



Brigitta Mangale
Director,
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A FORCE FOR JUSTICE

Brigitta Mangale and Elgene Roos's fierce approach in upholding human rights in South Africa

Cliffe Dekker Hofmeyr Inc (CDH) is a law firm committed to playing its part as a responsible corporate citizen and to making a contribution toward the positive transformation of our society. One of the ways CDH demonstrates this commitment is through its small but mighty Pro Bono and Human Rights Practice, made up of seasoned legal practitioners who are passionate about enforcing, protecting and, where necessary, developing a wide range of human rights. Two of these practitioners are Director, Brigitta Mangale and Senior Associate, Elgene Roos.

From as early as she can remember, Brigitta had the sense that her life ought to be dedicated to fighting for positive change, that she should lead with a spirit of generosity and compassion, and that her life should be spent in service, empowerment and upliftment. Brigitta is passionate about all she does, and has built a career as a formidable litigator – a career on which she is proud to reflect in this her tenth year in practice.

Brigitta was honoured to have started her legal career in 2014 – as a candidate attorney and then later an associate and thereafter senior associate – at a reputable law firm in South Africa in which she practiced commercial litigation. During her time in practice at this commercial

law firm, she was able to lay the foundation for her fierce and strategic approach to litigation and dispute resolution. While there is no doubt that her time practicing commercial law developed invaluable skills, her call to do good, to empower the vulnerable and to be of service, beckoned.

She was fortunate to be offered the opportunity to build CDH's Pro Bono & Human Rights Practice in Cape Town effectively from the beginning of 2018. While CDH's Johannesburg-based Practice had been well established since 2011 and was itself making significant contributions to a wide range of public interest issues and objectives, a dedicated Cape Town presence was in need. Since 2018, Brigitta has led the running of the Cape Town Pro Bono & Human Rights Practice, and has built a practice from the ground up that has run strategic and public interest litigation, community projects, legal education workshops, and that has partnered with some of our country's most impactful public interest organisations. Brigitta is proud to have built a practice with a primary focus on women's rights and issues, with a further focus on land rights and uplifting and empowering previously disadvantaged communities, and with a budding focus on children's rights.

Elgene is a driving force for positive change. Her impressive career trajectory, marked by dedication, strategic thinking, and a deep commitment to social justice, reflects a blend of legal expertise

and humanitarian passion. Elgene's journey exemplifies the impact of legal expertise combined with unwavering commitment.

From a strong foundation in economics and law established at the University of the Western Cape, Elgene has built a career focused on empowering vulnerable communities. This commitment is evident in her current role as a Senior Associate at CDH, where she tackles complex issues head-on, specialising in migrant rights, citizenship law, women's and children's rights, and constitutional and administrative litigation.

Elgene's path to CDH is equally impressive. Previously at a law firm based in Johannesburg, she honed her skills in class-action litigation, focusing on critical Occupational Health and Safety and Mine Health and Safety cases within the South African coal mining sector. This experience provided valuable insights into large-scale litigation, strategic planning, and managing complex projects.

Elgene started her career by serving her articles at a non-profit public interest law centre dedicated to upholding constitutional rights. She remained as an attorney at the centre after completing her articles, and was appointed Lead Attorney in the Forced Migration Focus Area in 2019. There, she spearheaded the strategic direction and implementation of projects focused on refugee and migrant protection. She successfully managed grants, drafted reports,

and collaborated with various stakeholders across national and international levels.

Elgene continues to build her expertise in documentation rights, a critical area impacting countless lives. At CDH, one of her focus areas centres on citizenship, birth registration, and refugee rights. Having represented clients in the High Court, Supreme Court of Appeal and Constitutional Court (during her tenure at the public interest law centre), Elgene has witnessed firsthand the transformative power of proper documentation and the devastating consequences of its absence. Her work transcends individual case representation; she actively tackles systemic issues hindering the effective implementation of citizenship rights. This dedication extends to collaborations with public interest organisations to create lasting change. Beyond advocacy, Elgene's passion for education is evident in her development of resources for legal practitioners and community members. In 2023, Elgene developed a practical manual navigating the complexities of South Africa's refugee system – a resource that has already facilitated numerous training sessions for legal practitioners and community members alike.

Together, Brigitta and Elgene are not merely advocating for change – they are working to create systemic change to advance women's rights in South Africa, directly confronting state failures that offend our shining Constitution. They both drive matters and project work that actively support and seek the development of women's rights, among others. In one of their joint cases, they represent the family of a woman brutally murdered by her ex-boyfriend, exposing the catastrophic consequences of civil and state inaction. The accused, a known violent offender with a history of drug-related and sexual violence

offenses, was repeatedly ignored by the South African Police Service (SAPS) despite clear warnings and multiple opportunities (and indeed obligation) for intervention. After a horrific night of kidnapping, rape, sexual assault, and brutal beatings, the deceased eventually managed to escape and run to the nearest SAPS station. Incredibly, SAPS failed to arrest the perpetrator despite having sufficient evidence and information to do so. This inaction allowed the accused to remain free, despite having sufficient evidence and information to do so, affording him the opportunity to hunt the deceased and brutally murder her.

This case is not just about a tragic loss; it's about a flagrant disregard for constitutional duties. The SAPS failed in its obligation to prevent, combat, and investigate crime; maintain public order; and protect citizens. In the context of our gender-based violence statistics, this failure is unconscionable. Brigitta and Elgene are, among other things, pursuing constitutional damages, a progressive legal strategy to hold the Minister of Police and SAPS accountable for their negligence. While this legal avenue remains largely untested in GBV cases, they are determined to establish a precedent. Their unwavering commitment is driven by a simple yet profound goal: to prevent future tragedies by demanding accountability and ensuring the state fulfils its fundamental duty to protect women and children from violence. This case is a fight for justice, accountability, and the fundamental right to safety for all women in South Africa.

