

**PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION
ACT, No 4 of 2000**



**BRIEFING TO THE PARLIAMENTARY PORTFOLIO COMMITTEE ON THE
EQUALITY COURT PROJECT AND PROGRESS IN THE IMPLEMENTATION
OF THE PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR
DISCRIMINATION ACT**

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INTRODUCTION

The Chief Directorate Promotion of the Rights of Vulnerable Groups ("the Chief Directorate") was officially established in April 2005 when the memorandum approving the establishment of the Chief Directorate, as well as, detailing the establishment's structure, the functioning and the areas of focus of the Chief Directorate was signed off by the Director General of the Department of Justice and Constitutional Development ('the Department'). The Chief Directorate was established to ensure access to justice to the vulnerable in courts, as well as, to facilitate the development of programmes, policies, guidelines, uniform standards relating to the promotion and protection of the rights of vulnerable groups (women, children, persons with disability, the elderly and victims of crime) in our family, civil and criminal courts. The work that is carried out by the Chief Directorate, especially as it relates to policy formulation, development of guidelines or systems and uniform standards, is very much depend of the existence of effective feedback mechanism from the courts who are tasked with implementing legislations.

The Chief Directorate has two Directorates, namely Directorate Victim Support and Specialized Services and Directorate Child Justice and Family Law. The Directorate Victim Support and Specialized Services ("the Directorate") is further divided into two sub – directorates, Victim Support focusing on implementation of the Service Charter for Victim of Crime, as well as, victim support in courts and Specialized Service focusing on the Equality Court Project, Sexual Offences Courts Project and Small Claims Court. The Directorate in fulfillment of its functions as it relates to all its projects is guided by its three strategic goals being:

- ❖ *Access to Justice for all*
- ❖ *Enhancing Organizational Efficiency*
- ❖ *Transforming Justice State and Society*

PROJECT	STRATEGIC OBJECTIVES	DELIVERABLES	KPI
Small Claims Court	Bringing justice services closer especially rural and township	Increase proximity of services to all, especially in townships and rural areas	Devolve at least one small claims court in each Magisterial district by 2008/2009 to enhance access to townships, peri-urban areas and rural
Sexual Offences Courts projects	Ensuring access for vulnerable groups and effective management of sexual offences courts	Implementation of the relevant legislation (Sexual Offences Act) and other policy instruments and intensify the programme to set up sexual offences courts Facilitation the resolution of sexual offences disputes through court process	Relevant legislative and policy framework to be in place by 2008/2009. 70% of cases finalized or settled within nine months of formal charges. Conviction rate improve by 15% by 2007/2008.
Equality Court Project	The disabled and the Elderly	Promotion of Equality and Prohibition of Discriminatory Practices	Designation of at least one Equality court per Magisterial District by 2005/2006 Provision of user friendly facilities in all Justice Service delivery points by 2007/2008
Victim Support Programme	Implement Victims support programmes for victim of crime	Implementation of the Service Charter for Victim of Crime Setting up a Stakeholders Forum to benefit court users	Toll free lines in all provinces in place by 2005/06 Trained Victim assistance staff in place at service delivery points by 2007/08 Continuous awareness of court users of their rights and court process Complaints mechanism Feedback mechanism in place by 2006/2007 Stakeholders Framework document in place by 2006/07

The Table lists the four (4) projects of the Directorate, as well as, the Strategic Objectives, Deliverables and KPI of each project as set out in the Department's Medium Term Strategic Framework 2005/2006 – 2008/2009 (MTSF)

The Specialized Services sub-directorate has three projects falling under it, including the Equality courts project, and is tasked with facilitating the efficient and effective implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000 (Equality Act). The Directorate achieves its mandate by facilitating the development of policies, programmes, standards as it relates to the implementation of the Equality Act so as to ensure effective functioning of courts, and it performs these functions with the assistance of courts which are the implementers of the Equality legislation and the Regional offices.

