

2020 Annual Report



CALS
Centre for Applied
Legal Studies



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We send our deepest thanks to our funding partners who support and advise us and the external counsel without whom our work would not be possible.

Message from the Director

Let me begin by stating the obvious. The last year has been a very unusual and challenging time for everyone working and living in South Africa – not least for those already trying to address social injustice. By mid-March, like many other organisations, CALS had closed our offices to consultations, our staff were working remotely and many of our events had been postponed or cancelled. We had no idea at the time that there would be no returning to ‘business as usual’ for the rest of the year.

The pandemic and national lockdown not only changed our way of operating – shifting many activities from court hearings to protest rallies to teaching online – it also meant some of our existing projects were put on hold as we worked to address urgent new issues. We were pleased to join a co-ordinated civil society response to the crisis called the C-19 People’s Coalition and formed part of a legal support hotline to ensure access to justice could continue.

This saw our staff assisting with queries on everything, including work outside of our usual programmatic areas – from emergency travel permits to unfair dismissals, unlawful evictions, and even police brutality.

We also undertook a number of urgent cases related to the lockdown regulations. This included a successful application on behalf of mining-affected communities to ensure they would have a say on the COVID-19 regulations pertaining to mining operations; and an attempt to prevent the special caregivers social relief of distress grant from coming to an end while the impacts of the state of disaster are still being felt. As the country moved through various lockdown alert levels, many of our existing projects also began to demand more of our attention.

These projects have produced many achievements which are captured in this report – from landmark judgments to outstanding research outputs, Parliamentary submissions and media coverage. And yet, it is the manner in which staff members at CALS have continued their work that is most extraordinary. Many of us were working through a time of great loss, grief, anxiety and uncertainty. What I saw was a group of people who were able to treat each other, their clients and partners with kindness and compassion during a once-in-a-generation pandemic that disrupted everything; who were adaptable and flexible in the face of the changing nature of the pandemic and associated regulations.

I want to thank everyone at CALS for their resilience and dedication under these difficult circumstances, for their courage and patience when dealing with the deluge of requests for assistance by those most adversely affected by the pandemic and the state's response. I am extremely proud and humbled by their efforts and achievements. Indeed, what they have managed in the last year is at the heart of what it means to be a social justice organisation: they have been able to agitate, organise, build partnerships and refocus the agenda. This has led to essential changes in how the lockdown has been handled, from ensuring that regulations include a moratorium on evictions, to calling for the state to address the current plight of migrants and incarcerated people.

I must also convey my deepest gratitude to the rest of the management team at CALS, the School of Law and the Faculty of Commerce, Law and Management for their leadership during this time. CALS has managed to consolidate relationships with existing funders and potential new donors for the year ahead. Even in a landscape of uncertainty, we have managed to renew

grants, secure new funding opportunities, and respond to unexpected approaches by funders wishing to award us additional grants. CALS has also been approached by existing funders and philanthropists looking to effectively and efficiently respond to the pandemic.

In March 2020, we undertook a weekend of strategic plan retreat, followed by three days of facilitated workshop on organisational development. We have emerged with a clear and renewed shared strategy and mission. The organisational development workshop enabled us to discuss our institutional culture, organisational structure, and internal policies.

It is my belief that CALS is in a strong place to continue our work both reacting to the current context and continuing our more long-term goals in line with our vision of a society where social justice is achieved, state institutions are strengthened and powerful entities are held to account. I look forward to continuing these efforts next year after a period of healing and rest.



Prof Tshepo Madlingozi

Director of the Centre for Applied Legal Studies

*Associate Professor at the School of Law,
University of the Witwatersrand*

*Chair of the Board of Trustees at the
South African Journal on Human Rights*

Message from the Chair of the Board

Dear colleagues and friends of CALS

I write this foreword at a time of some uncertainty, but also a time of great hope. A year ago we were on the cusp of realising there was a global pandemic that would change the world in unimaginable ways. Now, we are cautiously optimistic that the vaccines and ever-growing understanding of this disease will allow us to open up the world again.

Last year, I wrote that CALS was in the process of developing a new strategic plan. With lockdown, that, like most of the plans we all had at the beginning of 2020, was put on hold. But because of the nature of its work, CALS was incredibly busy over the past year and managed to shift to addressing issues raised by the pandemic and lockdown that still fall within its overall mandate.

Let me start by thanking all the staff at CALS who had to rapidly transition to working remotely. Unlike the rest of academia where the transition was more clear-cut (moving lectures into the online sphere and ensuring students had access to devices so they could continue with their studies) CALS deals with the broader community and also continued to work on other projects (such

as torture in correctional facilities, work in mining communities, service delivery and cruel treatment of animals). And yet, the team managed to continue their important work despite all these challenges, providing an invaluable service to the broader community in South Africa.

On top of all the legal work they do, the Centre has made great inroads into the public discourse through their media engagement. You will see that their engagement was over one news item per day – over 425 news items in the year. This is crucial because this social justice work is so vital, and – particularly during a pandemic – it is important that institutions like CALS have a voice not only in the courts but in public discourse. These media interactions also help promote the work of the Centre, and would amount to over R25 million in advertising if staff were not constantly engaging publicly.

One of the areas the COVID-19 pandemic highlighted was gender inequality and oppression. This manifested in multiple ways from increases in domestic violence to women being more likely to lose their jobs. CALS represented the Black Sash Trust in the High Court where they challenged the decision to end the special COVID-19

caregiver grants, which are most likely to support women and children. CALS made submissions and comments on four key Bills: the Domestic Violence Amendment Bill; the Criminal Matters Amendment Bill; the Criminal Law (Sexual Offences And Related Matters) Amendment Bill; and the Victim Support Services Bill. This is a powerful demonstration of the social justice outreach work that Wits prides itself on, and is a key reason why CALS is well respected in the human rights arena.

Amazingly, through all of this, staff still managed to publish and present at conferences. We had four journal publications, two conference papers and four reports. These are important because CALS' academic work as part of the University community is crucial.

Let me take this time to also thank our donors and partners. Without your incredible support, CALS would not be able to continue doing the valuable work it does. I am sure you will all join me in saluting our wonderful staff in the role they played during the dark year of 2020 – it is this kind of service and outreach that makes Wits a leading public institution. It reminds us all that we, each of us, have a role to play not just during a pandemic but after the pandemic as we rebuild our society and our world.

I wish you all a better, and safer year ahead, and look forward to engaging further on the necessary work CALS continues to perform.



Prof Imraan Valodia

*Chair of the Board of Advisors of the
Centre for Applied Legal Studies*

*Dean of the Faculty of Commerce, Law and
Management, University of the Witwatersrand*

*Director of the Southern Centre for Inequality
Studies*

Meet the CALS team

CALS is staffed by a dynamic team of 27 employees, including legal practitioners, researchers and administrators with a range of different backgrounds and expertise in a variety of fields. We are also fortunate to be joined several times a year by groups of interns and volunteers who are either current students or recent graduates. CALS is led by a management team consisting of a director, deputy director and project finance accountant.

As a Wits centre, CALS has an advisory board established in terms of the University's standing orders which provides guidance to our Director and ensures all of our activities fall in line with our vision and comply with university policies. The Board is chaired by the Dean of our Faculty and other members include several professors and practitioners of law, as well as leaders in other fields such as finance and media.

