



**DEPARTMENT: JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA**

**EMBARGO: FOR IMMEDIATE RELEASE**

**PRESS STATEMENT: PUBLIC AWARENESS CAMPAIGN ON EQUALITY COURTS**

A public awareness campaign was held for the community of Chatsworth today, in order to make the public aware of the existence of their Equality Court and their fundamental rights that is enshrined in the Constitution and the Equality Act.

Section 9 of the Constitution guarantees equality for all. It also provides for the enactment of legislation that will deal with all acts of unfair discrimination, hate speech and harassment, hence the Promotion of Prevention of Unfair Discrimination Act was enacted. The main objectives of the Act are:

- To promote equality
- To prohibit and prevent unfair discrimination (either on the basis of age, race, sex, disability, language, religion, culture, etc.)
- To prevent hate speech (e.g. calling people names such as kaffir, koelies, hotnot, etc.)
- To prevent harassment.

The Equality Act endeavours to facilitate the transition to a democratic society that is united in its diversity and guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom. It places a positive duty and responsibility on the state, NGOs, community based organisations, traditional institutions and all persons to promote equality.

The Act prohibits unfair discrimination on certain grounds, which and either be listed or unlisted. The prohibited listed grounds are race, gender, sex, pregnancy, marital status, ethnic or social origin, age, disability, religion, conscience, belief, culture, language and birth. Hate speech, harassment and the publication and dissemination of information, which unfairly discriminate, is also prohibited by the Act. Unlisted grounds can include HIV/AIDS status, socio-economic status, nationality, family responsibility and family status.

While celebrating our ten years of democracy, acts of unfair discrimination, hate speech and harassment are still prevalent in our society. As a result, people normally take the law in their own hands. This could be an indication that people easily lose confidence in the justice system. In order to bring back this confidence, the Department of Justice and Constitutional Development has since established 220 Equality Courts throughout the country. Apart from these courts that are situated at Magistrate's Offices, all High Courts are functioning as Equality Courts. The Minister will designate more of these courts in the near future. The ultimate goal, is to have an equality court at each Magistrate's Office throughout the country.

In the mean time there is an interim arrangement for places that are not designated as an Equality Court. This measure allows for, example, the Chatsworth Equality Court to go to a "place of sitting" at another magistrate's office that is not designated as one of these courts. The idea is to make this initiative accessible to everyone, and prevent people from traveling great distances to see justice prevail.

A large number of cases are taken to our equality courts. Proceedings in the equality courts are free of charge and the processes are simple and speedily. The complainant goes to the court and the Clerk of the equality court will assist in completing the necessary forms. It will be referred to the Presiding Officer, who will then give an appropriate order (e.g. the payment of damages).

The Awareness Campaigns will be a permanent feature of the Equality Programme since making the public aware about the existence of Equality Courts and the rights enshrined in the Constitution and the Equality Act is going to be a long process. The State has a legal obligation to promote Equality and to make the public aware of the fundamental rights that people have. The Department of Justice and Constitutional Development is the lead Department in such endeavours and it will amongst others, join forces with Constitutional Institutions (Chapter 9 Bodies) in its efforts to reach as many communities as possible.

Department has already conducted successful public awareness campaigns around the issue of Equality Legislation and Equality Courts in some areas around the country. These include Vryburg; Potchefstroom and Phokeng in the North West Province, Khayelitsha in the Western Cape, Kimberley in the Northern Cape; Mapulaneng and Nkowankowa in the Limpopo Province, Ngqeleni and Somerset East in the Eastern Cape, Johannesburg and Brakpan in Gauteng, Kwaggasfontein in the Mpumalanga Province as well as Sasolburg the Free State.

**ISSUED BY PUBLIC EDUCATION AND COMMUNICATION: MEDIA SERVICES OF  
THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**CHATSWORTH  
27 November 2004**

**ENQUIRIES**

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