The Structure of the Directorate Victim Support and Specialised Services

The structure of the Directorate that was indicated as the Directorate's structure when it was officially established in April 2005 is as follows:

1x *Director*

1x *Secretary*

2 x *Deputy Director*

2x *Assistant Director*

3x *Administrative Officer*

2x *Clerks*

The 1 Deputy Director, 1 Assistance Director, 1 administration officer and 1 clerks being the structure that was approved for the Specialized Services Sub-directorate.

Unfortunately due to delays in the approval of the structure of the whole Chief Directorate all the management and middle management posts under Victim Support and Specialized Services were contract posts and the posts for support staff could not be filled until early this year. As at last financial year, as well as,

prior to the official existence of the Chief Directorate the Equality Courts Project was an added function undertaken by the Equality Review Secretariat.

As at beginning of the financial year the Directorate had a staff complement of three people being the Director and two clerks to run all four projects, and with the Director having the added responsibility to act as Chief Director of the Chief Directorate, which post became vacant on 1 February 2006 and was filled on 1 October 2006. The post of Deputy Director Specialized Services was filled in June 2006 and recently the post of administrative support was also filled.

The above mentioned challenges affected the Directorate's ability to effectively carry out its task in its four projects resulting in the Directorate not being able to achieve its KPI in terms of the MTSF. Despite the challenges of not having the full staff complement to carry out its functions the Directorate has managed to make some progress in respect to the Equality Court Project.

FORMAT OF THE REPORT

The format of the report will be to report on all the key areas that Equality Court Project believes interventions **should** be made in order to achieve the Strategic Objectives as outlined in the Department's MTSF. Areas of focus that have been identified include

- Training, looking at who has been trained, thoughts on the training provided
- The infrastructure of the courts
- Designation of further Equality Courts;
- Accessibility of courts to persons with disability
- Structure of the Equality Court
- Resources
- Human Capacity looking at Magistrates, Clerks and Lay Assessors
- Public Education and Awareness, which will include workshops

REPORT ON PROGRESS IN RESPECT OF 2005/2006 AND THE PLANS FOR 2006/2007

1. RESOURCES

For the 2006/2007 financial year an amount of R12 million has been allocated to the Equality Court Project, R6 million is for Compensation of Employees and R6 million is for Goods and Services. The R6 million for Compensation of Employees has been transferred to the Regions for the appointment of permanent Equality Court clerks and the table indicates the expenditure per Regions.

PROVINCES	MAGISTERIAL DISTRICTS	NO OF POSTS AND EXPENDITURE
EASTERN CAPE PROVINCE:		14 Posts Expenditure: R614 250
	1. SOMERSET EAST	
	2. ZWELITSHA	
	3. GRAAFF-REINETTE	
	4. KEISKAMMAHOEK	
	5. MDANTSANE	
	6. QUEENSTOWN	
	7. STUTTERHEIM	
	8. ALICE	
	9. KING WILLIAM'S TOWN	
	10. PEDDIE	
	11. NGQELENI	
	12. UMZIMKHULU	
	13. ELLIOTDALE	
	14. ALIWAL NORTH	
FREE STATE PROVINCE:		19 Posts Expenditure: R833 625
	13. BLOEMFONTEIN	
	14. BOTSHABELO	
	15. PHUTHADITJHABA	
	16. LADYBRAND	
	17. THABA NCHU	
	18. HARRISMITH	
	19. PARYS	
	20. FAURESMITH	
	21. MAKWANE	
	22. TSEKI	
	23. TSESENG	
	24. ODENDAALSRUS	
	25. KROONSTAD	
	26. BETHLEHEM	
	27. VIRGINIA	
	28. WELKOM	
	29. SENEKAL	
	30. SASOLBURG	
	31. HENNENMAN	
GAUTENG PROVINCE:		18 Posts Expenditure: R789 750