Staff members



Abongile Nkamisa
Candidate attorney



Akhona Mehlo
Attorney



Amelia Rawhání-Mosalakae
In-house counsel



Anesu Dera
Candidate attorney



Ariella Scher
Attorney



Basetsana Koitsioe
Associate



Busisiwe Kamolane
Candidate attorney



Busisiwe Zasekhaya
Right2Protest Project co-ordinator



Duduzile Mlambo
Senior administrative officer



Esther Gumboh
Researcher



Lee-Anne Bruce
Communications specialist



Lerato Phasha
In-house counsel



Louis Snyman
Head: Environmental Justice



Matimba Hlungwani
Administrative assistant



Palesa Madi
Acting deputy director



Phindile Khulu
Project finance accountant



Robert Krause
Researcher



Sandile Ndelu
Advocacy co-ordinator



Sheena Swemmer
Head: Gender Justice



Sibongile Ncube
Projects and office co-ordinator



Sithuthukile Mkhize
Senior attorney



Stanley Malematja
Right2Protest Project attorney



Thandeka Kathi
Attorney



Thuli Zulu
Candidate attorney



Tshepo Madlingozi
Director



Tumelo Matlwa
Attorney



Vuyoletu Mntonintshi
Associate

Board of Advisors



Basani Maluleke



Prof Bonita Meyersfeld



Prof Imraan Valodia
Dean and Board Chair



Prof John Dugard SC



Kameshni Pillay SC



Nompumelelo Seme
School representative



Pontsho Pilane



Prof Wesahl Domingo
Head of School

Interns



Daniel Banele
Melaphi



Tshepiso Laka



Tumelo Marema

Volunteers



Caitlin Turok



Kholeka Mhlungu



Kiren Rutsch



Lisakhanya Green



Nerisha Daniels



Ruth Stein

Business and Human Rights

While much of our work focuses on the state's duty to uphold human rights, corporations also have obligations under South Africa's Constitution. Our Business and Human Rights programme partners with social movements to hold corporations accountable for exploitative and harmful business practices, seeks to ensure that corporations are partners in the realisation of social justice and aims to hold the state accountable for enforcing laws and regulations aimed at corporate accountability.

We also recognise the important role played by financial institutions and regulators in funding and overseeing these projects and preventing human rights abuses. Since many of the largest and most powerful corporations operate across borders, so do we – much of our advocacy work takes place across our continent and beyond.

Binding treaty on business and human rights

Corporations around the world have grown to a point where they are sometimes more economically powerful than the countries where they operate. Businesses have a long history of exploiting labour and profiting from human rights abuses, particularly in the

Global South. Without a binding international agreement in place to entrench human rights standards everywhere, it is difficult to hold corporations accountable for their actions. Though a number of initiatives exist which aim to address this, most are voluntary and thus largely unsuccessful in entrenching human rights and remedies.

There is, however, a draft binding treaty on business and human rights currently being considered for adoption by the United Nations Human Rights Council. The binding treaty is aimed at ensuring that states regulate business activities and address their human rights impacts. The treaty has gone through three rounds of drafts which have been published for comment and negotiated at the United Nations. CALS has been working with our international coalition partners on the treaty process in a number of ways by hosting a series of national and international engagements and advocating for a treaty that responds to the needs of those worst impacted by human rights abuses in Africa.

This year, CALS participated in virtual consultations on the binding treaty in partnership with the International Network for Economic, Social and Cultural Rights to solicit insights on the latest draft of the treaty



from over 280 civil society organisations and social movements around the world. In October, we co-hosted a series of webinars, consultations and interactive workshops with the African Coalition for Corporate Accountability to develop an African response on the draft treaty. These events brought together representatives from states, trade unions and affected communities to discuss the impacts of transnational corporations' activities in the region and how an effective UN treaty could improve access to justice.

Social grants

One of our most far-reaching projects involves protecting South Africa's social assistance programme, which impacts over 17 million of our country's most vulnerable people. Since 2017, CALS has worked closely with our partners at the Black Sash Trust and individual grant beneficiaries to ensure

that grants are paid in full and on time. This has involved high profile litigation in an effort to prevent deductions from grants by predatory companies, and address the crisis created in the social grants system by an unlawful contract with private company Cash Paymaster Services. This litigation has seen the courts acknowledge the importance of the right to social security, ensure there is no interruption of grant payments and hold government officials accountable for their role in the crisis.

We have continued to monitor the situation since the South African Post Office took over paying grants and to call for a basic income guarantee for everyone between the ages of 18 and 59. This year, social assistance became absolutely paramount as the pandemic and lockdown measures had a huge social and economic impact on our communities. Government initially responded by creating

special COVID-19 social relief of distress grants, including a caregiver grant, to go some way towards addressing this situation. Yet, these measures came to an end while the state of disaster was still in force and many were still feeling the impacts of unemployment and increased child care responsibilities.

Promoting social security during an unprecedented period of distress

CALS and our client partners at the Black Sash Trust approached the Pretoria High Court on an urgent basis in October. We hoped to ensure that payments of the special caregivers grant would not come to an end while the effects of the state of disaster were still being felt acutely by millions of people. We argued that ending the grant would not only promote suffering, but would disproportionately impact women and children. The application was opposed by the South African Social Security Agency and the Ministers of Finance and Social Development.

When the application was heard, the judge directed that only the parties and their legal representatives may attend the virtual proceedings. After several hours of argument, the case was struck from the urgent court roll. The Court recognised that the application was brought in the public interest on behalf of some of the most vulnerable people in our society, so no order of costs was made. Yet, this still left millions of women and children who relied on the caregiver grant vulnerable to food insecurity at a time of great hardship. We subsequently wrote to the Gauteng Judge President to express our concern about media access to virtual hearings. We continue in our advocacy efforts to see a basic income guarantee for all.

Financial institutions and regulators

Our work in business and human rights goes beyond addressing corporate accountability to focus on establishments that provide funding and the regulators meant to oversee them. CALS has made a number of submissions to institutions including the World Bank to the BRICS New Development Bank on guidelines for preventing and

addressing human rights violations in the projects they fund. We have also laid complaints with different international mechanisms including the World Bank's Compliance Advisor Ombudsman and the Organisation for Economic Co-operation and Development. Some of our more recent projects have begun to examine unfair lending practices, unlawfully cancelled pension funds and the financial sector regulator meant to address these issues.

Countering a culture of secrecy around financial sector regulator

CALS represented Open Secrets and the Unpaid Benefits Campaign in a challenge to the appointments process for South Africa's financial sector regulator. We approached the Pretoria High Court first for an interdict to prevent appointments to the Financial Sector Conduct Authority (FSCA) from taking place in secret with no public participation process. We argued that it is essential to open the process to the public and members of the media in order to protect the constitutional imperatives of openness, transparency and accountability. The Minister of Finance opposed our application.

The FSCA plays an important role as an oversight body for the financial sector, with a specific mandate to scrutinise the conduct of businesses and other actors in the financial sector and ensure consumers are treated fairly. Appointments to the FSCA thus have far-reaching consequences for all people living in South Africa, and its independence is crucial to fulfilling its mandate and avoiding further state capture. The Court subsequently dismissed our application for an interdict. We are moving forward with the next stage of the litigation challenging the regulations governing the FSCA appointments process, which is set to be heard next year.



