



MEMORANDUM OF UNDERSTANDING

(Hereinafter "MOU")

ENTERED INTO BETWEEN:

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

(Hereinafter the Commission)

AND

THE CENTRE FOR APPLIED LEGAL STUDIES

(Hereinafter CALS)

(Hereinafter "the Parties");

CONSIDERING that the South African Human Rights Commission is an independent institution established in terms of Section 181 of the Constitution to promote Human Rights and strengthen Constitutional Democracy;

CONSIDERING that CALS is a law clinic and a legal research and advocacy institution with a mission to use a combination of research, advocacy and litigation to advance social justice;

Noting that constitutional provisions seek to protect and promote women's and non-binary persons' right to equality, impose enforceable obligations on the state, and that South Africa's gender responsive Constitution signals the nation's commitment to gender equality, non-discrimination on the basis of equality, and inclusion;

Considering that among the founding provisions of the Constitution is the commitment to the value of non-sexism and non-discrimination;

Desirous of deepening both the Commission and CALS' objectives of promoting women's rights and the rights of sexual minorities within the scope of their respective mandates;

Noting that the mandate of the Equality Court is to assist members of the public to access the courts if they are subjected to any form of unfair discrimination, hate speech, or harassment including discrimination on the grounds of sex, sexuality and gender.

HAVE AGREED AS FOLLOWS

Article 1

1. Purpose

The terms of the collaboration between the Commission and CALS are set out in this MOU.

Article 2

2. Principles Governing Cooperation

In order to achieve the objectives set out in the preamble, the Parties shall develop close cooperation on the basis of regular meetings and consultations relating to the promotion and protection of women's rights. For this purpose, the Parties shall:

- 2.1. Share relevant information relating to the activities of both organisations subject to arrangements which may be required to preserve the confidential or restricted nature of this project;
- 2.2. Each party recognises and respects the governance structures and internal processes of the other, based on understanding and honouring each other's mandates, processes and responsibilities, including the legislative and public mandate of the Commission;
- 2.3. The Parties shall be transparent with regards to planned activities that might potentially impact on the work of the other party and shall seek ways to complement each other within the framework of this collaboration;

- 2.4. The Parties shall cooperate with honesty, integrity and professionalism;
- 2.5. Communication between the Parties shall be responded to with the necessary promptness and shall be considered in the context of seeking ways to cooperate and achieve the purpose of this project.

Article 3

3. Areas of Cooperation and Main activities

- 3.1. Within the context of their activities, the Parties have agreed to cooperate, through their appropriate representative(s), on the following project: **Gender Equality and Gender Justice: 25 years of Constitutional implementation with a focus on the performance of the Equality Courts**
- 3.2. Working with the Commission, CALS will compile a report on the performance and obstacles of the Equality Courts through the leadership and coordination of Dr Zonke Majodina and Prof. Tshepo Madlingozi.
- 3.3. The Commission, through its Provincial Office staff, will assist with access to reports and statistics of the Equality Courts.
- 3.4. Where it is deemed necessary, the Parties will co-operate on dialogue and consensus building; technical assistance; and peer learning and exchange of best practices.
- 3.5. Dedicated focus on the work of the Equality Courts and success or otherwise in using the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA), to promote and realise gender justice.
- 3.6. Use the findings to inform CALS' Gender Justice Programme's strategic litigation programme.
- 3.7. Organise a conference in March 2022 on the 20th anniversary of the PEPUDA.
- 3.8. Publish a how-to manual to conscientise and guide the public on the use of Equality Courts
- 3.9. Publish and launch a report on the main findings of the project which can also inform the work of relevant parliamentary committees.

Article 4

4. Interaction Contact Points

- 4.1. The Parties agree on contact points via which all communication, cooperation and interaction should be channelled. These contact points will be the project representative of each party.
- 4.2. The Parties' contact points will also be the contact persons for the interaction and dissemination of information as required by the MOU;
- 4.3. On behalf of CALS, the project contact point is: Tshepo Madlingozi; Tel: 082 496 9914;
email:
tahepo.madlingozi@wits.ac.za
- 4.4. On behalf of the Commission, the project contact point is: Tseliso Thipanyane,

Email:
tthipanyane@sahrc.org.za
- 4.5. For management decisions, the communication will be done in accordance with the Schedule attached to this MOU. The Schedule will be updated every six months, or whenever the named contacts have changed, whichever comes first.

Article 5

5. Confidentiality

- 5.1. The Parties shall maintain complete confidentiality to preserve the confidential or restricted nature of certain information and documents that might be shared in the course of this project.
- 5.2. The Parties shall further not disclose any sensitive or confidential information relating to each other unless prior written permission is obtained from the other party.
- 5.3 The Parties shall share all or parts of the information of a protected nature or that of third parties such as complainants only to the extent permissible in law.

Article 6

6. Implementation

- 6.1. The Parties' contact points detailed in Article 4 above will monitor and ensure the effective implementation of this MOU.
- 6.2. The Parties' management and/or the project teams of both parties will meet periodically to discuss the progress of this project.

Article 7

7. Commencement and Review

- 7.1. This MOU shall commence and be binding on the Parties with effect from the date of signature of the last party signing this MOU;
- 7.2. The MOU shall be reviewed at least quarterly and/or when the need arises and with the consent of both parties to ensure that it encompasses the needs of both Parties.

Article 8

8. Term of the MOU and Termination

- 8.1. This MOU shall operate henceforth, until the end of 2022.
- 8.2. Either party can terminate this MOU upon mutual agreement or by notice of intention to withdraw one month before the termination takes effect.

Article 9


9. Variation Clause

The MOU and all the clauses herein shall only be varied by written consent from both Parties.

Article 10

10. Financial Agreement

The Parties will each bear their own costs in relation to the implementation of this MOU and all activities associated therewith.


H.P

SIGNATORIES

Accepted for and on behalf of

Accepted for and on behalf of

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

THE CENTRE FOR APPLIED LEGAL STUDIES (CAL S)

and duly authorised

and duly authorised

Signature:



Signature:

Name:

Adv. Tseliso Thipanyane

Name:

Designation:

CEO - SAHRC

Designation:

Date:

22 March 2022

Date:

Place:

Braamfontein

Place:

Witness:

Ms. Hilda Pule

Witness:

Date:

22 March 2022

Date:

Signature:



Signature:

SCHEDULE

Institution	Contact Person	Contact Information
South African Human Rights Commission	Tseliso Thipanyane	
Centre for Applied Legal Studies	Tshepo Madlingozi	First Floor, DJ du Plessis Building, West Campus, University of the Witwatersrand, Braamfontein Tel: 011 717 8622 Mobile: Email: tshepo.madlingozi@wits.ac.za Website: www.wits.ac.za/cals/