



Address by Deputy Public Protector, Adv. Kevin Malunga, during the commemoration of Youth Month, in Apel, Fetakgomo Municipality, on Wednesday, June 18, 2013.

Programme Director and Speaker of the Fetakgomo Local Municipality, Cllr K.K Mamphego;
Mayor of Fetakgomo Local Municipality, Cllr R.E Sefala;
Executive Mayor of Sekhukhune District Municipality, Cllr M.D Makgabe;
Representative of the Public Protector in Limpopo, Mr Hamilton Samuel;
Representatives of Anglo Zimela, SEDA, DTI, SIFA AND NYDA;
Members of the media;
Distinguished guests;
Ladies and gentlemen;

Dumelang. Ga ke bolele Sepedi. Ngiyakhuluma. Our warmest greetings go out to you the people of Apel and those from neighboring areas. It is, for us, as the Public Protector South Africa team, a heart-warming opportunity to be here with you today.

I must confess to being an avid lover of history and it is no accident that we are here in Sekhukhune, which, as we all know, is named after a great nation and King Sekhukhune. In your own words found in the municipality's website, Sekhukhune is an area with a long and proud history.

It is also a place of majestic beauty with regal mountains. Under the soil lie vast deposits of precious minerals. Above the soil sprout more than 2200 indigenous species, making it an area of exceptionally high bio-diversity that is globally recognized.

Today as part of Youth Month, from the outset, let me salute the well-known tenacity and fighting spirit of your ancestors in general and in particular King Sekhukhune I, who until his untimely death in 1882, fought colonization and subjugation of the minds of African people with all he was made of.

Indeed this happened more or less during the same era as the Battle of Ulundi and the exile of King Cetshwayo in Britain following on the stellar legacy of the bravery of Shaka, Mzilikazi, Zwibe, Ndlambe among others. Time and again the British failed to subdue King Sekhukhune. In fact in a battle near Thaba Mosega in 1879, Sekhukhune lost at least 15 members of his immediate family, repelling the unjustified invasion of colonial forces. He was immediately sent to prison in Pretoria until 1881. When he died the London Times of August 30, 1882 reported

that one of the bravest of Britain's former enemies had died. In fact the same article acknowledged that both to the British and Dutch the name Sekhukhune was a name of dread. It is no coincidence therefore that we commemorate the bravery of 1976 on such hallowed land. I therefore would like to remind the youth sitting here, including the mayor who is young at heart of a quote by George Santayana, the great philosopher, who said that 'Those who cannot remember the past are condemned to repeat it'. I say to the youth in particular read up on your impressive history. It beats nyaope anyday.

Our visit to this part of Limpopo is two-pronged. On the one hand, we are joining the rest of the country to commemorate Youth Month while on the other hand we are here to extend the services of the Public Protector to you.

On bringing our services closer to your doorsteps, the Public Protector has a constitutional responsibility to be accessible to all persons and communities. That provision is spelt out in section 182(4) of the constitution. I will deal more with the broader constitutional mandate later on in my speech.

You will note that, time and again, we highlight the fact that, as an office, we haven't got enough resources to improve our footprint. Currently, we only have 20 walk-in offices across the country, of which only one is located in Limpopo. I am sure you will agree that for a province that is home to more than 5 million people, a solitary office in Polokwane is insufficient and possibly undermines the constitutional imperative on accessibility.

However, the reality is that we do not have as much resources as we would like to. Plans are afoot to open a regional office in Thohoyandou. That will, to a certain extent, bring some relief but will still be a far cry from the ideal situation. Until we get the resources we need, we will continue to find other ways of reaching people, particularly those in far-away places, because they are also entitled to the services of this important constitutional institution.

Our visit today is one such measure. The office uses national events such as Youth Month, Women's Month, Heritage Month and Human Rights Month to reach out far-flung communities. We also use our premier outreach programmes such as the National Stakeholder Dialogue, which we will launch next week and the National Good Governance Week, to reach out to communities. This is in addition to normal outreach clinics that we run across the country on a weekly basis.