Civil and Political Justice

Civil and political rights – like the rights to protest and freedom of expression – form the foundations of any participatory democracy. The Civil and Political Justice programme works to promote these rights and strengthen our democracy. This programme focuses on ensuring that activists and human rights defenders are not criminalised or intimidated using malicious litigation and other repressive tactics for their expression (including speech or protest) and that state institutions are strengthened to promote and protect the civil and political rights of everyone in South Africa. This programme also has ongoing cases and projects focusing on the improvement of conditions in correctional facilities and seeks to reinforce and transform independent state institutions, including Chapter 9 institutions and the judiciary.

Protest

Section 17 of the Constitution guarantees everyone the right to assemble peacefully. Protest is a central tool for any member of the public to make themselves heard on the issues that affect them, from lack of basic services to high rates of gender-based violence to climate change. Though protest

can be taken as a sign of an engaged and organised society, many state officials and powerful actors treat these gatherings as disruptive or even criminal. Over the last few years, both the state and the private sector have had troubling responses to protest – using the law to interdict, victimise and prosecute organisers and even bystanders. This programme actively seeks to support protesters and activists who face that kind of intimidation as a result of their work.

CALS also currently houses the Right2Protest Project (R2P) – a coalition that promotes the right to protest by providing legal advice and assistance. Along with Lawyers for Human Rights, the Right2Know Campaign, the Freedom of Expression Institute and the Centre for the Advancement of Community Advice Offices in South Africa, CALS has a representative on the R2P steering committee. This year has seen a huge impact on the right to assemble, with ‘political’ gatherings banned for many stages of lockdown. R2P still managed to assist protesters around the country through their telephonic advice line, by providing representation at bail hearings and by connecting those needing further assistance with legal support.



Freedom of expression

Free speech is another central element enabling people to give voice to their concerns. Violations to the right to freedom of expression also often impact human rights defenders who are censored for trying to uncover injustice and promote the rights of their communities. CALS has recently taken on a number of cases supporting activists who face interdicts and defamation claims for speaking out against anything from local government corruption to environmental harm caused by mining companies. It is our belief that these cases are no more

than examples of strategic litigation against public participation – otherwise known as ‘SLAPP’ suits. In 2020, CALS represented an individual accused of defamation for exposing unusual procurement practices during the pandemic in the Eastern Cape. We also intervened in an application brought by the City of Cape Town to interdict human rights monitors from accessing a temporary shelter set up during lockdown. We not only seek to counter these individual cases, but are working on continuing our research into activist victimisation in South Africa, and on developing a report on model legislation to counter this kind of malicious litigation.

Countering SLAPP suits and supporting human rights defenders

In early June, CALS appeared in the Western Cape High Court for an exception raised as part of an ongoing defamation case brought by mining companies against environmental activists. The exception related to a defence raised by the defendants

that this case constitutes an abuse of court process. CALS intervened in the matter as a friend of the court and argued that the proceedings amounted to a 'SLAPP' suit. We made submissions on abuse of court process, the nature of SLAPP suits and the chilling effect they have on democratic freedoms and activism. We are currently awaiting judgment in the matter.

On the same day that proceedings began in the case above, CALS appeared in the Western Cape High Court to make similar arguments in another matter. In this case, the City of Cape Town sought an interdict against human rights monitors appointed by the South African Human Rights Commission to prevent them from accessing a temporary shelter set up during the current pandemic. CALS intervened as a friend of the court, arguing that the Commission plays an essential role as an oversight body, and that bringing the application against the individual monitors was likely an attempt to threaten them that may constitute a SLAPP suit. We await judgment in this matter as well.

In November, CALS appeared in the Eastern Cape High Court representing an activist, who had been accused of defamation for speaking out against local government corruption. The application was brought by Eastern Cape MEC for Transport and sought R250,000 in damages against our client for raising questions about irregular processes followed to award a contract for a quarantine site during the pandemic. We argued this matter is another meritless SLAPP suit, intended to intimidate and silence a whistle-blower exercising his right to freedom of expression.

Later that month, our Civil and Political Justice programme teamed up with the Right2Protest Project to support activists from the Goldfields Community Forum in the Bloemfontein High Court. The activists sought to overturn an interdict which prevented them from exercising their constitutional right to protest near the Harmony Gold Mining Company. We argued that the process which granted the interdict was procedurally unfair and the purpose of the interdict was to silence criticism of the mine and may amount to a SLAPP suit. The Court subsequently dismissed the application and we are awaiting reasons from the Judge to decide on a way forward.

Access to information

Acquiring information is often the first step for anyone wishing to address a violation of their other human rights. Everyone has the right to access information held by the state for any reason, and the right to access information in order to exercise another right. Despite our progressive laws, there is a continuing trend for both the state and

private sector to deny requests made using the Promotion of Access to Information Act or 'PAIA'. CALS assists individual and community clients in making these requests and challenging refusals in court. Our organisation is also a member of the Access to Information Network, a coalition which documents responses to requests made by communities and civil society organisations.

Uncovering information about torture at a private correctional facility

In February this year, the High Court ordered the release of a report into possible torture at Mangaung Correctional Centre run by private security company G4S. CALS requested access to the report after becoming aware of claims that people incarcerated at Mangaung had been tortured by security personnel. As expected, the report details a number of disturbing incidents and CALS is considering further legal action. In addition to granting our request, the Court also made a special order of costs against G4S for their obstructive conduct during the case.

Contributing to a 'game-changing' judgment for mining communities

In September, the High Court in Pretoria handed down judgment confirming that the Umgungundlovu community and all mining affected communities have the right to access information about the projects that impact them. CALS intervened in the matter as a friend of the court, presenting evidence that the usual process for requesting access to information places affected communities at a disadvantage and may prevent them from exercising their constitutional rights. The Court not only ruled in favour of the communities, but found our evidence helpful and ordered the mining company opposing the application to pay our costs.

Environmental Justice

Protecting the environment is critical for everyone, but particularly for rural communities, who are directly impacted by the burdens of development like environmental degradation, yet are often the last to see its benefits. Our Environmental Justice programme aims to counter this injustice. We focus on the mining sector as a major contributor to both economic growth and environmental harm and exploitation, ensuring affected communities have a say on the laws and policies that impact them and on how development takes place in their area.

Social and labour plans

Social and labour plans or 'SLPs' are an important tool for addressing a long history of inequality in the mining sector. These binding legal documents form part of a company's mining rights application and set out how the mine intends to benefit its workers and their communities. This can include investing in skills development projects, buying locally-made supplies, upgrading nearby road infrastructure, building clinics and schools, and providing housing and sanitation in the area.



While the SLP system is meant to ensure communities benefit from mining, research undertaken by CALS since 2014 has shown the system is far from achieving its aims. We have collected and analysed hundreds of SLPs and conducted field research to investigate their implementation. The findings are captured in a series of reports which show the plans are generally poorly designed without consulting affected communities and the projects often do not live up to even these minimal promises.

We have subsequently developed proposals to improve the SLP system and its benefit sharing mechanisms, which we have presented to Parliament and the South African Human Rights Commission. We continue to advocate for a system which is open, transparent and driven by the people it is meant to benefit. CALS also supports affected communities in accessing the social and labour plans of mines affecting them and to conduct their own social audits based on these documents.

Expanding the agency of affected communities in Sekhukhune

CALS has been working closely with Sekhukhune Combined Mining Affected Communities (SCMAC) to audit the social and labour plans of three mines operating in the Sekhukhune area of Limpopo. After struggling to access the plans and associated compliance reports for some time, we approached the High Court on behalf of the community network to seek a declaratory order confirming that these are public documents.

