

**Mphela v Manamela and others (2016) case no1/2016 Seshego Magistrates Court ( Equality Court).**

The matter involves one Nare Philidon Mphela (complainant) and Kgabo Francis Manamela (first respondent). The complainant identifies self as a female transgender. The complainant was a learner at Raselete Secondary school Limpopo where the first respondent was the School's principal as well as the main educator for the subjects of Sepedi and Life Orientation for Grade 12 learners. The first respondent was accordingly one of the complainant's educators in Grade 12. The complainant alleges she was unfairly discriminated, demeaned and humiliated by the first respondent in that on or about the year 2013 the latter instructed a group of learners to corner the complainant in the bathroom and feel her genital area and report back on what they found. It is further alleged that on or about March 2014, the first respondent began to regularly refer the complainant as "a gay" in the presence of other learners- presumably because the complainant wore a school skirt instead of a trouser. Other learners accordingly started to treat the complainant differently and teased the latter about her sexual orientation. It is further alleged that on or about the march 2014 the first respondent stated in class that "you are gay and I don't talk to people like you". This was allegedly stated when the complainant wanted to give an answer to a posed question in class. On numerous occasions the complainant was told by the first respondent that he was gay and should get out of sight.

The CGE was admitted as amicus curiae in this matter. One of the key submissions of the CGE was the need to have unisex toilets and educational programmes for teachers and learners on matters on basic human rights. The complainant was awarded R100 000.00 damages