The idea is to not sit around and throw our hands around in despair just because our R200million per annum budget is not enough to improve our geographical access measures. Our aim is to work SMART with the little resources at our disposal and do more with less.

Regarding Youth Month, we all know the story. The month of June is set aside on an annual basis to pay homage to dozens of young people who lost their lives during the Soweto Uprisings on 16 June 1976.

On that fateful day a determined group of young people, fed up with the apartheid regime's imposition of Afrikaans as a medium of instruction in schools, took to the streets of Soweto in protest.

But their actions irked the government of the day, with heavily-armed police deployed to confront the protestors as they made their way to Orlando Stadium, where they were to have a rally. The clash saw the police opening fire and mowing down more than 170 unarmed young

people, including Hector Peterson.

We still remember the bravery of the class of 1976 and we recognize the contribution they made - through that watershed moment - to the struggle for freedom and democracy, which was eventually realized 18 years later.

Now we are a few months shy of celebrating 20 years of democracy. Taking stock of what has been achieved thus far, in terms of addressing the challenges that face the youth in modern day South Africa, one notes that there is still a long way to go.

It has already been noted by various speakers this month that young people today are dogged by various issues, including drug and substance abuse, high levels of unemployment, academic exclusion due to lack of funds and disease, particularly HIV/Aids and related illnesses.

Indeed we are a body that is created by Chapter 9 of the Constitution largely to promote fairness and human rights but before I highlight what it is we are created for let me tell the youth in particular what we are not about. If you believe that human rights and the right to approach the Office of the Public Protector means that being disrespectful and rude to your elders, parents, teachers, police officers among others then you are sorely mistaken.

That is not what we are about, neither are here to defend what you do after smoking nyaope or child abuse. For most human rights there are corresponding duties. It's not a free for all as some have interpreted. Furthermore, let me highlight from the outset that we share the platform of bettering the lives of South Africans with many other capable organisations such as the Auditor-General, South African Human Rights Commission, the Public Service Commission, the National Prosecuting Authority and of course the Courts among others. We do not, I repeat, we do not encroach into their jurisdiction and do everything under the sun that falls within those bodies mandates.

Government has said it has plans to attend to all these and many other challenges facing the youth and we all have a role to play in terms of helping the state to deliver on that front. In that vein let me remind those who forget that we are not government. We are here to make government work better. We can do our best to help you live a better life but we can't take you to heaven. That is a conversation between you and your Maker.

While I am on this theme of the role of Government as the Office of the Public Protector, we are pained by reports of botched circumcisions which have also affected Limpopo. While we may not have specific statistics it is clear that there is a problem. In this era of advanced medical technology there is no reason why anyone should die or be dehumanized as a result of a botched circumcision. I know we have traditional leaders and people from the Department of Health here today. I would like to offer my office as a platform for constructive and impartial dialogue on how we can prevent the damage occasioned on the lives of youth by irresponsible leadership in initiation schools. Surely tradition, science and government can meet each other half way in resolving this painful and unnecessary blight on the future of youth in our country.

I must say though, programme director, that I was struck by a news piece on one of the local TV channels over the past weekend. The story told a tale of two young people in one of the sprawling and poverty-stricken informal settlements in Johannesburg.

The first youth was a 22-year-old, self-confessed criminal who terrorized the local community, robbing them of their hard-earned possessions at knife point. He used his ill-gotten goods to

finance his drug addiction. He told the reporter that he was forced into that life style because of lack of opportunities.

In stark contrast, the second young man, aged 19, faced with similar socio-economic challenges, chose to lead a positive and fulfilling life. He helped start a community centre that keeps you off the streets and teaches them the arts. Through this programme, he has had opportunities to travel the world and his future looks bright. "I wouldn't my children to grow up in this kind of an environment," he was quoted as saying.

The latter young man's story reminded me of that of another youngster in Alexandra township in Johannesburg, Patrick Khanyile. Khanyile approached the Office of the Public Protector a few years ago, complaining that the Department of Education in KwaZulu-Natal - where he went to school - had failed to produce his matric results. In its defence, the department said it acted on the basis that Khanyile's ID number was a duplicate and raised alarms for possible corruption. But Khanyile had nothing to do with it. The young man ended up paying the prize for apparent maladministration on the part of some government officials.

