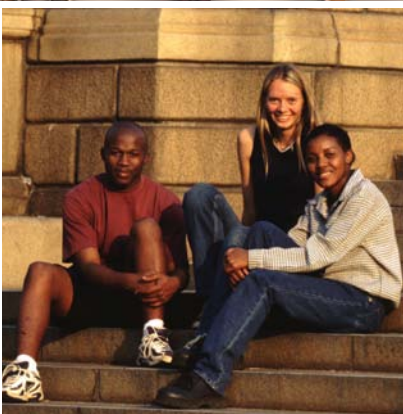


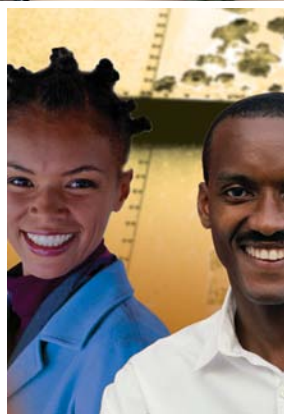
STAND AND DEFEND YOUR RIGHT TO EQUALITY



RACE



DISABILITY



GENDER



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



Introduction to the Act

To give effect to section 9 (4) of the Constitution of the Republic of South Africa, 1996, Parliament enacted the Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000 ('PEPUDA'). This Act seeks to further promote a democratic society that is united in its diversity, marked by human relations that reflect a caring and compassionate citizenry, and guided by the principles of equality, fairness, equity, social justice, human dignity and freedom for all.

This Act places a positive duty on the state and all persons (natural and juristic) to promote equality.

Main objectives of the Act

- To enact legislation required by section 9(4) of the Constitution;
- To give effect to the letter and spirit of the Constitution in particular;
 - (a) the equal enjoyment of all rights and freedoms by every person
 - (b) the promotion of equality
 - (c) the prevention and prohibition of unfair discrimination
 - (d) the prohibition of hate speech and harassment
- To provide remedies for victims of unfair discrimination;
- To educate the public by raising awareness on the importance of promoting equality and overcoming unfair discrimination, hate speech and harassment; and
- To facilitate compliance with international law obligations.

The meaning of unfair discrimination:

Unfair discrimination is when you are treated differently as compared to other categories of people and that your dignity as a human being is impaired by such treatment. Discrimination is regarded as unfair when it imposes burdens or withholds benefits or opportunities from any person on one of the prohibited grounds listed in the Act, namely: race, gender, sex, pregnancy, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth etc. It is important to note that the Act does not prohibit discrimination but unfair discrimination. There are certain circumstances where discrimination can be regarded as fair e.g. measures designed to advance persons disadvantaged by the previous system of racial discrimination.

What is meant by hate speech?

Hate speech is the publishing, propagating or communication of words that are based on one or more of the prohibited grounds. These words must be reasonably construed to demonstrate a clear intention to hurtful, harmful or to incite harm and to promote or propagate hatred e.g. by calling people by derogatory (insulting or offensive) names or words.

What is meant by harassment?

The Act defines harassment as unwanted conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which is related to :

- (a) sex, gender or sexual orientation;
- (b) a person's membership or presumed membership of a group identified by one or more of the prohibited grounds or a characteristic associate with such a group.

What can victims of unfair discrimination, hate speech or harassment do?

If you believe that you have been unfairly discriminated against and you are a victim of hate speech or harassment then you can lodge your complaint at any of the designated equality courts.

What are equality courts and where to find them?

Equality courts are specialised courts designated to hear matters relating to unfair discrimination, hate speech and harassment.

In terms of the Act all High Courts are equality courts for their area of jurisdiction. The Department of Justice and Constitutional Development has designated all magistrates' courts to serve as equality courts in all the 9 provinces.

Although the equality court is a formal court sitting, the rules and procedures are more relaxed than in normal courts e.g. the court room itself is usually not as intimidating as an ordinary court, the proceedings are held in a room that is arranged in boardroom style where the complainant and the respondent sit on either side. Normal rules of the magistrates' court apply but the presiding officer does not apply them in a rigid manner when conducting the proceedings. The environment is less intimidating.

Who can institute proceedings in the equality court?

In order to institute proceedings in the equality court it is not a requirement that one must have legal representation.

Proceedings in the equality court may be instituted by:

- Any person acting in his/her own interests;
- Any person acting on behalf of another person who cannot act in his/her own name;
- Any person acting as a member of, or in the interests of a group or class of persons;
- Any person acting in the interest of the public;
- Any association or organization or body acting in the interests of its members; or
- The South African Human Rights Commission or the Commission on Gender Equality.

The Act places specific duties on the South African Human Rights Commission, the Commission on Gender Equality and other bodies that have been set up in terms of the Constitution. They are required to assist complainants in bringing complaint to the equality courts and to conduct investigations into cases and advise complainants.

Does one have to pay to institute proceedings at the equality court?