The case was settled at the end of March after the Department of Mineral Resources and Energy published amendments to the Mineral and Petroleum Resources Development Regulations directing SLPs must be made public. CALS is continuing to work with the community network on the social audits and field research in the Sekhukhune area, in partnership with Amnesty International.

Unfortunately, this has been delayed by the pandemic which affected our ability to travel and meet in person. We have, however, managed to continue our work together by developing a programme of non-contact research that is still accessible for rural communities. Our preliminary findings have been compiled in an internal report outlining the impacts to the affected communities and assisting us to formulate a plan for further research into particular areas of concern, which include environmental impacts, climate change, trusts and gendered impacts. We plan to continue the field research in 2021 through surveys and interviews, provided that the levels of COVID-19 risk and legal and institutional guidelines allow for this.

Rallying together for a Green New Eskom

To mark World Environment Day in June, CALS joined our partners in the Climate Justice Coalition for a digital rally calling for a [#GreenNewEskom](#). The new campaign demands a just transition to a more socially-owned, renewable energy-powered economy that provides clean, safe and affordable energy for all – with no worker or community left behind. The rally involved a digital handover of demands to Eskom by community representatives, a question and answer session with officials and addresses from community forums and organisations in the Coalition.

Mining Charter

Another mechanism which is intended to promote transformation and meaningful participation of disadvantaged communities in the minerals industry is the Mining Charter. The Charter was first adopted in 2004 and provides specific, measurable transformation targets for the mining sector. The Charter has since been assessed and updated several times. Yet, these assessments have been conducted without meaningfully engaging with the very people they are meant to benefit: mining-affected communities.

In 2018, CALS represented some of the country's largest community networks in joining a judicial review of the latest Mining Charter. The High Court in Pretoria ruled that mining communities and networks were core stakeholders who must be consulted on the formulation of a new Mining Charter. Despite

this historic victory, the public participation process that followed was deeply flawed. Consultations with communities were set up with inadequate notice in unclear venues without enough room to accommodate all those who wished to attend. The revised Mining Charter published in September that year did not properly reflect community needs or views.

In March the following year, the Minerals Council of South Africa applied to the High Court for a review the new Charter. The Court ordered that mining-affected communities and trade unions have a direct and substantial interest in the case and must be joined before it could be heard. This includes community networks like Mining Affected Communities United in Action (MACUA) and Women Affected by Mining United in Action (WAMUA) who are represented by CALS. We expect the matter to be heard early next year.

Ensuring mining communities have a say on COVID-19 regulations

In April this year, when the country was in hard lockdown, CALS represented MACUA in joining an urgent application before the Labour Court. The matter was first brought by mining union AMCU and sought to ensure regulations governing the mining sector during the state of disaster offered adequate protection for workers. MACUA was admitted as a friend of the court in the matter in order to highlight the vulnerability of mining-affected communities during the pandemic and ensure they have a say in the regulations impacting them.

On Workers' Day, the Labour Court ordered the state to direct that mines mitigate the effects of COVID-19 on employees and anyone else who may be affected – as well as to engage meaningfully on this with trade unions, the MACUA network and other interested parties. The judgment confirms that there is a fundamental overlap between occupational health and public health, that both mine workers and affected communities are particularly vulnerable to a disease like COVID-19 and that they must be consulted on the policies impacting them.



Gender Justice

CALS has a rich history of working in the gender justice arena. Currently, our Gender Justice programme focuses on addressing all forms of gender-based violence and in particular the trauma that victims and survivors face when they are failed by the very systems that are meant to protect them.

We challenge the treatment women face in the criminal justice system, the failure of workplaces to respond adequately to sexual harassment, the widespread problem of sexual violence in schools, and the poor condition and management of shelters for abused and vulnerable women and their children.

Gender-based violence shelters

We firmly believe that shelters for those who are abused and vulnerable perform an essential role in providing support to women and children in crisis. The Gender Justice programme advocates for gender-based violence shelters to have adequate resources to meet the needs of the many people who require their services. We have recently contributed to the Commission for Gender Equality's investigations into the state of shelters in South Africa based on our experiences working with women in shelters in Gauteng and Limpopo.

CALS continues to support groups of women who frequently face unlawful eviction from one of the largest state-run facilities in Gauteng where they seek refuge. Many of our clients are told that there is a time limit for accessing places of safety, which often leaves them with the choice of living on the street or returning to abusive homes. CALS has successfully challenged these evictions several times in the last two years. Towards the end of 2019, the shelter approached the High Court in another attempt to evict five of our clients. We opposed this eviction and successfully had the matter placed under case management for the judge to be kept aware of the circumstances of the case and of the conduct of the state.

Many gender activists raised concerns this year that during hard lockdown there would be an increase in incidents of domestic violence, with women and their children unable to escape abusive situations. CALS was approached by women who were told that they would not be able to enter the state-run shelter without a negative COVID-19 test. We engaged with the shelter and advocated for changes in these kinds of policies which we believe are an example of indirect discrimination, placing an increased burden on a vulnerable group and delaying them from receiving urgent assistance.



Victims' rights

When victims and survivors of gender-based violence report crimes committed against them, they currently have no right to access the dockets for their cases or even to be kept up to date on any progress in the criminal justice system. In fact, these are not treated as 'their' cases at all – they are instead seen as witnesses in the state's case against those who harmed them. This has a number of negative impacts on victims and survivors who are, for example, not notified about abusers being released on bail or parole.

CALS believes a victim-centred approach which acknowledges victims' rights must be used to inform these complaint processes to ensure they are not re-traumatising and victims have ownership over the cases they report. We are currently working on a

number of matters promoting victims' rights in regard to police investigations and prosecutorial discretion. Early next year, CALS will appear in the Constitutional Court as a friend of the court in a case on police negligence in a high profile gang rape. We hope to bring evidence to show negligent police investigations contribute to the re-traumatisation of complainants. This year, CALS also noted the publication of the draft Victim Support Services Bill, which goes some way towards acknowledging that victims of crimes should be kept updated about their cases and must be able to access support services. We put forward a number of concerns about the need for gender-based violence shelters to be adequately funded and for service providers to have detailed victim-centred processes in place. We are hopeful that this will take us a step closer to a charter of victims' rights.



#HimOrMe

Domestic violence is recognised as a widespread and life-threatening problem globally – and one that particularly affects women and children. Though data can be difficult to gather because of the nature of domestic violence occurring in private spaces and the challenges victims and survivors face in reporting abuse, it is thought that up to half of the women in South Africa may experience intimate partner violence in their lifetimes. The almost inevitable culmination of escalating violence during this cycle of abuse is that someone will be killed – most often women.

In some instances, however, victims of abuse may respond to violence by defending themselves. For them, it becomes a situation of ‘him or me’. CALS believes

our courts need to take this phenomenon into account, to engage properly with the psychological aspects of domestic violence and trauma. We have thus partnered with other organisations including the Wits Justice Project and Lawyers for Human Rights on a campaign called #HimOrMe to raise awareness on these kinds of cases.

We have also started to take on criminal matters in which women have been accused of killing their abusive partners, in an effort to develop the law and challenge how women are treated in the criminal justice system. One of these matters was set to go to trial in the Palm Ridge Magistrates Court this year, but suffered numerous delays when lockdown regulations closed courts to all but the most urgent matters and prevented visits to correctional facilities, making it difficult to consult our client and prepare a case.