	32. PRETORIA HIGH COURT	
	33. GERMISTON	
	34. KEMPTON PARK- TEMBISA	
	35. PRETORIA	
	36. PRETORIA- ATTERIDGEVILLE	
	37. PRETORIA NORTH	
	38. PRETORIA NORTH FOR SOSHANGUVE.	
	39. RANDBURG (WYNBERG)	
	40. BOKSBURG	
	41. BRAKPAN	
	42. BRONKHORSTSPRUIT	
	43. RANDFONTEIN	
	44. ROODEPOORT	
	45. SPRINGS	
	46. WESTONARIA	
	47. VAN DER BIJL PARK- SEBOKENG	
	48. MEYERTON	
	49. VEREENIGING	
KWAZULU-NATAL		
	50. NEW HANOVER	17 Posts
		Expenditure: R745 875
	51. NDWEDWE	
	52. PORT SHEPSTONE	
	53. STANGER	
	54. VERULAM	
	55. NTUZUMA	
	56. EMPANGENI	
	57. PIETERMARITZBUR	
	58. HLANGANANI	
	59. LADYSMITH	
	60. NEWCASTLE	
	61. MADADENI	
	62. NONGOMA	
	63. NQUTU	
	64. MSINGA	
	65. PONGOLO	
	66. INGWAVUMA	
MPUMALANGA PROVINCE:		21 Posts
		Expenditure: R921 375
	67. BARBERTON	
	68. MDUTJANA	
	69. MIDDELBURG	
	70. MBIBANE	
	71. WITBANK	
	72. CAROLINA	
	73. BETHAL	
	74. DELMAS	
	75. STANDERTON	
	76. VOLKSRUST	
	77. LYDENBURG	
	78. WATER- VAL- BOVEN	
	79. WHITE RIVER	
	80. ERMELO	
	81. BREYTON	
	82. PIET RETIEF	
	83. GROBLERSDAL	
	84. NKOMAZI	
	85. SABIE	
	86. KWAMHLANGA	
	87. MOUTSE	
NORTH WEST PROVINCE:		12 Posts

		Expenditure: R526 500
	88. DITSOBOTLA	
	89. POTCHEFSTROOM	
	90. VRYBURG	
	91. KLERKSDORP	
	92. LICHTENBURG	
	93. MADIKWE	
	94. MORETELE	
	95. ODI	
	96. VENTERSDORP	
	97. DELAREYVILLE	
	98. RUSTENBURG	
	99. CHRISTIANA	
LIMPOPO PROVINCE:		14 Posts Expenditure: R614 250
	100. LOUIS TRICHARDT	
	101. NYLSTROOM (MODIMOLLE)	
	102. MOKERONG	
	103. WARMBATHS (BELA BELA)	
	104. ELLISRAS	
	105. THOHOYANDOU	
	106. GIYANI	
	107. VUWANI	
	108. PHALABORWA	
	109. PRAKTISEER	
	110. THABAMOOPO	
	111. HLANGANANI	
	112. MUTALE	
	113. NABOOMSPRUIT	
NORTHERN CAPE:		
	114. HIGH COURT: KIMBERLEY	5 Posts Expenditure: R219 375
	115. KIMBERLEY	
	116. PRIESKA	
	117. DE AAR	
	118. POSTMASBURG	
	119. UPINGTON	
WESTERN CAPE:		
	120. HIGH COURT: CAPE TOWN	16 Posts Expenditure: R702 000
	121. BELLVILLE	
	122. CAPE TOWN	
	123. CLANWILLIAM	
	124. PAARL	
	125. STELLENBOSCH	
	126. MALMESBURY	
	127. WORCESTER	
	128. CALEDON	
	129. WOLSELEY	
	130. GEORGE	
	131. BLUE DOWNS	
	132. MITCHELLS PLAIN	
	133. KHAYELITSHA	
	134. WYNBERG	
	135. OUDTSHOORN	
	136. GOODWOOD	

