

Equality Court Orders May Include:

- A settlement between the parties
- Payment of damages
- An unconditional apology
- An audit of the respondent's policies
- A direction to the clerk to refer the matter to the Director of Public Prosecutions to possibly institute criminal proceedings
- An order stopping the discriminatory practice

The Role of the Commission for Gender Equality:

- PEPUDA permits CGE to institute proceedings under PEPUDA in respect of gender related issues.
- The Presiding Officer may also refer a matter to the CGE for investigations.
- The Commission may investigate any gender-related issue of its own accord or upon receipt of a complaint.
- At no cost to the complainant, the CGE will assess, mediate, investigate, or refer a matter to an appropriate forum.
- The CGE may also represent the complainant in the Equality Court at no cost for gender-related matters that it has referred and resolved to litigate on.



Find Your Nearest Equality Court:

Visit www.justice.gov.za – Equality Court section
Department of Justice Call Centre: 0800 002 587
Email: info@justice.gov.za

CONTACT DETAILS HEAD OFFICE

Tel: +27 11 403 7182
General Enquiries: info@cge.org.za
Complaints: Gender-enquiries@cge.org.za
Website: www.cge.org.za

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Commission
for Gender
Equality

Equality Courts



Understanding Equality Courts and the Role of the Commission for Gender Equality (CGE)

What Are Equality Courts?

Equality Courts are special courts in South Africa that deal with unfair discrimination, hate speech, and harassment as outlined in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA). The Act facilitates the right to equality as stipulated in Chapter 9 of the Constitution of the Republic of South Africa. Under PEPUDA, every High Court and every Magistrate's Court serves as an Equality Court for the area within its jurisdiction.

Equality Courts Are Meant to:

- Promote the constitutional right to equality.
- Provide accessible, affordable justice, especially to the vulnerable.
- Address unfair discrimination, including gender-based discrimination in all spaces except the workplace.

Who Can Use an Equality Court?

Equality Courts are created in terms of PEPUDA to hear cases involving unfair discrimination based on the following grounds, among others:

- Gender
- Race
- Disability
- Hate speech
- Harassment
- Unfair discrimination based on any other prohibited grounds not listed above.



The Johannesburg Central Magistrate's Court building in Johannesburg, South Africa.

Why Choose the Equality Court?

- No cost to file a complaint
- Quicker and more accessible

Any party to the proceedings may, during the proceedings in court, be represented by an attorney, advocate, or any person of their choice.

The presiding officer must, if a party is unrepresented, inform the party of its rights to legal representation.

What Issues Can Be Taken to the Equality Court?

Any person, organisation, or association (acting in the public interest) may bring a case covered by PEPUDA to the Equality Court if they have been unfairly discriminated against on prohibited grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation, age, colour, disability, religion, culture, language, conscience, belief and birth, among others.

An Equality Court Hearing Involves the Following Process

To lodge a case with the Equality Court:

- Visit your nearest Magistrate's or High Court, where a clerk assists you with the required forms.
- The respondent (person/organisation accused of discrimination) is then notified and given an opportunity to respond.
- The complaint is forwarded to the Presiding Officer, who decides whether the matter should be heard by the Equality Court or whether it should be referred to an alternative forum.
- If accepted, a hearing date is scheduled, and notices are served.
- Both parties must appear on the set date, after which the court may issue appropriate orders if discrimination, hate speech, or harassment is proven.