The equality courts are free of charge in other words the complainant does not have to pay any court fees.

How to lodge a complaint in the equality court

The process of lodging a complaint at the Equality court is simple and straight forward. In each of the designated courts there is a trained equality court clerk who will assist the complainant with completing the necessary forms that are obtainable at any equality court.

Powers of the equality courts

Once you have proven that you were unfairly discriminated against or that you were a victim of hate speech or harassment, the presiding officer in an equality court has the power to issue one of many orders provided in the Act against the respondent.

Example: the equality court may order that the defendant makes an uncon-

ditional apology, order the payment of any damages etc. The presiding officer may also refer the matter to an appropriate forum or institution such as the South African Human Rights Commission or the Commission on Gender Equality for mediation or conciliation.

LIST OF COURTS (Place of Sitting)

Eastern Cape		
Aberdeen	Indwe	Peddie
Adelaide	Jansenville	Port Alfred
Alexandria	Joubertina	Port Elizabeth
Alice	Keiskammahoek	Port St Johns
Aliwal North	King William's Town	Queenstown
Barkley East	Kirkwood	Qumbu
Bedford	Komga	Seymour
Bizana	Lady Frere	Somerset East
Burgersdorp	Lady Grey	Sterkspruit
Butterworth	Libode	Sterkstroom
Cala	Lusikisiki	Steynsburg
Cathcart	Maclear	Steytlerville
Centane (Kentani)	Maluti	Stutterheim
Cofimvaba	Mdantsane	Tabankulu
Cradock	Middelburg	Tarkastad
Dordrecht	Middledrift	Tsolo
East London	Molteno	Tsomo
Elliot	Motherwell	Uitenhage
Elliotdale (Xhora)	Mount Ayliff	Umtata (Mthatha)
Flagstaff	Mount Fletcher	Umzimkulu
Fort Beaufort	Mount Frere	Venterstad
Graaff-Reinet	Mqanduli	Whittlesea
Grahamstown	Ngcobo	Willowmore
Hankey	Ngqeleni	Willowvale
Hofmeyr	Nqamakwe (Ngqamakhwe)	Zwelitsha
Humansdorp	Ntabethemba	
Idutywa (Dutywa)	Pearston	

Free State

Bethlehem	Hennenman	Sasolburg
Bethulie	Hoopstad	Selosesha (Thaba 'Nchu)
Bloemfontein	Jacobsdal	Senekal
Boshof	Jagersfontein	Smithfield
Bothaville	Koffiefontein	Theunissen
Botshabelo	Koppies	Trompsburg
Brandfort	Kroonstad	Ventersburg
Bultfontein	Ladybrand	Viljoenskroon
Clocolan	Lindley	Villiers
Dewetsdorp	Marquard	Virginia
Edenburg	Odendaalsrus	Vrede
Excelsior	Parys	Vredefort
Fauresmith	Petrusburg	Welkom
Ficksburg	Philippolis	Wepener
Fouriesburg	Phuthaditjhaba	Wesselsbron
Frankfort	Reddersburg	Winburg
Harrismith	Reitz	Zastron
Heilbron	Rouxville	

Gauteng

Alberton	Johannesburg	Roodepoort
Atteridgeville	Kempton Park	Sebokeng
Benoni	Krugersdorp	Soshanguve
Boksburg	Mamelodi	Springs
Brakpan	Nigel	Tembisa
Bronkhorstspuit	Oberholzer	Vanderbijlpark
Cullinan	Pretoria	Vereeniging
Daveyton	Pretoria North	Westonaria
Germiston	Randburg	Wynberg [GP] (Alexandra)
Heidelberg [GP]	Randfontein	

KwaZulu-Natal

Babanango	Ingwavuma	Nkandla
Bergville	Ixopo	Nongoma
Camperdown	Kokstad	Nqutu
Chatsworth	Kranskop	Ntuzuma
Dannhauser	KwaDukuza (Stanger)	Paulpietersburg
Dundee	Ladysmith	Pietermaritzburg
Durban	Louwsburg	Pinetown
Emlazi	Madadeni	Pongola
Empangeni	Mahlabatini	Port Shepstone
Eshowe	Mapumulo	Richmond [KZN]
Estcourt	Melmoth	Scottburgh
Glencoe	Mooi River	Ubombo
Greytown	Msinga	Umbumbulu
Harding	Mtubatuba	Utrecht
Himeville	Mtunzini	Verulam
Hlanganani	Ndwedwe	Vryheid
Howick	New Hanover	Weenen
Impendle	Newcastle	