	2. Rempton Park	15. Nigel
	3. Pretoria	16. Oberholzer
	4. Pretoria North	17. Randfontein
	5. Randburg	18. Roodepoort
	6. Johannesburg	19. Soshanguve
	7. Alberton	20. Springs
	8. Benoni	21. Vanderbijlpark
	9. Boksburg	22. Vereeniging
	10. Brakpan	23. Westonaria
	11. Bronkhorstspuit	
	12. Cullinan	
	13. Heidelberg	
MPUMALANGA	1. Barberton	12. Carolina
	2. Eerstehoek	13. Delmas
	3. Evander	14. Ekangala
	4. Mdtjana	15. Lydenburg
	5. Klerksdorp	16. Wolmaransstad
	6. Klerksdorp	17. Wolmaransstad
	8. Klerksdorp	19. Wolmaransstad
	9. Kudumane	20. Zeerust
	10. Lichtenburg	
	11. Madikwe	
NORTH CAPE	1. De Aar	7. Camarvon
	2. Fraserburg	8. Colesberg
	3. Kimberly	9. Hartswater
	4. Kuruman	10. Kenhardt

	5. Springbok	11. Prieska
	6. Upington	12. Postmasburg
		13. Victoria-West
WESTERN CAPE	1. Atlantis	12. George
	2. Worcester	13. Kuils River
	3. Bellville	14. Beaufort West
	4. Cape Town	15. Caledon
	5. Clanwilliam	16. Goodwood
	6. Montagu	17. Mitchells Plain
	7. Paarl	18. Mossel Bay
	8. Pikertberg	19. Oudshoorn
	9. Stellenbosch	20. Prince Albert
	10. Vredenburg	21. Riversdale
	11. Vredendal	22. Swellendam
		23. Wynberg
EASTERN CAPE	1. Port Elizabeth	11. Mdantsane
	2. Somerset East	12. Queenstown
	3. Zwelitsha	13. Steynsburg
	4. Alice	14. Stutterheim
	5. Cradock	15. Uitenhage
	6. East London	16. Aliwal North
	7. Graaff-Reinet	17. Elliotdale
	8. Grahamstown	18. Ngqeleni
	9. Humansdorp	19. Umzimkulu
	10. Keiskammahoek	
FREE STATE	1. Bloemfontein	17. Jacobsdal
	2. Botshabelo	18. Koffiefontein
	3. Phuthaditjhaba	19. Marquard
	4. Edenburg	20. Philippolis
	5. Ladybrand	21. Wepener
	6. Thaba Nchu	22. Odendaal
	7. Harrysmith	23. Kroonstad
	8. Ficksburg	24. Bethlehem
	9. Jagersfontein	25. Bothaville
	10. Rouxville	26. Hoopstad
	11. Boshof	27. Koppies
	12. Brandfort	28. Lindley
	13. Clocolan	29. Parys
	14. Excelsior	30. Theunissen
	15. Fauresmith	31. Villiers
	16. Fouriesburg	32. Virginia
		33. Vrede
		34. Welkom
KWAZULU-NATAL	1. Durban	21. Pinetown
	2. Camperdown	22. Port Shepstone
	3. Chatsworth	23. Scottburgh
	4. Emlazi	24. Stanger
	5. Esikhawini (Ongoye)	25. Verulam
	6. Greytown	26. Pietermaritzburg
	7. Ixopo	27. Hlanganani
	8. Kokstad	28. Ladysmith
	9. Mtubatuba	29. Newcastle
	10. New Hanover	30. Nongoma
	11. Ndwedwe	31. Ngutu
	12. Ngwelezane (Enseleni)	32. Bergville
		33. Dundee
	13. Eshowe	34. Melmoth
	14. Estcourt	35. Msinga

	15. Glencoe	36. Nkandla
	16. Howick	37. Paulpietersburg
	17. Impendle	38. Pongola
	18. Mahlabathini	39. Ubombo
	19. Vryheid	
	20. Weenen	

