



**MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES**  
**REPUBLIC OF SOUTH AFRICA**

**MEDIA STATEMENT**  
**FOR IMMEDIATE RELEASE**  
**DATE: 8 July 2021**

**PEPUDA AMENDMENT BILL**

The Ministry and the Department of Justice and Constitutional Development have noted a great deal of public and media interest in the proposed draft amendments to the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA).

The Draft Bill was published for public comments and a large number of submissions were received. While many of the submissions touch on different aspects of the Bill, the majority of the submissions appear to be duplicate comments, albeit submitted by different persons or groups.

The Department is currently studying the various submissions received, where after a revised Bill will be prepared, as per the usual legislative process.

The Draft Bill seeks to prevent discrimination and to promote equality which includes full and equal enjoyment of the rights and freedoms in the Constitution and equal rights and access to resources, opportunities, benefits and advantages as well as substantive equality. It seeks to expand the definition of discrimination to bring it in-line with established equality jurisprudence of the Constitutional Court.

The Bill seeks to distinguish between the duty of the State and public bodies that must eliminate discrimination, promote equality and achieve equality; and the duty of all persons to eliminate discrimination and promote equality. The Bill also makes provision for the prohibition of retaliation against a person who objects to a discriminatory act or omission or instituted proceedings in terms of the Act.

It should be noted that Chapter 5 of PEPUDA which deals with the promotion of equality was never put into operation due to concerns about, amongst others, the regulatory burden that will be placed on all sectors in respect of reporting requirements.

The amendments now seek to address these concerns, noting that promotion of equality is essential to the affirmation of equality as a foundational value of our Constitution and as such must be operationalized through legislation.

As part of a consultative legislative process, the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, accompanied by departmental officials, met with religious leaders and representatives of Freedom of Religion South Africa (FOR SA) earlier today to discuss the provisions of the Draft Bill and address their concerns.

Deputy Minister John Jeffery assured them that the State will continue to uphold all the rights in the Constitution, including section 15 (freedom of religion, belief and opinion). He further emphasized that the intention of the Bill is not to interfere with the exercise of the rights in section 15 or any other right enshrined in the Constitution nor is it intended to regulate religious institutions.

The Department will now embark upon a process to evaluate all comments that have been received with a view to revising the Bill, where necessary. Once this process is completed, the Bill will be subjected to the scrutiny of the Chief State Law Adviser to certify its constitutionality. Thereafter, Cabinet will be approached for permission to submit the Bill to Parliament. This is expected to be done during 2022.

**Enquiries:**

***Chrispin Phiri: Spokesperson for the Ministry of Justice and Correctional Services***

***Cell: 081 781 2261***