



Frequently Asked Questions

Did you know that most universities have Legal Aid Clinics to help persons or communities who cannot afford legal services? If you feel that your right has been violated, kindly contact the university closest to you.

Apart from Chapter 9 bodies like the SAHRC, PPSA and CGE there are other statutory bodies which address specific human rights violations such as the Commission for Arbitration, Mediation and Arbitration (CCMA) which resolves labour related disputes.

Did you also know that the SAHRC is located in all the nine provinces of South Africa? You can simply walk in or contact the SAHRC office in the province closest to you. The services rendered by the SAHRC are free of charge.

To obtain assistance and more information about the SAHRC, please kindly visit our website www.sahrc.org.za.

You can also contact the offices of the SAHRC at any of the following addresses:

CONTACT US

Website: www.sahrc.org.za
E-mail: info@sahrc.org.za

Head Office: Forum 3, Braampark Office Park, Braamfontein, JOHANNESBURG.

☎ (011) 877 3600 Fax: (011) 403 0684

Eastern Cape: 4th Floor, Oxford House, 86–88 Oxford Street, EAST LONDON. P O Box 972, East London, 5200

☎ (043) 722 7828/5/8 • Fax: (043) 722 7830

Free State: 18 Keller Street, BLOEMFONTEIN. P O Box 4245, Bloemfontein, 9301

☎ (051) 447 1133 • Fax: (051) 447 1128

Gauteng: 2nd Floor, Forum 3, Braampark Office Park, 33 Hoofd Street, Braamfontein, JOHANNESBURG.

Private Bag X 2700, Houghton, 2041

☎ (011) 877 3750 • Fax: (011) 403 0668

KwaZulu-Natal: First Floor, 136 Margaret Mncadi Avenue, DURBAN. P O Box 1456, Durban, 4000

☎ (031) 304 7323/4/5 • Fax: (031) 304 7323

Limpopo: 1st Floor, Office 102, Library Garden Square, Corner of Schoeman and Grobler Streets, POLOKWANE. P O Box 4431, Polokwane, 0700

☎ (015) 291 3500 • Fax: (015) 291 3505

Mpumalanga: 4th Floor Carltex Building, 32 Bell Street, NELSPRUIT. P O Box 6574, Nelspruit, 1200

☎ (013) 752 8292 • Fax: (013) 752 6890

Northern Cape: 45 Mark and Scott Road, Ancorley Building, UPINGTON. P O Box 1816, Upington, 8801

☎ (054) 332 3993/4 • Fax: (054) 332 7750

North West: 25 Heystek Street, RUSTENBURG. P O Box 9586, Rustenburg, 0300

☎ Tel: (014) 592 0694 • Fax: (014) 594 1089

Western Cape: 7th Floor, ABSA Building, 132 Adderley Street, CAPE TOWN

☎ (021) 426 2277 • Fax: (021) 426 2875

ENGLISH



**Being able to access
justice is a human right**



Transforming society

Securing rights

Restoring dignity

1. What are human rights?

Human rights are the basic rights that everyone has. These rights are inalienable and are conferred on every human being from the moment you are born and they cannot be taken away from you, although they can be limited in certain instances.

Our country has a Bill of Rights in our Constitution. The Bill of Rights sets out our basic human rights. The Constitution and the Bill of Rights form the cornerstone of democracy, and the Constitution is the supreme law of the land. Any law or conduct that is inconsistent with the Bill of Rights and the Constitution is invalid. There are 27 fundamental human rights contained in the Bill of Rights and these rights are found in Chapter 2 of the Constitution.

Some of the rights listed in the Bill of Rights include, rights of access to courts, property, adequate housing, health care services, sufficient food and water, and social security. These 27 rights are a combination of civil and political rights as well as social and economic rights.

2. What is the right of access to justice?

The Constitution, in the Bill of Rights, in section 34, provides that:

“Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.”