2.1 Designation of further Equality Courts

By 2006/2007 a further 146 Equality Courts will have been designated resulting in 366 Equality Courts so that each magisterial district has an Equality court, thereby making Equality Courts more accessible. The comprehensive data base referred to in paragraph 3.3 (and attached as Annexure A) will assist the Directorate in meeting the target of designating the balance of 366 courts by the end of this financial year, as the training will target untrained Magistrates and clerks in the courts to be designated. The issue of the suitability of the setting of the courts to be designated is dealt with under paragraph 2.2 below.

The table below shows a break down of courts designated per province and number of courts still to be designated per province.

Province	Existing	To be designated in 2006/07
Eastern Cape	19	60
Free State	36	19
Gauteng	23	All main seats designated, only 15 places of sitting still to be designated
KwaZulu-Natal	39	13
Mpumalanga	22	12
North West	20	9
Northern Cape	13	18
Limpopo	25	10
Western Cape	23	19
Totals	220	160 plus Gauteng's 15 places of sitting = 175

2.2 Infrastructure and setting of the Equality Court

The Equality Act makes provision for Equality cases be heard in an informal boardroom like setting and not in a criminal court room setting. In the last financial year over **R6 million rands** was spent by the Directorate on ensuring that the 220 designated Equality courts in the provinces are provided with necessary furniture in order that the courts are in compliance with the Equality Act in as far as the setting is concerned. For example in the last financial year R336 580,86 was spent in KwaZulu Natal alone on furniture for its Equality courts. R526 000,00 was spent in Northern Cape for purchase of court recording machines. All indications received was that as at the end of the last financial year all Equality Courts in six (6) provinces were provided with furniture. Provinces not fully provided with furniture were Free State, Northern Cape and Mpumalanga who were only provided with court recording machines. Despite this the Directorate received reports that there are still Equality Courts in these six regions that require furniture.

An audit is being conducted in collaboration with the Department's regional offices in all the 220 Equality Courts to firstly, locate the furniture that was provided; secondly, to determine the needs of the those courts that were not provided with furniture; thirdly, whether the structure or setting is in compliance with the Equality Act in that Equality cases are held in a boardroom setting, and lastly, the readiness of the undesignated courts to be designated.

To facilitate the audit the Directorate provided Regional Offices with templates, as well as, a document setting out the Minimum requirements in order for an Equality Court to be compliant to guide the process and ensure that there is uniformity in the Regions in the setting up of Equality Courts. The Template and the document setting out the minimum requirement are attached as **Annexure B and C**. The Minimum Requirements includes the need for clear signage

indicating that the court has an Equality Court, as well as, signage on the Equality court itself and at the door to the Clerk of the equality Court. The template also includes equipment such as Equality court stamps, computers, stationeries etc

The audit also extends to courts that have not been designated so that before end of this financial year when the Department is ready to designate the rest of the 366 districts it is able to do so. The audit will be finalised at end of October 2006.

2.3 Accessibility of Equality courts

An investigation conducted by the Chief Directorate: Facilities into what it would cost the Department to ensure accessibility of all courts for person with disability indicates that the cost to the Department will be **R563 million**. For this financial year the Department committed R10 million rand in this regard, and will commit R10 million rand for the next financial year.

The R10 million will be spent on making courts in general to be accessible and user friendly, and the table below indicates the designated Equality courts which will also benefit from this allocation by either having the court renovated, additional court being built or maintenance work being carried out.

