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PEOPLE WITH DISABILITIES.

EQUALITY COURTS.

These courts were established to implement the Act for the Promotion of Equality and the Prevention of Unfair Discrimination. They should provide a semi formal conduct and treat the Applicant with respect and understanding.

This submission concerns their conduct.

Interpretation of the Law:

Court- the opportunities provided by the common law of the Constitution and accommodation provided by the Act can be separated at the choice of the respondent by denial.

This Writer- the opportunities provided by the common law of the Constitution can be separated by the respondent on condition that the respondent accommodates the Applicant with a suitable alternative. If no provision, then the Applicant may participate in society equally. The respondent is held responsible for their actions.

Example -a deaf person applying to join a school for hearing people. Application denied because it would offend hearing people. Result -the Applicant is denied the right to education as this ruling applies to all schools.

This writer- Court did not consider a balance of common law rights and did not provide and refer the Applicant to a school for the deaf.

In the same way people with disabilities are denied all rights of equal opportunity as provided under the Convention and the Constitution.

These courts do not recognise that a person with a disability still has a common law right and is entitled to Accommodation under the Act. The court does not recognise the reason for its establishment and is made worthless. There is no reason to appeal to these courts if there is no recognition of common law rights or of accommodation.

Will hear appeals without representation, are hostile, intimidating and threatening.

Examples

- 1) The Applicant with respiratory difficulties evaluated as severe confined in a windowless room for 3 and a half hours for a hearing that was not scheduled. Then told "If you are satisfied with the progress of the day and can reassure me that you will not lodge a complaint, you may go'
- 2) The applicant told to accept the magistrate's diagnosis and the respondent told to write a letter to the chief magistrate to say that this matter has now gone away. Should the Applicant continue to believe he has a right or fails to recover from an incurable condition, then this will be 'The reason that will force me to come back and deal with this matter'
- 3) The Applicant's attempts to get the court to hear his complaint shouted down with the response of "what? what? "
- 4) No reason need be given to justify denial by the respondent.
- 5) No balance of common law rights.
- 6) Policy of not allowing hearings for extended periods up to 2 years. Normally 6 to 8 months.

Conclusion

The court serves no purpose when it denies the common law right of the applicant, because the disability cannot comply with regular standards. If the applicant is graded as "offensive" then the applicant should be accommodated as all disabilities and illnesses are offensive to a degree. This is especially of concern if the disability is caused in state industrial activity. The State should at least take responsibility.

SUBMISSION

Government intervention to promote justice, rehear cases, and to review cases at a high level in a reasonable time, as directional hearings do not allow for appeals.

This writer will give verbal submission if available in George Western Cape.

Thank you for this opportunity to bring these concerns to your attention.

Yours faithfully, gren@mtloaded.co.za