

# Dutch Reformed Church

## MIDDELBURG-SOUTH

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The Department of Justice and Constitutional Development

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To whom it may concern

**SUBMISSIONS: PROMOTION OF EQUALITY AND PREVENTIONS OF UNFAIR DISCRIMINATION  
AMENDMENT BILL 2021**

The Church board of the **NG KERK MIDDELBURG-SUID** wish to comment on the above-mentioned act as follows:

### Introduction

The Church of Jesus Christ is built on the foundation to love the Lord God and to love one another. On these grounds the Church will always strive not to intentionally discriminate. That said it is a fact that individuals, organizations etc will never be totally equal in ideas, views, resources, abilities etc. That is a fact of life. No law will be able to change this. A very important part of being human is not necessarily to be and to think the same but to respect the views of one another.

Part of love is NOT to accept the wrong that people do but to help each other to be the best that we can. Obviously, there is in this life different views on right and wrong. That is where the right to state your morality is part of free speech that is being protected in the Constitution of South Africa. Different religions and even different views inside the same religion have different views on right, wrong and morality. This is where religious freedom is protected in the Constitution. This freedom must not only be vigorously protected but also respected as different views.

It seems that the proposed act is in contra to the above.

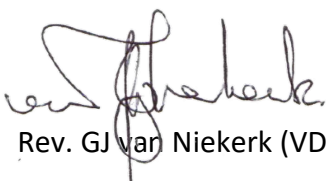
### Concerns about the act as proposed

- The definition of 'equality' has been changed to include equality to resources, opportunities, benefits, etc. which is a total impossibility and totally impractical.
- In the act the very important principle of intent is not considered. That make anyone liable to be in contra of the legislation only on the "feeling" of another. It is impossible to predict another person's "feelings" in all cases. In effect the legislation will put people's rights direct against another on grounds that is not provable. That make anyone a possible victim of unfair prosecution.
- Organizations can be held responsible for their employees' actions, word etc. with or without the consent of the employer.
- People or organizations can victimize organizations or individuals with other views than their own because the liability is put on the "accused" to proof innocence against something unprovable.
- On grounds of this law, the Human Rights Commission can very easily focus on those whose views they do not agree with. That would be a bridge of the right of the accused to a free and unbiased judgement.
- Government ministers will be empowered to discriminate against organisations or individuals on grounds that will not be monitored or controlled. This is against the whole idea of an act against discrimination. State may discriminate but citizens are being punished.
- The bill lacks a form of objective test against which discrimination can be measured.

### Conclusion

We do hope these comments will be accepted in the spirit that we all wish for a South Africa where people can work together and respect each other. There is a great danger that this Act will do more damage in this regard than to facilitate cohesion.

Signed on behalf of the Church board



Rev. GJ van Niekerk (VDM)

30 June 2021