

## Justice for learner following unfair discrimination at school

In a case where the Commission for Gender Equality was a friend of the court, the Mbombela Magistrate's Court in the sub-district of White River, ruled that a private school had failed to follow due process when it advised the parent of a female learner to remove her from school following allegations that she was dating another female learner.

The learner's mother approached the Equality Court and alleged that her minor child was unfairly discriminated by the school based on her sexual orientation. An application was launched in the Magistrates Court after a successful appeal against a judgment from the Equality Court.

The mother alleged that she and her child were called before the headmistress of the school to discuss allegations that her child had been dating a boy and a girl at the school, and that the child was in contravention of the strict no dating policy of the school. Instead of following the established disciplinary procedure, the headmistress advised the mother to take away her child, "as she required a mother's love, and so that she can heal from the experience".

The court reviewed section 9 of the Constitution, read together with sections 6, 13 and 14 of the Promotion of Equality and



Prevention of Unfair Discrimination Act (PEPUDA) and determined that due process was not followed as required before a decision that interferes with a child's learning was taken.

The court ordered that the school implement special measures to avoid future unfair discrimination, by making provision in its code of conduct for circumstances where it determines that steps other than disciplinary processes are desirable. This should be done after proper consultation with the parents, teachers, and learners. The court further ordered that the school make a written unconditional apology to the applicant and her daughter.

## Promoting access to sexual health rights for all people



Commission for Gender Equality's Commissioners Nomasonto Mazibuko and Ohara Ngoma-Diseko are attending the Sexual and Reproductive Justice (SRJ) seminar hosted by the national Department of Social Development in Benoni. The event is part of a series of seven seminars that will stretch to February 2023.

"Lack of access to sexual health rights to people with disabilities and the elderly also requires attention. People with disabilities are not exempt from rape and abuse, and neither are they exempt from being sexually active, and the same is true for the elderly" said Deputy Minister of Social Development. Ms Hendrietta Bogopane-Zulu during her remarks at the session.

The aim of the series is to provide a platform for stakeholders to have in-depth engagements on SRJ; and to showcase innovations and success in SRJ training in the South African context.

The Commission for Gender Equality has consistently supported government's initiatives to increase access to and protect sexual and reproductive health rights of all people, said Ms Ngoma-Diseko.

## Taking the 'Men and Boys' programme to the grassroots in Limpopo

The Commission for Gender Equality's Limpopo office visited the Phylimak Football Club to educate boys on gender issues and GBV as part of the Men and Boys programme. Football clubs have influence in communities and if they are committed to fighting GBV, communities will benefit.



CGE's Education Officer, Ms Nkhensani Hlekani addressed members of local football teams, and shared messages on gender-based violence, the mandate of the Commission, and the programme ran by the Commission to reach out to men and boys to be part of the solutions to gender-based violence.



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