



Other laws relevant to public demonstrations

The key laws on public demonstrations are the *Public Gatherings Proclamation AG 23 of 1989* and the *Demonstrations in or near Court Buildings Prohibition Act 79 of 1982*. These are summarised separately. There are also a few other statutes with rules about public demonstrations.

Intimidation Proclamation, AG 24 of 1989

This pre-independence law makes it a crime to threaten to kill or harm a person, or to threaten to damage a person's property, as a way to get someone do something or to adopt a certain standpoint.

This rule could be applied even to signs at demonstrations, if the language used would reasonably cause the person who is targeted to fear for the safety of themselves or some other person. The constitutional right to freedom of speech does not generally protect speech that is intended to encourage immediate harm to other people.



Powers, Privileges and Immunities of Parliament Act 17 of 1996, section 24

It is a crime to refuse to leave the "precincts of Parliament" after being ordered to leave by the Speaker or Chairperson. This includes -

- the Chamber where Parliament meets
- galleries, lobbies, offices or other parts of the same building
- any outside area around a building used for the purposes of Parliament.

It is also a crime -

- to create or join in any disturbance that might interrupt the proceedings of Parliament
- to assault, obstruct, molest, threaten or insult any Member of Parliament in the precincts of Parliament or while they are entering or leaving Parliament
- to use force, insults, or threats to try to get a Member of Parliament to take a particular position on a matter being considered by Parliament
- to assault, harass, threaten or obstruct Parliament staff or police at Parliament while they are carrying out their duties
- to enter the precincts of Parliament with a firearm or any other object that could cause serious injury.

This law is intended to prevent intimidation of members of the legislature.



Labour Act 11 of 2007, section 76

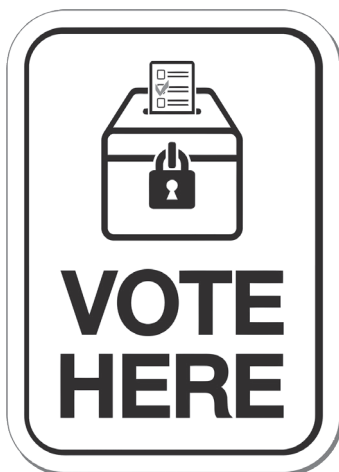
The *Labour Act* specifically permits pickets at workplaces during legal strikes. It is permissible for employees, or members or officials of registered trade unions, to communicate information about the strike and to try to persuade individuals not to work during the strike, as long as this is done peacefully.



Electoral Act 5 of 2014, sections 178-180 & Code of Conduct

The *Electoral Act* makes it a crime to disturb or obstruct the functions of election officials or activities at polling stations, or to cause a disturbance at a polling station. It is prohibited to organize a procession or demonstration within 500 metres of a polling station on an election day. It is also illegal to put up posters for any party or any candidate, or to canvass for votes, within 500 metres of a polling station.

It is a crime to threaten violence or any other kind of harm to try to influence someone to vote or not to vote in an election, or to vote or not to vote for a particular party or candidate. It is also a crime to use violence or any other kind of harm to punish a person for voting or not voting, or for how they voted.



The Code of Conduct for political parties and candidates prohibits any form of intimidation. It also forbids all weapons, including traditional weapons, at any political rally, meeting, march or other demonstration. Speakers at political rallies are not supposed to use language that encourages violence against any person or group. The same rule applies to campaign materials. Political parties must avoid holding opposing rallies, meetings, marches or demonstrations close to one another at the same time, and party members and supporters must not disrupt other parties' events or obstruct persons from attending these events. They are also forbidden to damage or destroy the campaign materials of other parties.

This law is intended to prevent intimidation of voters and to ensure that elections are free and fair.

