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WHY EQUALITY COURTS ARE NOT WORKING AS THEY SHOULD

FXI's Mduduzi Mtshweni (legal assistant) and Nomagugu Nyathi (research officer) attended [a workshop](#) at the Legal Resources Centre on how to assist victims of discrimination prepare and present a claim in the South African Equality Courts.

These are the lessons they learned from the workshop

- Accessing Equality Courts is very difficult for most people because they do not know about them.
- As a result, they are underutilised.
- Properly utilised, they will help in achieving equality.
- Approaching the courts is much simpler compared to regular courts.
- Because of this, and the way the function, they are a unique legal instrument that should be capitalised on.
- Lawyers and other professionals should be encouraged to approach and use Equality Courts so as to build precedence in the courts.
- Magistrates tend to shop for forums – by deciding in which forum the matter is to be heard e.g. magistrates courts, Equality Courts or other specialized courts; magistrates have a tendency of not wanting to deal with constitutional issues or issues which do not have a clear precedent – and side step attending to Equality Court matters thus reducing their inefficiency.
- A handbook was distributed to show the processes of approaching the court and how the court functions. The handbook is quite comprehensive.

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