Obstetric violence

Obstetric violence is a form of violence against women receiving care when they are pregnant, in labour and just after they have given birth. Obstetric violence includes a wide range of abuse by hospital staff, from verbal abuse, humiliation and discrimination to physical abuse, denial of care and coerced medical procedures including forced sterilisation. This can result in trauma and health problems for mothers and their children and increases their risk of disability and death.

Unfortunately, obstetric violence has become a normalised part of pregnancy and birth in both public and private facilities in South Africa, as it is clear from recent reports by the Commission for Gender Equality. CALS recognises that this is a clear violation of the rights to dignity, equality, health care and bodily and psychological integrity. Yet, even the term 'obstetric violence' is not well-known. We have thus begun working on an advocacy campaign to raise awareness about the nature of obstetric violence and to ensure laws and policies are in place to effectively address this violence in future.

Arguing against the cruel and unnecessary practice of live animal export

CALS partnered with Animal Law Reform South Africa (ALRSA) when they sought to intervene as a friend of the court in a matter before the Eastern Cape High Court. The case was first brought by the NSPCA who hoped to prevent a ship from carrying around 70,000 sheep from East London to Kuwait. Concerned about the conditions these animals would be kept in during such a long and senseless journey during the heat of the summer months in the Gulf, the NSPCA urgently applied for an interdict against the importing and exporting companies, which was granted.

The hearing for the final interdict took place in August. CALS and ALRSA recognised important issues not only in relation to animal welfare but also to administrative law, environmental law, international and customary law and various constitutional rights. Given our unique knowledge and expertise in these areas, we hoped to assist the court with these issues.

The High Court ruled later that month that a reduced number of animals may be loaded onto the ship and exported under strict welfare standards. These standards placed a number of responsibilities on the state and the exporters to ensure the animals would face minimal stress and be handled with care. CALS and ALRSA will continue to advocate for the cruel practice of live export to come to an end.

Home, Land and Rural Democracy

South Africa is fortunate to have a Constitution which contains progressive protection for socio-economic rights, including the rights to sufficient water, adequate housing and protection from arbitrary evictions. The Home, Land and Rural Democracy programme works towards ensuring these rights are realised and our community clients have access to the basic needs to which they are entitled. CALS has been involved in a number of landmark constitutional cases which have helped to shape the law around housing and evictions in particular.

More recently, we have expanded our work to include projects on land, water and sanitation and shifted our focus to address the root causes of inequality.

Housing and land

Formerly known as Basic Services, this programme was originally established to respond to a crisis in housing and evictions in the Johannesburg inner city. This work resulted in a number of important Constitutional Court judgments around



the state's duties to provide alternative accommodation for anyone who would be rendered homeless by an eviction and for this accommodation not to infringe on their rights to dignity and equality.

CALS continues to assist a number of client communities wishing to exercise their right to housing – from groups facing eviction from inner city buildings to residents of informal settlements requesting upgrading and relocation. This remains one of our most in-demand areas of work. Recently, we have

also started working on projects which deal with access to communal land, land tenure for farm workers and corporate responsibility for poorly built housing for mining affected communities. This is reflected in the change of the programme's name to Home, Land and Rural Democracy. Over the last year, the idea of 'home' has been central to much of our advocacy work. Along with 26 other social movements and public interest organisations, CALS helped to campaign successfully for a moratorium on evictions during the initial lockdown.

How to stay home without a home

In May this year, CALS partnered with the Nelson Mandela Foundation on a project aimed at addressing issues around home, land and tenure during lockdown. Some of the most basic advice to slow the spread of the pandemic have presented huge challenges to many people in our country. Many communities living in informal settlements, for example, without proper access to water or adequate housing find it almost impossible to wash their hands frequently or 'stay at home'. Many are still dealing with constructive evictions, the destruction of their homes, insecure tenure, homelessness and landlessness. We thus connected with the Nelson Mandela Foundation to collect expertise on these issues and use this to engage proactively with the state.

On 21 May, we convened our first interactive online forum, bringing together over thirty representatives from social movements, civil society organisations, law firms and academia working in this area. Participants were split into five groups for focused discussions on the topics of evictions, the demolition of housing structures, rehoming and temporary emergency accommodation, farm dwellers' access to land and rural communities' access to land. The minutes from the forum assisted our team to develop a discussion document covering each of the five identified areas of concern to use in further engagements with the state on housing regulations going forward.

We were pleased when new regulations under alert level two which offered more extensive protections to renters and dwellers than before and, most importantly, centred the 'home'. We believe that this helped to acknowledge the dignity and agency of all persons, while offering them protections when they were left vulnerable to evictions and demolitions. The regulations recognised the importance of having a home during the current pandemic and reflected a number of submissions we made to government along with other social justice organisations.

Water and sanitation

While much of our work has traditionally focused on issues around housing and evictions, over the last few years we have also taken on a number of projects on access to water and sanitation. We now have several client communities in areas of Limpopo and the Eastern Cape as well as informal

settlements in Gauteng seeking to exercise their rights to access these basic services. Working with both rural and urban communities, CALS focuses on how a lack of access to water and proper sanitation has a disproportionate impact on women, children, older people and people with disabilities in these areas.



Challenging zoning decisions to promote the right to water

In October this year, residents of Langaville informal settlement in the City of Ekurhuleni approached the High Court to compel their Municipality to provide the area with proper sanitation. The settlement is made up of a mixture of formal RDP houses and informal dwellings. While the RDP structures have been provided with water and permanent flushing toilets, people living in the informal dwellings only have access to shared taps and chemical toilets. The Municipality has supplied these chemical toilets as a 'temporary' measure for almost ten years.

The residents have long called for a more permanent solution to the problem, which has even been supported by the South African Human Rights Commission. In response, the Municipality has advised that it is unable to provide permanent sanitation in the area as the land is zoned for 'community facility' rather than 'residential use'. Yet, some residents have lived in the area for up to thirty years and have been provided with other formal infrastructure such as electricity. In fact, the Municipality has the authority to rezone the land, but has refused to do so with no adequate reason. With CALS' assistance, residents of Langaville are asking for the decision not to rezone the land to be reviewed and set aside. They argue that this decision was irrational and unreasonable and served no purpose other than to allow the Municipality to use an 'interim' form of sanitation as a means of long-term service delivery. We expect the matter to be heard early next year.