Without a fault-free ID and matric certificate, Khanyile faced a bleak future. He went on to spend nearly 5 years, languishing at home. With the frustration of seeing his peers furthering their studies and entering the job market, Khanyile could have easily thrown in the towel and resigned himself to a life of drugs and crime. But, he didn't. He is a determined young man, with an incredible fighting spirit.

When he approached us, we managed to secure him a new ID book within three months. We also worked with the Department of Education to have his year mark used to produce a matric certificate for him, as his examination scripts could not be accounted for.

Khanyile's inspirational story brings me to the role of our office. Our theme for this event "*Ensuring Good Governance to Secure the Future*" could not have been more relevant. The question is how does the Office of the Public Protector ensure clean administration to secure the future as in the case of Khanyile?

Let us start with the constitutional mandate. The Public Protector is established by section 181 of the Constitution to strengthen and support constitutional democracy. Section 181 (2-5) of the constitution says:

"These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.

"Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions.

"No person or organ of state may interfere with the functioning of these institutions.

"These institutions are accountable to the National Assembly, and must report on their activities and the performance of their functions to the Assembly at least once a year."

Section 182 (1-5) says:

"The Public Protector has the power, as regulated by national legislation to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice; to report on that conduct; and to take appropriate remedial action.

"The Public Protector has the additional powers and functions prescribed by national legislation.

"The Public Protector may not investigate court decisions.

"The Public Protector must be accessible to all persons and communities.

"Any report issued by the Public Protector must be open to the public unless exceptional circumstances, to be determined in terms of national legislation, require that a report be kept confidential."

The additional powers given to the Public Protector by several pieces of legislation as referred to above, are as follows:

- The Public Protector Act 23 of 1994 which confers maladministration and appropriate resolution of state related disputes mandate.
- The Executive Members' Ethics Act of 1998 which involves enforcing the Executive Ethics Code which seeks to ensure that the President, Ministers, Premiers and Deputy Ministers conduct themselves ethically.
- The Prevention and Combating of Corrupt Activities Act 12 of 2004 read with the Public Protector Act which confers an anticorruption mandate;
- The Protected Disclosures Act 26 of 2000 which recognises the Public Protector as a safe harbour for whistle-blowers.
- We can also assist get information that has been unfairly denied under the Promotion of Access to Information Act 2 of 2000; and
- We have the power to review decisions of the Home Builder's Registration Council under the Housing Protection Measures Act 95 of 1998.

Our office can investigate without a complaint. Once the jurisdiction and merit of the allegations have been confirmed, the Public Protector has the discretion to decide whether to investigate or not, especially on complaints that concern actions that took place more than two years earlier, or where internal remedies have not been exhausted.

We resolve most service failure matters through our early resolution interventions, which utilize appropriate dispute resolution mechanisms, such as conciliation, mediation, negotiation or a combination of these. Matters that are investigated fully often result in formal reports.

As I have already mentioned, we have 20 walk-in offices spread across the country. In Limpopo we have an office in Polokwane. We do not have an office in this particular area. However, we make up for that gap with outreach clinics similar to this one. We also have a mobile office that visits areas such as this one periodically.

I urge you to make use of such opportunities. Otherwise you have the option of using our toll-free line, 0800 11 20 40, or lodge complaints online at www.publicprotector.org or email them to Registration2@pprotect.org. We are in the process turning our one-person toll-free line into a fully-fledged call centre.

Today is also an opportunity for you to register your complaints with the office. Accompanying me is a team of investigators who will take down your complaints for my attention. We will deal with complaints in two ways. Shortly after my I am done with my speech, we will make time for complaints to be raised from the floor.

I must emphasise that these should be only complaints that affect a community or a group. Please also be mindful of what I said about the limits of our jurisdiction and mandate earlier. Individual complaints should be taken to our stall at the back of this venue, where our investigators are ready and waiting to assist you.

Let us work hard to ensure good governance to secure the future. Together we can ensure that all are accountable, act with integrity at all times and are responsible to the needs of all the people of South Africa.

Ke a leboga! Thank you!