Therefore if human rights are violated courts, or other bodies with the power to make determinations about such violations may be approached for assistance.

All human rights are interconnected, interdependent and indivisible. In the **Grootboom** case, the Constitutional Court stated that human rights are connected dependent and supportive of each other. This means that sometimes the violation of one right may in fact mean that related rights are also violated. According to the court, the violation of basic rights has a significant impact on the related right to dignity of people and their quality of life.

The right of access to courts involves more than being able to have access to legal services or the provision of legal aid provided for by the state. This means that the concept of access

to justice is a much broader right and is linked to social justice, gender justice, economic justice and environmental justice. For example, if a person's right to an environment which is not harmful to their health or well-being has been infringed, without access to justice, a person has no avenue to enforce and promote respect for this right. Therefore, the right to access justice unlocks all the other human rights that are entrenched in the Bill of Rights, allowing these rights to be respected and protected.

The importance of the right of access to justice lies in the fact that it enables everyone to enjoy access to all 27 human rights found in the Constitution. This is an important principle for everyone to appreciate especially in a society like ours that is plagued by high levels of poverty, deep inequality and high unemployment. Further, access to justice enables people who are more vulnerable to socio-economic hardships, discrimination and general human rights abuses to access and enforce their inalienable human rights.

3. How can you access justice?

Since we acknowledge and appreciate that everyone has human rights, which cannot be taken away (although they can be limited in certain defined circumstances), the question of how to access justice, by enforcing these human rights, depends on the nature of the right in question. For instance, the Bill of Rights contains the equality clause in section 9, which guarantees that everyone must be treated equally. The Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 (PEPUDA), has provided for the establishment of Equality Courts. If anyone has been discriminated against on any of the grounds listed in section 9 of the Constitution, they can approach the Equality Court, which is found in every **magistrate's court** in the country.

The South African Human Rights Commission (SAHRC), as one of the Chapter 9 institutions created in the Constitution, is also an avenue for accessing the right to justice. The SAHRC is an independent body set up to **monitor, protect, promote** and **advance** the attainment of human rights in our country. The SAHRC deals with cases of human rights violations at no cost to any applicant or complainant.

A human rights violation is defined as an abuse or violation

of any of the rights found in the Bill of Rights. Apart from the SAHRC, there are other similar Chapter 9 institutions, established by the Constitution, to deal with specific human rights complaints from the public.

Examples of such institutions include:

- The Public Protector South Africa which investigates alleged improper conduct by organs of State. If you have a complaint of such a nature, you should contact the Public Protector on Tel: 012 366 7000 or visit their website www.pprotect.org
- The Commission for the Promotion and Protection of the Rights of Cultural and Linguistic Communities (CRL Commission) aims to promote and develop peace, friendship, humanity, tolerance and national unity amongst various cultural, religious and linguistic communities in South Africa. You may contact the CRL Commission on Tel: 011 537 7631 or visit their website www.crlcommission.org.za
- The Commission for Gender Equality (CGE) investigates violations and challenges laws, practices and customs that discriminate against people because of their gender. If you feel that you have been discriminated because of your sex or gender, you should contact the CGE on Tel: 011 403 7182 or visit their website www.cge.org.za
- Legal Aid South Africa provides free legal services by legal practitioners to people who cannot afford them and who qualify for legal aid. For your closest Legal Aid South Africa regional office, justice centre or satellite office, contact Legal Aid South Africa on Tel: 011 877 2000 or visit their website www.legal-aid.co.za

There are also a number of Non-Governmental Organisation (NGOs), Community Based Organisations, Paralegal and Community Advice Offices in South Africa that also act as avenues for accessing justice. If you feel that any of your rights in the Bill of Rights has been violated, you can visit their offices. Examples of such organisations include, but are not limited to, The Black Sash, Lawyers for Human Rights (LHR), Legal Resources Centre (LRC) and Socio-Economic Rights Institute (SERI).