Joining forces for urgent water access

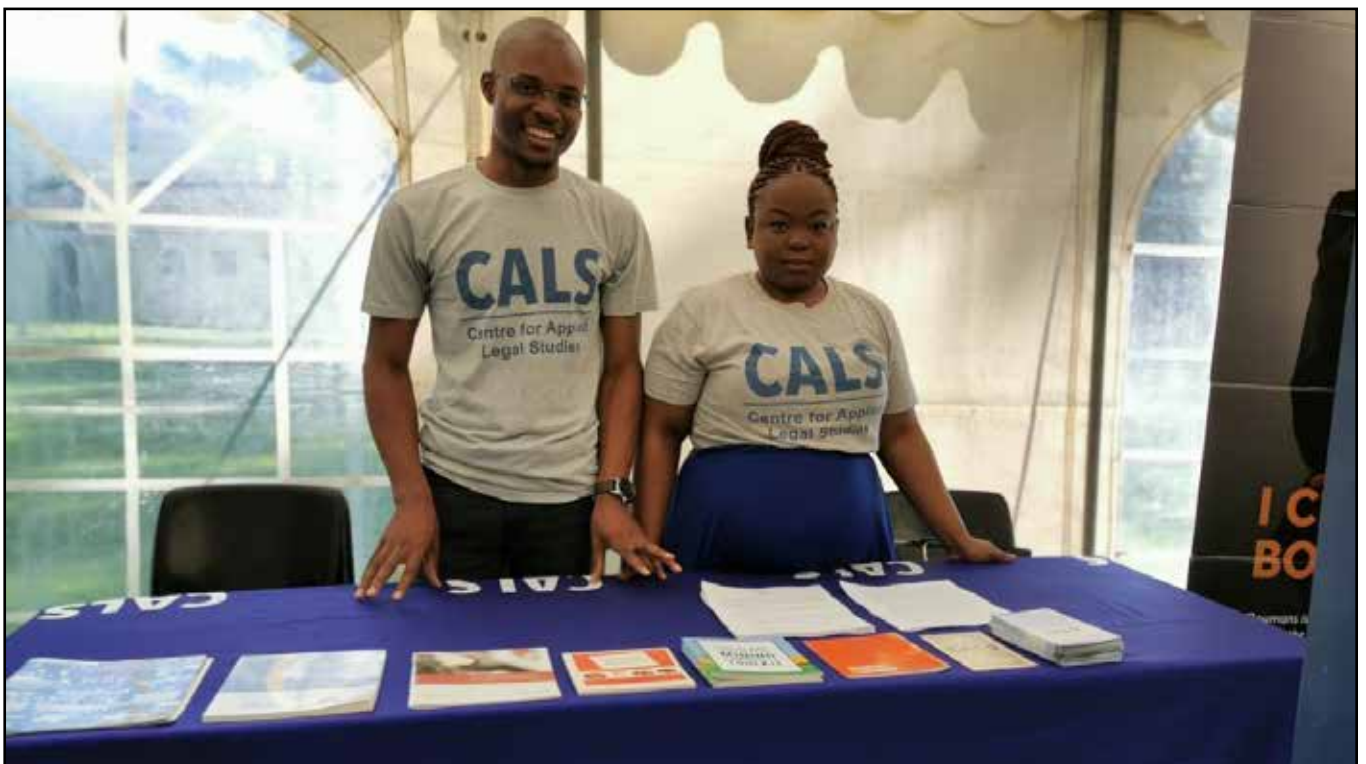
In September, CALS partnered with thirteen other organisations working to promote the right to water to host a joint virtual briefing highlighting the urgent challenges to water access for vulnerable communities across the country. The briefing provided a space for activists and community representatives to give testimonials about their lived experiences struggling to access water and discuss strategies to address this. CALS clients participated in these presentations and representatives from CALS were available for questions on the litigation we have been involved in related to water.

Growing the social justice sector

One of our greatest concerns as a public interest organisation is ensuring our sector is not only sustained, but strengthened. CALS is perfectly placed as a university centre to connect with the human rights lawyers, researchers and activists of tomorrow. We use our position to inform students about the kinds of opportunities open to them in social justice, attract talented graduates to the sector and expose young people to human rights work. CALS is also committed to supporting other organisations in the sector and developing coalitions and networks across different fields and regions.

Careers days

CALS sees careers days as an essential tool for organisations like ours to keep connected to students and ensure they are aware of the social justice sector as an option for starting their careers. We endeavour each year to send representatives to as many careers days as possible around the country, and in particular to organise trips to historically Black universities which may not have organised careers days. Unfortunately, with many of these events cancelled and the curriculum largely moving online, it was only



possible to attend one law market day in early March hosted at 'Rhodes' University. As universities start to host online careers platforms, we look forward to joining these in the next year.

Internship programme

Our organisation has an established programme which provides paid internships to students and recent graduates who have a demonstrated interest in social justice. This programme gives young people exposure to working in human rights while at the same

time increasing our own capacity. Interns work closely with our staff members on various projects and assist with anything from conducting research to drafting comments on legislation to preparing material for workshops. We focus on recruiting interns from South Africa and the Global South which we hope will help to transform the sector. This year, CALS provided three long distance internships and also hosted six unpaid volunteers during lockdown. We are also very pleased that one of our former interns, Zanele Malindi, was able to join us again as a candidate legal practitioner.

Interning with the Environmental Justice team

I'm so thankful to have been given the chance to partake in an internship at a social justice organisation. Indeed, I was deeply honoured and proud to have the opportunity to work at CALS as an intern in September 2020, especially at such an early stage of my studies.

Since my first year of study, I've been passionate about human rights. When I found out that the internship would be conducted virtually, I was afraid that I might not be exposed to the practical side of social justice work. However, my expectations were more than met, especially since I was able to develop skills that are needed in our increasingly digital world. The exposure I received during my internship was one of the best experiences I've had while at university. I'm truly grateful for being given an opportunity to expand my knowledge, develop and grow through the internship. I know this will help catapult my success, and for that I am truly grateful.

I was especially pleased to be placed in the Environmental Justice programme since I was also working on a personal project related to water purification. It was a huge green light on my side, since I believed it would enable me to get a deeper understanding about the legal issues around water in South Africa. I learned so much, supporting research, advocacy and strategic litigation efforts in pursuit of environmental justice.

One of the most interesting parts of my internship was assisting in conducting non-contact field research with the Sekhukhune community. In particular, I enjoyed being on ground with the community, engaging with focus groups on environmental health and well-being, water and climate change, land and mining and social and labour plan obligations. As a result, I feel more confident and empowered to take the next steps, apply for other legal programmes and try new methods of engagement.

Let me express my heartfelt gratitude to Robert, Louis, Thandeka and Busi for their support which made me feel integrated into the environmental justice sector. I strongly believe that the research skills I've acquired while at CALS will play a pivotal role in my studies and future career.



Daniel Banele Melaphi

CALS intern September 2020

*Second year LLB student and tutor,
University of Fort Hare*

*Eisenhower Youth Leadership Fellow and
Canon Collins Scholar*

Public Interest Law Moot Court Competition

In September this year, CALS was very pleased to launch a new project aimed at engaging students and giving them a platform to exercise their legal skills in complex public interest cases. In partnership with the Student Litigation Society, we co-hosted the opening rounds of the first annual Public Interest Law Moot Court Competition. The first round saw over 160

teams from around the country entering the competition and submitting their heads of argument on a hypothetical case which raised issues around migration and the rights of people in detention in the context of the current pandemic. We were very fortunate to have a number of volunteer markers from our partner organisations assisting us to narrow these submissions down to a second round of sixteen. We look forward to next year where the final four teams will be able to engage in masterclasses run by

advocates who have argued constitutional cases, before going head-to-head in the final rounds hosted at the Constitutional Court (regulations permitting).

