

3rd Floor, Bank Chambers
Cnr. Keerom and Bloem Streets
Cape Town
Tel: 082 88 77 555 // 021 424 5273
Fax: 021 424 4098
Email: mgaum@capebar.co.za

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Western Cape Provincial Parliament

Cape Town

Attention: Mr G Bosman, MPP

Dear Sir/Madam

Is: WESTERN CAPE COMMISSIONER FOR CHILDREN SHORTLIST

As a child, I had no trouble to describe myself. I would have said: *“I’m Mirinda, brown hair, brown eyes, and I want to make a difference.”* It is not unexpected that your initial thoughts, dreams and depiction of yourself evolve and exponentially change. Today, I am Mirinda, a devoted mother, an experienced family law advocate at the Cape Bar. I am very proud of one of my most recent achievements, advocating successfully in the High Court for the acceptance of same-sex marriage in the Dutch Reformed Church. I am deeply motivated to always use my skills and expertise to make a difference to the lives of others, specifically children, as they are uniquely vulnerable; and to secure a better future for our youth.

I believe that this nomination for Western Cape Commissioner for Children is indubitably aligned with my passion and vision for my personal life and career. I invite you to stroll through a small section of my past with me, trusting that it will give insight and understanding of who I am, what is dear to me and deserving of my selfless dedication. These deep-rooted values have underpinned everything I am and do and defines my passion and purpose.

I have in excess of 22 years' experience as a legal practitioner. Starting as an attorney, notary and conveyancer, I have always strived to further myself in this field, aiming to not just practise the law, but to make a difference in the lives of others. Currently I am practicing as an advocate at the Cape Bar. I also qualified and act as facilitator, mediator and arbitrator. My primary field pertains to family law, especially the rights of children and the paramountcy of the best interest of children. My experiences, both personally and professionally, have taught me that when it comes to children and the law, it is always a delicate matter. One has to apply the law with all of the power and force it contains, but also shield the vulnerable from its impact. The consequences can cause destruction to those who are in the prime developmental phase of their lives, not able to defend themselves and most of all not deserving of what they have to deal with. Children require a legal nursery capable to distinguish their needs from those of adults, protecting them from forces they would otherwise be defenceless against until they are strong enough to weather the storms of life on their own.

Having practiced law, it has exposed me to the vulnerabilities and complexities facing children and the need to secure their rights and interests. For this reason, I interrupted my further legal studies to complete my Bachelors of Arts degree (Health Science and Social Services) in Applied Psychology for Professional Contexts. These diverse fields of study (law and psychology) enabled me to gain a holistic understanding of matters

that I am faced with on a daily basis. I am in the final stages of completing my Master's degree in Child Law. It is alarming that the rate of foetal alcohol syndrome in South Africa, particularly in the Western and Northern Cape Provinces, is the highest in the world and for that reason my thesis focuses on the effect of substance abuse on unborn children. My thesis topic is aimed at calling for law reform in South Africa to recognise and protect unborn children against substance abuse.

Admittedly, the nomination forced me to reflect on the furthest peripheries of my past and once again confirm why I decided on a career in the law. Whereas my parents taught me the true value of equality for all, dignity and respect for people irrespective of race, gender, sexual orientation or religion, I have always been vigilant of those around me and the moral task of providing a voice to those with no voice. Individuals who have been marginalized and children whose voices are silenced or lost. As I'm reflecting on my reasons for accepting the nomination for Western Cape Commissioner for Children, the answer to this nuanced question is solely predicated upon the notion of 'care and protect'. From the beginning of my career and now as a mother of four, I have always endeavoured to exhibit great care towards my career and my children. In being a strong voice for children and always having been in a position to advocate for children throughout my career as a practising lawyer and even more importantly now as a mother of young children, our Constitution, as the supreme law of the land, provided me with a platform to bestow a voice of reason where needed.

The combination of my long legal career, our nations' powerful judicial system, my role as a mother and my capacity as a capable, strong, loud voice for children whilst practicing family law, provides me with the necessary tools that will avail and guide me in breaking incipient thresholds. My litigation background concerning matters involving children and their rights and other human rights issues, will be of great assistance in

exercising the Commissioner's mandate of monitoring, investigation, education and research. My involvement with facilitation, mediation and arbitration provides important skills to make alternative dispute resolution an important cornerstone of investigations by the Commissioner's Office.

I believe we need to make the strange familiar and the familiar strange to society and every community. Applying this figure of speech to children, familiarity and unfamiliarity in contrast with one another make one realise the unparalleled responsibility we as practitioners of the law have in protecting the sanctity of our Constitution, especially in claiming the rights of children for whom it has afforded special protection. Only when we fully understand and accept this responsibility, we can authentically protect not only the children of our rainbow nation, but all who live in it.

As I watch my children play, I ask myself what this nomination means to me? Some would argue that it is a tremendous accolade and privilege which will be just another milestone in my career. Others might be of the view that this is a daunting challenge that should be considered with the highest regard. I will accept this responsibility, for it will provide me with a platform to give a voice to every child in the Western Cape (and hopefully other provinces will follow soon). I will be privileged to be granted an opportunity to make a positive difference in a child's life who is in need of protection, especially in the Western Cape Province with its high levels of violence against children and families stuck in domestic violence situations. It is in cases such as this that children are suffering and scars are remaining throughout their lives. Fully understanding the responsibility that will come with this role, I firmly believe that my knowledge and experience over many years, as a devoted mother and experienced

legal practitioner, will serve me well to be able to fill the position with the utmost capability, humility and honour.

MIRINDA GAUM

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