PROVINCE	COURT	WORK BY FACILITIES	COURT	WORK BY FACILITIES
LIMPOPO	Louis Trichardt		Mhala	SM
	Mapulaneng		Nebo	RP
	Mokerong	SM	Nylstroom (Modimolle)	PM
	Polokwane (Pietersburg)	PM, AA	Phalaborwa	
	Ritavi		Praktiseer	RP
	Bela Bela (Warmbaths)		Sekgosese	NB
	Bochum	RP	Sekhukhune	RP
	Bolobedu	PM, MW	Thabazimbi	PM
	Ellisras	PM	Thohoyandou	MW
	Giyani	RP	Thabamopo	RP

	Cullinan			
	Heidelberg			
MPUMALANGA	Barberton		Carolina	
	Eerstehoek	RP	Delmas	
	Evander	PM	Ekgangala	NB
	Mdutjane	RP	Lydenburg	
	Middelburg	PM	Mbibane	RP, SM
	Nsikazi	RP, SM	Mkobola	RP
	Witbank		Standerton	
	Nelspruit	PM	Volksrust	PM
	Brits		Umlazi	RP
	Nelareville	AA	Taung	
	Kuruman	PM, MW	Kenhardt	
	Springbok		Prieska	PM
	Upington		Postmasburg	
			Victoria-West	PM
WESTERN CAPE	Atlantis		George	MW, SM
	Worcester	PM	Kuils River	PM, SM

	Bellville	PM	Beaufort West	MW
	Cape Town	PM, MW, SM	Caledon	PM
	Clanwilliam		Goodwood	NB
	Montagu		Mitchells Plain	
	Paarl		Mossel Bay	
	Piketberg	PM	Oudshoorn	
	Stellenbosch	PM	Prince Albert	
	Vredenburg		Riversdale	
	Vredendal	AA	Swellendam	AA, SM
			Wynberg	
EASTERN CAPE	Port Elizabeth	PM	Mdantsane	PM
	Somerset East		Queenstown	
	Zwelitsha	RP	Steynsburg	
	Alice	RP	Stutterheim	
	Cradock		Uitenhage	AA, SM
	East London	PM	Aliwal North	
	Graaff-Reinet	PM	Elliotdale	
	Grahamstown	PM	Nggeleni	
	Humansdorp	PM	Umzimkulu	RP
	Keiskammahoek	RP		
FREE STATE	Bloemfontein	PM, MW	Jacobsdal	
	Botshabelo		Koffiefontein	PM
	Phuthaditjhaba		Marquard	
	Edenburg	PM	Philippolis	PM
	Ladybrand	PM	Wepener	PM
	Thaba Nchu	PM	Odendaal	
	Harrismith	PM	Kroonstad	PM
	Ficksburg	MW	Bethlehem	PM
	Jagersfontein	PM	Bothaville	SM, MW
	Rouxville	SM	Hoopstad	PM
	Boshof	PM, SM	Koppies	SM
	Brandfort	AA, MW	Lindley	RP, MW
	Clocolan	MW	Parys	PM
	Excelsior		Theunissen	AA, MW
	Fauresmith		Villiers	MW, AA
	Fouriesburg	PM, AA, SM	Virginia	MW
			Vrede	MW
			Welkom	PM, MW

KWAZULU-NATAL	Durban	RP, PM	Pinetown	PM
	Camperdown		Port Shepstone	RP, SM
	Chatsworth		Scottburgh	AA, PM
	Emlazi	PM	Stanger	PM, AA, SM
	Esikhawini (Ongoye)	RP, PM	Verulam	
	Greytown		Pietermaritzburg	PM, SM
	Ixopo		Hlanganani	
	Kokstad		Ladysmith	
	Mtubatuba		Newcastle	

AA = Additional Accommodation project: Service for additional accommodation, i.e. more courts and/ or offices, in construction or to be executed soon.

MW= Minor Works project: Service for the provision of any other facility not requiring construction, e.g. boreholes for water, carports, etc. in execution or to be executed soon.

NB = New Building project: Service for a new court building in construction or in

BM = Building Maintenance Project: Service for repair and renovation of existing at a court facility in execution or to be executed soon.

The target that the Department has set in its MTSF 2005/2006 – 2008/2009 is the provision of user friendly facilities in all Justice Services Delivery points by 2007/2008.