Networks and coalitions

CALS is fortunate to have strong partnerships with many other civil society organisations and social movements. Over the years, we have had the opportunity to form and grow a number of coalitions and networks in the country, across the African region and within the Global South more broadly. CALS is currently a member of 20 such networks and uses these connections to share strategies, show solidarity and plan how best to use our limited resources in many different areas of social justice work – from promoting the rights of people in detention to advocating for corporate accountability. CALS staff currently sit on the steering

committees of the African Coalition for Corporate Accountability, Publish What You Pay and the Right2Protest Project. This year, CALS actively participated in the COVID-19 People’s Coalition and various working groups as part of a co-ordinated response to the current pandemic and state of disaster. Prof Tshepo Madlingozi was also appointed to the reference group of the first ever Social Justice Sector Review which launched its findings in November. The review traces the developments and contributions of the sector in the last 25 years, which it finds are significant and yet undervalued. Prof Madlingozi was also appointed to the boards of Afrika Ikalafe, the Rural Democracy Trust, Mining Affected Communities United in Action and the Health Justice Initiative. Palesa Madi was appointed to the board of Gun Free South Africa and Thandeka Kathi and Basetsana Koitsioe were appointed ISLA Feminist Litigation Network Partners.



Academic activity

CALS is not only a law clinic, but also a research centre of Wits University. We have a unique role to play in connecting social justice and academia – ensuring our work is informed by research and legal theory and that our academic activity is supported by practice. CALS staff members are encouraged to pursue their own studies, research and teaching as part of their work here. This year, as with many other projects, these activities have largely had to move online, with studying and supervision taking place in virtual classrooms and field research transforming into non-contact research. Some of our usual events have also had to be postponed or cancelled, such as the annual Public Interest Law Gathering and much of our seminar series, though we have been able to add virtual workshops with international partners and speakers.

Teaching and curriculum transformation

Part of our commitment to bridging the gap between legal theory and practice finds its outlet in teaching a number of different courses at the Wits School of Law. Practitioners at CALS are able to give law students insight into their work and thus contribute to transforming their curriculum. This year saw our staff members adapting to online learning environments and taking on both undergraduate and postgraduate

courses at Wits, with Ariella Scher and Thandeka Kathi teaching Introduction to Law, Stanley Malematja teaching Jurisprudence, Tumelo Matlwa tutoring Civil Procedure and Louis Snyman teaching the LLM course in Law and Sustainability. In addition, many of our staff members supervised LLB students in their Independent Research Essays and supervised or marked LLM dissertations. In addition, Tshepo Madlingozi presented on ‘Concepts in Decolonial Theory’ at a training school organised by Tshisimani, and Louis Snyman presented at the Environmental Rights & Remedies Course for Activists run by the Centre for Environmental Rights.

Further studies

CALS is pleased to have a number of staff members who are currently furthering their studies in several different fields. We are very fortunate to have all courses completed at Wits University covered by the University’s staff bursary scheme, and tuition fees for degrees at other universities partially and fully covered by CALS. This year, Palesa Madi completed an LLM through Wits University with a thesis entitled ‘Transformation in the public interest legal sector and transformative constitutionalism’. Thandeka Kathi and Lee-Anne Bruce also completed their qualifications at Wits University, graduating with a postgraduate diploma in commercial and business law and an honours degree in

creative writing respectively. Two staff members are currently working towards completing PhDs, Sheena Swemmer at the University of Johannesburg and Robert Krause at Wits University. At the Masters level, Matimba Hlungwani is close to completing his MA in social work at Wits, Phindile Khulu continues her MBL at UNISA, Thuli Zulu and Sandile Ndelu have started LLM degrees through the University of Pretoria. Likewise at Wits, we have Busisiwe Kamolane continuing her LLM and Sithuthukile Mkhize and Amelia Rawhání-Mosalakae working towards postgraduate diplomas in human rights. Last but certainly not least Thandeka Kathi has been accepted into the LLM in international human rights at Oxford University.

Seminars

CALS has a tradition of running weekly seminars to promote skills development

and thought leadership. These include in-house training sessions for our candidate legal practitioners and external research or reflection seminars for our staff to learn from experts in a number of legal fields from around South Africa and the Global South. Unfortunately, our regular seminar schedule had to shift due to the pandemic. Thankfully, we were able to conduct training in the new online case management system, Caselines, in early March.

Later in the year, we scheduled an intensive week-long training programme for our candidate legal practitioners with sessions on a number of topics, ranging from practising drafting skills and reviewing practice directives, to discussing radical lawyering and leadership strategies. We were also pleased to host staff from Richard Spoor Attorneys for an online masterclass on class actions in October.

Virtual Workshop on Decolonial Comparative Law

In October this year, our Director Prof Tshepo Madlingozi co-hosted a two-day virtual conference on decolonial comparative law in partnership with the Wits School of Law and the Max Planck Institute for Comparative and Private International Law based in Hamburg. The workshop took on an innovative structure where papers were not formally presented, but rather circulated ahead of time to encourage a deep level of engagement with the material during sessions. The online forum may have been determined by the current pandemic, but actually created an opportunity for more researchers from different regions to join these discussions. Papers and findings from the workshop are scheduled to be published in 2022 and a digital platform can be accessed free of charge with updated resources on decolonial theory and legal studies.

South African Journal on Human Rights

Our organisation continues to have a close relationship with the South African Journal on Human Rights (SAJHR) which is based at the Wits School of Law and was founded by CALS in 1985. Considered the country's leading public law journal, the SAJHR is dedicated to advancing scholarship on human rights and justice-related law in South Africa. The journal appears four times

a year, producing scholarship of the highest standard for a worldwide readership. Since 2016, the SAJHR has been published by CALS and Taylor & Francis, and our Director continues to Chair the Board of Trustees. This year saw the journal introducing special issues on the separation of powers and class actions, as well as planning a conference on the COVID-19 pandemic, inequality and human rights in South Africa which will likely take place online early next year.

Publications

Journal articles

- S. Malematja. 'Who Guards the Guardians? A poem about the role of the Independent Police Investigative Directorate in denying the gateway right to protest and to access justice'. *ESR Review* 1 (21).
- S. Swemmer. 'El Derecho a Morir en Sudáfrica' [The Right to Die in South Africa]. *Régimen Jurídico De La Eutanasia: Panorama Internacional [The Legal regime of Euthanasia: An international overview]*, Da Silva et al (eds), pp. 287 – 300.
- S. Swemmer. 'Justice Denied? The persistent reliance of prosecutors and presiding officers on the evidence of previous sexual history in South African rape trials'. *SA Crime Quarterly*.
- T. Kathi, R. Mhiribidi, N. Shezi, B. Kamolane, A. Makuwa & T. Moloko 'Constitutional Court statistics for the 2018 term'. *South African Journal on Human Rights* 36 (1).