One of Brigitta's longest running cases is one that goes to the heart of access to justice for survivors of sexual abuse. In this public interest matter, Brigitta – on behalf of her clients who are two sisters – puts forward a constitutional challenge to section 12(4) of the Prescription Act 68 of 1969.

The case seeks a declaration that section 12(4) is unconstitutional on the basis that it requires a survivor of sexual abuse to prove that they were unable to institute proceedings earlier because of – as described in the section itself – mental or intellectual disability, disorder or incapacity, or because of any other factor that the court deems appropriate. The result of this construction of the section is the infringement of the survivor's right to equality, right to human dignity, right to bodily and psychological integrity, right to be free from all forms of violence and yet further constitutionally enshrined human rights. In our country's present reality, one marked by horrific gender-based violence statistics, such infringements of basic human rights must be met with urgent legislative reform.

The detrimental psychological and emotional effects of sexual abuse on the survivor have been extensively studied and reported on. The serious nature of the primary and secondary trauma sustained as a result of sexual abuse, and its disproportionate impact on women, are widely accepted by psychologists. With this, and our South African context in mind, it is the task of a responsible human rights lawyer to interrogate the laws that are intended to protect and support survivors of sexual violence, and ensure that these laws are developed to account for the lived realities of, predominantly, the women in our country. Brigitta continues to pursue this constitutional challenge to section 12(4) of the Prescription Act with dedication and vigour, and aims to achieve an amendment to the legislation that no longer offends a survivor of sexual abuse's access to justice, accounts for the unique circumstances created by sexual violence, and that comprehensively embodies constitutional values.

With just as much dedication, Brigitta pursues a further matter in which the effects of our economy on vulnerable

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groups, particularly women and young girls, is brought into sharp focus. In this case, a mother, father and their children find themselves struggling to make ends meet in our worsening economic climate, and become more and more reliant on a (now former) family friend who is a man of far greater financial means and who generously offers the family much needed support. However, this support came with a devastating price tag, and it is one of the young girls in the family who must pay the ultimate price for her family's hardship: years of grooming, sexual abuse and rape.

This devastating dynamic silently creeps through countless communities across our country. Families, desperate to survive one month to the next, are at the mercy of those with comparatively endless means who can effectively name the price for their financial support, and all too often set their sights on the most innocent of all. It is an awareness of this far-reaching injustice that has led Brigitta to not only prepare civil proceedings against the man in question, but to also interrogate the Prosecuting Authority's handling of the criminal charges laid against the man. She's found that, notwithstanding its heightened obligations in the context of sexual abuse cases involving minors, that the Prosecuting Authority has not only failed to prosecute these charges, but worse so, has failed to properly interrogate the unique circumstances of the minor girl within the context of her family and communal dynamics, and the unique and devastating effects of sexual abuse, particularly on minors. Brigitta and her team are working hard to leave no stone unturned in fighting for the young girl's criminal and civil justice, and to hold the various state role players to their constitutional obligations owed to her and others similarly placed.

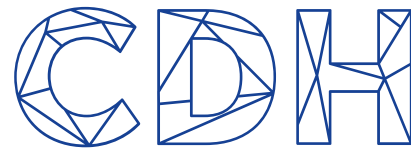
Brigitta's practice drives several further public interest litigious matters and projects in support of women's rights, which rights include that of trans- and cis-gender women alike. She is fierce

in her approach to hold the state accountable for systemic and further failures to protect vulnerable groups within our society, and often partners with heavy-weight public interest organisations in doing so. Next year, she will continue to drive strategic litigation and projects that address, among other things, a plurality of reports on the forced sterilisation of HIV-positive mothers without their consent, the Department of Social Development's improper handling of an adoption case, and the construction of a further case against the National Prosecuting Authority for its failures to properly prosecute cases involving the sexual abuse of minors, and more. As the year draws to a close, she is inspired to continue the projects and matters already underway, and to further contribute towards the protection, enforcement and development of women's rights next year and beyond.

In their comprehensive approach to driving positive change in the human rights space, Brigitta and Elgene do not only concern themselves with the running of impact matters and projects. During Women's month this year, a collaborative event between the South African Human Rights Commission and CDH celebrated the achievements of young women in law. Elgene was among the panel of accomplished female legal professionals who shared their diverse career journeys and offered invaluable advice to aspiring young lawyers. The event aimed to empower and inspire the next generation of female legal leaders, reflecting the spirit of resilience and courage in a male-dominated sector. To commemorate this year's 16 Days of Activism Against Gender-Based Violence, Brigitta and Elgene hosted a round table discussion in partnership with the #NotFitForPurpose Campaign and further key stakeholders, to address critical gaps in the National Council on Gender-Based Violence and Femicide Act 9 of 2024 (the Act). The discussion was led by an impressive panel made up of legal experts, community leaders and advocates, and focused on practical approaches – including litigation, advocacy, and institutional reform – to ensure the Act translates








into tangible improvements for those it is intended to protect, and champions necessary law reform. The objective of the discussion was to identify collaborative partners and outline concrete steps towards fostering meaningful, sustainable change in combating gender-based violence, and to develop a strategic, multi-stakeholder response aimed at holding the government accountable and challenging the Act.

Brigitta and Elgene are committed to driving positive change, not just around periods of commemoration such as Human Rights Day, the 16 Days of Activism and Women's Month, but year-round. They are privileged to do so at CDH where their lofty ideals are not only supported but encouraged. And they are equally inspired and committed to do so in collaboration with strategic partners, public interest organisations and socially conscious individuals alike, recognising the long journey we must all traverse together as we march toward a transformed, empowered and safe society for all. ■



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