctional facilities for periods greater than one month.

General legal advice is provided at all of our offices nationwide; as well as through consultations with awaiting trial detainees and sentenced detainees and through our toll-free Legal Aid Advice Line. The Legal Aid Advice Line can be accessed by calling 0800 110 110 or by sending a Please Call Me request to 079 835 7179.

Legal Aid SA both directly litigates and funds civil society organisations in precedent-setting matters in impact litigation matters, through our Impact Litigation Unit. These matters have the potential to positively affect the lives of a larger number of indigent people other than the person/s to whom legal services are rendered directly. Such matters may establish a legal precedent or jurisprudence, have the potential of resolving a large number of disputes or potential disputes, or may improve the lives of a group of persons or a sizeable portion of a group. Legal Aid SA finalised 19 impact matters, with a 79% outcome success rate in the year under review.

“Legal Aid SA provides legal assistance to accused persons to protect their constitutional right to a fair trial and defends their right to be treated as innocent until proven guilty through a fair hearing in a court. Our organisation also provides legal advice/assistance to persons to get a fair public hearing to settle their disputes before a court, as per Section 34 of the Constitution. We remain cognisant of the significant human rights role we play, in South Africa and beyond, and work daily to serve poor and vulnerable persons who are often left feeling helpless when confronted with legal challenges and having to navigate the legal system,” says Chief Executive Officer, Ms Vidhu Vedalankar.

Our commitment to being a voice for justice is further underscored by the quality of legal services we provide – Legal Aid SA employs qualified legal practitioners who continue to meet legal quality targets. In 2017/18, 99% of legal practitioners met our set targets for matter files and court appearances.

### ***Snapshot of legal matters***

Legal representation was provided to vulnerable groups (children, women, land/eviction matters, mental health care matters, refugees, the aged/elderly) in a variety of specialist matters. The level of representation to women and mental health care patients increased during the financial year. A number of our Impact matters have also specifically focused on the rights of these vulnerable groups, including the Life Esidimeni Arbitration matter which focused on mental health care users. Legal aid is now available to all undocumented migrants appearing before courts within 48 hours

of their arrest so that they are able to be legally represented in their legal matters relating to their detention and deportation which ensures access to their constitutional rights as detained persons.

Legal Aid SA is able to provide details of these matters for those wanting to report on these matters.

### ***Budget cuts***

In the new financial year 2018/19, we, together with other government departments and entities, have received a 5% budget cut to our baseline allocation from the national fiscus as a result of the financial challenges faced by government. This results in a total budget cut over the next three years of R503 million. “This will require a review and prioritisation of legal aid services so that we prioritise matters having a higher impact on our clients. The budget cuts will also require a reduction in budgeted staff posts – this will result in a reduction of services delivered which will impact on the efficiency of courts. Legal Aid SA is very concerned with the impact this will have on the poor and vulnerable, and their ability to access justice,” stresses Vedalankar.

After implementing various efficiency measures and reducing various expenditure items, Legal Aid SA has to also reduce its staffing expenditure. Being a service delivery entity, 80% of our budget is spent on salaries for legal professionals who deliver legal services to our clients as well as on support staff that support legal practitioners. As such, these budget cuts will be felt in a reduction of staff posts; a total of 282 positions have to be cut from Legal Aid SA’s staff establishment over the period 2017/18 – 2020/21. This is a reduction of 10% of our staff complement.

The impact of reduced staffing is huge and its effect on service delivery is enormous, impacting negatively on poor persons’ ability to access justice. Over the period indicated, legal aid services delivery capacity will be reduced by 51,675 matters or 11.6% over the period. Court coverage will reduce by a total of 7% in District Courts, to 79%, and Regional Court coverage will reduce by a total of 10%, to 85%.

If additional planned cuts are implemented, this reduction of staffing and services will be even worse.

“In a climate of global cuts to legal aid, our collective efforts to uphold human rights, ensure access to justice and ultimately, a better life for all, will continue to guide our work. Legal Aid SA’s contribution to making the Constitution a living document is important and necessary to sustain. Daily, our actions make human rights a reality. We are requesting a reversal of budget cuts to our organisation for 2019/20 and 2020/21, and are also asking that further budget cuts planned for 2019-2022 are not implemented. We will not be able to fulfil our constitutional obligations otherwise,” reiterates Vedalankar.

Legal Aid SA continues to strive to provide quality legal services to as many people as possible through our experienced legal practitioners, who are supported by a national footprint governed by sound financial management, good governance and people-centric people management.

– Ends –

Issued by the Communications Department of Legal Aid South Africa. For more information, please contact Legal Aid South Africa Communications Executive and National Spokesperson Victor Shabangu on 011 877 2056/066 301 6935 or the Media and Marketing Manager Mr Godfrey Matsobe on 011 877 2382/066 481 6792

Visit our website at [www.legal-aid.co.za](http://www.legal-aid.co.za) or call the Legal Aid Advice Line on 0800 110 110

Please be reminded that the name of our organisation **Legal Aid South Africa** is correctly abbreviated as **Legal Aid SA** and not as LASA. We respectfully request that you use the correct abbreviation **Legal Aid SA** which is representative of our mission to deliver quality **legal aid** services to the poor and vulnerable in South Africa.