Conference papers

- L. Snyman. 'The Spatial Overregulation of Sensitivity: An Unintegrated System of Protection'. Southern African Law Teachers Conference (23 January)
- S. Swemmer. 'Developing South African domestic violence law to include companion animals'. International Animal Rights Conference, Luxembourg (6 September, online)

Research reports

- Contributed to 'Experience of Food Vendors during Lockdown: A Snapshot of the Cape Town, Johannesburg and eThekweni Municipalities'
- Published 'Right2Protest Project State of Protest Report 2020'

Submissions

- Mineral Resources and Petroleum Development Regulations
- Mine Community Resettlement Guidelines
- Article 21 of the International Covenant on Civil and Political Rights
- Draft National Spatial Development Framework
- Beneficiary Selection and Land Allocation Policy
- Guidelines for a Mandatory Code of Practice on the Mitigation and Management of COVID-19 Outbreak
- Domestic Violence Amendment Bill
- Criminal Matters Amendment Bill
- Criminal Law (Sexual Offences And Related Matters) Amendment Bill
- Victim Support Services Bill
- South African Law Reform Commission Investigation into Legal Fees
- South African Police Service Amendment Bill
- Cannabis for Private Purposes Bill

Op-eds

- 'The need for South African jurisprudence to limit the statutory definition of rape' by Thuli Zulu, *Daily Vox* (13 February)
- 'Mining communities must have a say in Covid-19 safety' by Busisiwe Kamolane, *New Frame* (11 May)
- 'Abuse shelters discriminate against women' by Sheena Swemmer, *New Frame* (3 June)
- 'Government has used lockdown to decide who may protest' by Stanley Malematja, *GroundUp* (17 August)
- 'Brackenfell ruling upholds the right to protest' by Stanley Malematja, *Daily Maverick* (20 November)

Funding and finances

As a centre of the Wits School of Law, all donations made to CALS are paid into one of the University's bank accounts and allocated to our cost centre. Below are the income and expenses related to our cost centre from the last year.¹ All assets used by CALS are registered to the School of Law and all equity and liabilities are reflected as those of the University. A statement of financial position for CALS is not shown as that would be misleading and inaccurate. CALS strives to limit its liabilities to grant income received

and to avoid deficits. CALS has reserves valued at R4 687 939 as at the end of 2020, invested by the University on our behalf. For the 2020 financial year, CALS received R112 138 in interest from these investment accounts. As a Wits centre, CALS contributes cost recovery towards the running expenses of the University. CALS does not pay rent and is privileged to make use of benefits such as using Information Communication Technology (ICT) services and library services, among others.

Income statement for 2020

	2020	2019
INCOME		
Grant income ²	R 19 467 934	R 18 736 527
TOTAL	<u>R 19 467 934</u>	<u>R 18 736 527</u>
RESERVES		
Opening balance	R 2 445 801	R 2 036 850
Movements ³	R 2 242 138	R 408 951
TOTAL	<u>R 4 687 939</u>	<u>R 2 445 801</u>
TOTAL INCOME	<u>R 24 155 873</u>	<u>R 21 182 328</u>
EXPENDITURE		
Personnel	(R 13 045 952)	(R 11 124 347)
Operating expenses ⁴	(R 5 282 075)	(R 4 613 117)
TOTAL EXPENDITURE	<u>(R 18 328 027)</u>	<u>(R 15 737 464)</u>
NET SURPLUS⁵	<u>R 5 827 846</u>	<u>R 5 444 864</u>

Notes

1. Since CALS makes use of the Wits University bank accounts, we are audited as part of the University and annual financial statements are available on request.
2. External income includes donor income from the following funders: the Bertha Foundation, the Constitutionalism Fund, the Ford Foundation, Fastenopfer, the Open Society Foundation for South Africa, the Raith Foundation, Rosa Luxemburg Stiftung, ELMA South Africa Foundation, Wellspring Philanthropic Fund, the Cameron Shrier Foundation, and the Wallace Global Fund.
3. An amount of R2 130 000 was transferred into the investment accounts from core funding and cost orders. In addition, an amount of R112 138 in interest was received during the 2020 financial year.
4. Operating expenses include fees paid for external counsel and experts, travel and accommodation, staff training and development, membership fees, printing and stationery, catering and other ad hoc expenses.
5. These are funds to be carried forward to the next financial year. Some grants commence mid-year and some donors do a once off payment for multi-year grants. Reserves and investment accounts are part of this surplus.

A note of thanks

CALS would like to thank all those who have contributed to our work over the last year, especially our funding partners and external counsel. None of the work outlined in this report would have been possible without the generous support we receive, especially from our partners and funders. We would like to take this opportunity to thank all those who have contributed to our work in 2020. In particular, CALS would like to thank the following organisations for their guidance and financial support:

- Bertha Foundation
- Cameron Shrier Foundation
- Claude Leon Foundation
- Constitutionalism Fund
- ELMA Foundation
- Fastenopfer
- Ford Foundation
- Open Society Foundation for South Africa
- Open Society Human Rights Initiative
- Raith Foundation
- Rosa Luxemburg Stiftung
- Wallace Global Fund
- Wellspring Philanthropic Fund
- Wits School of Law

We would also like to thank the following advocates who have worked with us and contributed to legal strategy and litigation work:

- Aafikah Louw

- Andrea Gabriel SC
- Asanda Dipa
- Benny Makola SC
- Bongiwwe Mkhize
- Buhle Lekokotla
- Chris Georgiades SC
- Dumisa Ntsebeza SC
- Farmidah Khan
- Gina Snyman
- Kameel Premhid
- Kameshni Pillay SC
- Karabo Pule
- Karabo van Heerden
- Lerato Molete
- Lerato Zikalala
- Lesley-Ann Brauns
- Letlhogonolo Mokgoroane
- Loyiso Makapela
- Lunga Siyo
- Lungelo Ntshangase
- Matseleng Lekoane
- Michael Matlapeng
- Mluleki Marongo
- Nasreen Rajab-Budlender
- Nirvana Rambachan-Naidoo
- Noluthando Ncame
- Nomonde Nyembe
- Ofentse Motlhasedi
- Palesa Khoza
- Phillip Mokoena SC
- Pumeza Jara
- Reghana Tulk
- Sizo Dlali
- Zweli Makgalemele

Dedication

2020 was a year of great grief and loss. Not only did thousands of people lose their lives to the COVID-19 pandemic, but many others were the targets of violence – whether the domestic violence that thrived during lockdown conditions, police and military brutality carried out in the name of enforcing regulations, or the inevitable end result of threats against activists being allowed to continue without sanction. We mourn the loss of all those whose lives came to an end during the pandemic, including our colleagues and family members. There are no words to do justice to them.

This report is dedicated to two incredible colleagues and friends who we lost this year. George Bizos SC and Mam’Fikile Ntshangase. In September, we were deeply saddened to hear of the passing of a true giant of human rights lawyering. ‘Uncle’ George was so much more than an advocate in the court room. He was one of South Africa’s all-time greatest advocates for social justice.

As a lawyer defending the accused during the infamous Rivonia Treason Trial, he made a profound contribution to our country at one of the lowest points in our history. As one of the drafters of our Constitution, he paved the way for the constitutional democracy we have today. As a leader of the Legal Resources Centre’s team at investigations like the Marikana Commission of Inquiry and

the Ahmed Timol case, he helped to defend these hard-won rights and bring justice to the under-served. The legacy he leaves behind speaks for itself and we will remember him as a tireless champion of human rights and as a kind and gentle soul. He has contributed greatly to our work over the years and we hope to keep his spirit alive in all we do. We extend our deepest condolences to all his loved ones and to the entire LRC family. We are keeping them in our thoughts during this difficult time.

In October, we mourned the devastating loss of courageous community activist, Mam’Fikile Ntshangase, and joined calls for authorities to investigate her murder and bring those responsible to justice. In spite of a history of threats and attacks against human rights defenders opposing the conduct of the Tendele Coal Mine, Mam’Fikile fought fearlessly against the expansion of the mine which posed grave risks to the environment and livelihoods of her community. Tendele borders the iMfolozi National Park, the oldest nature reserve in Africa. Its expansion would again put profits before people and hamper efforts to prevent catastrophic climate change. We continue to condemn the pattern of murder of environmental activists and violence against women that this brutal attack represents and move forward with projects aimed at protecting human rights defenders.