Limpopo

Bela-Bela (Warmbaths)	Modimolle (Nylstroom)	Sekhukhune
Bushbuckridge (Mapulaneng)	Mokopane (Potgietersrus)	Senwabarwana (Bochum)
Dzanani	Morebeng (Sekgosesese)	Seshego
Ga-Kgapane (Bolobedu)	Musina (Messina)	Thabazimbi
Giyani	Mutale	Thohoyandou
Lebowakgomo (Thabamooopo)	Namakgale	Thulamahashe (Mahla)
Lenyenye (Naphuno)	Nebo	Tiyani
Lephalale (Ellisras)	Nkowankowa (Ritavi)	Tshilwavhusiku
Louis Trichardt	Northam	Tshitale

Lulekani	Phalaborwa	Tzaneen
Mahwelereng (Morekong)	Phalala	Vuwani
Malamulele	Polokwane (Pietersburg)	Waterval (Hlanganani)
Mankweng	Praktiseer	

Mpumalanga

Amersfoort	Evander	Nelspruit
Balfour [MP]	Groblersdal	Piet Retief
Barberton	Kabokweni (Nsikazi)	Sabie
Belfast	Kriel (Ga-Nala)	Standerton
Bethal	KwaMhlanga	Tonga (Nkomazi)
Carolina	Mashishing (Lydenburg)	Volksrust
Delmas	Mbibana	Wakkerstroom
Eerstehoek	Mdutjana (Siyabuswa)	Waterval Boven
Ekgangala	Middelburg [MP]	White River
eMalahleni (Witbank)	Mkobola	
Ermelo	Moutse	

North West

Bloemhof	Lehurutshe	Swartruggens
Brits	Lichtenburg	Taung
Christiana	Madikwe	Temba
Coligny	Mmabatho	Ventersdorp
Delareyville	Mogwase	Vryburg
Ganyesa	Mothibistad	Wolmaransstad
Ga-Rankuwa	Phokeng (Bafokeng)	Zeerust
Itsoseng	Potchefstroom	
Klerksdorp	Rustenburg	
Koster	Schweizer-Reneke	

Northern Cape

Barkly West	Hanover	Pofadder
Britstown	Hopetown	Postmasburg
Calvinia	Jan Kempdorp	Prieska
Carnarvon	Kakamas	Richmond [NC]
Colesberg	Kathu	Springbok
De Aar	Keimoes	Sutherland
Douglas	Kenhardt	Upington
Fraserburg	Kimberley	Victoria West
Griquatown	Kuruman	Warrenton
Groblershoop	Noupoort	Williston
Hartswater	Philipstown	

Western Cape

Atlantis	Kuils River	Somerset West
Beaufort West	Ladismith	Stellenbosch
Bellville	Laingsburg	Strand
Bredasdorp	Malmesbury	Swellendam
Caledon	Mitchells Plain	Tulbagh
Calitzdorp	Montagu	Uniondale
Cape Town	Moorreesburg	Vanrhynsdorp
Ceres	Mossel Bay	Vredenburg
Clanwilliam	Murraysburg	Vredendal
George	Oudtshoorn	Wellington
Goodwood	Paarl	Worcester
Heidelberg [WC]	Piketberg	Wynberg [WC]
Hermanus	Prince Albert	
Hopefield	Riversdale	
Khayelitsha	Robertson	
Knysna	Simon's Town	

LIST OF THE REGIONAL OFFICES OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Regional Office	Tell	Fax	Postal Address	Physical address
EC	043 702 7000	043 721 1463	Private Bag x 9065, East London, 5200	No. 3 Phillip Frame Road; Weaverly Park Chishurst, East London, 5200
FS	051 407 1800	051 448 4753	Private Bag x 20578, Bloemfontein, 9300	53 Maitland Street, Colonial Building, Bloemfontein 9300
GP	011 332 9000	011 333 0656	Private Bag x 06, Johannesburg, 2000	Schreiner Chambers opposite the South Gauteng High Court, corner Pritchard and Kruis street, JHB
KZN	031 372 3006/7	031 301 5341	P/Bag X 54372 Durban 4000	No 2 Devonshire Place, Smith Street, Durban, 4000
LMP	015 287 2000	015 297 5567	Private Bag x 9526, Polokwane, 0700	92 Bok Street, Polokwane 0700
MP	013 752 8393	013 752 2666	Private Bag x 11249, Nelspruit, 1200	24 Brown Street, Nedbank Centre 4th Floor, Nelspruit, 1200
NC	053 839 0000	053 832 7428	Private Bag x 6106, Kimberley, 8300	Cnr Stead & Knight Streets, New Public building, Kimberly. 8301
NW	018 397 7000	018 384 2406	Private Bag x 2033, Mmabatho, 2735	Ayob Gardens 22 Molopo Road, Mafikeng, 2745
WC	021 462 5471	021 462 3135	Private Bag x 9171, Cape Town, 8000	30 Queen Victoria Street, Cape Town, 8000

Remarks by the Department

The Department of Justice and Constitutional Development would like to urge people to utilise the equality courts to assert their rights to dignity and equality, in order to realise the goal of achieving equality for all.

For more information on the Act and the equality courts contact:

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