



Address by Deputy Public Protector, Adv Mamiki Shai, during the commemoration of the 16 Days of Activism for No Violence against Women and Children held in Acornhoek, Mpumalanga on Friday, December 03, 2010.

**Programme Director;
Member of Provincial Legislature, Hon JP Ngubeni-Maluleka;
Executive Mayor of Bushbuckridge, Cllr Milton Morema; Councillors present;
Deputy Chairperson of the District Traditional Leaders, Kgosi MO Mashigo;
Traditional leaders present;
Acornhoek Police Station Commander, Colonel Mushwana;
Public Protector South Africa CEO, Themba Mthethwa;
The community of Acornhoek and neighbouring areas;
Distinguished guests;
Ladies and gentlemen;**

I am honoured to address this very important occasion.

We are here to commemorate the 16 Days of Activism for No Violence against Women and Children campaign. During this annual campaign, people are made aware of the negative impact of violence on women and children and are encouraged to act against abuse. The theme for this year's campaign is: "Don't Look Away, Act against Abuse."

One may ask the question: Why Acornhoek, of all places? Well, we were brought down here by the reported high prevalence of cases involving violence on women and children.

According to information provided by the South African Police Service (SAPS), 85 cases of rape were reported in Acornhoek over the past eight months. In nineteen of these cases, victims were children aged between 04 and 18 years.

During the same period, 225 cases of assault with intend to cause grievous bodily harm were reported. In 92 of these cases, victims were females while in 24, victims were children between the ages of 10 and 18.

There was a further 92 cases of common assault. In 29 of these cases, victims were women and 12 had young children as victims.

In addition, we have learnt that about 131 people were arrested on allegations of rape in

Mpumalanga during the month of November, as part of the police's *Operation Duty Calls Festive Season Crime Fighting* campaign. This suggests that a minimum of four rapes were committed every day somewhere in Mpumalanga!

If so many cases of rape are reported in one province within a period of 30 days, how many women and girl children are raped in this province annually? And if so many cases of violence against women and children are reported in eight months, how many victims are there in a year?

This state of affairs is shocking and we hope that justice will prevail. One can't also help but wonder if there are any cases that go unreported. We learn from reports that half the time culprits go scot free because the cases are not reported for various reasons that are often not good enough excuses.

Emanating from the theme, questions that immediately spring to mind include (1) How are you acting against abuse; (2) Do you turn a blind eye; or (3) Do you protect/shield the culprit at the expense of the victim just because the culprit puts food on the table? If your answer is yes to one or more of these questions, now is the time to not "Look Away" but to "Act against Abuse!" You need to know that by reporting these perpetrators, you are protecting more women and children from being potential victims.

For those of you who are simply suffering in silence because you do not know who to turn to, despair not because Public Protector South Africa is here to offer its help!

Established in terms of Chapter 9 of the Constitution to support and strengthen constitutional democracy, this independent institution is empowered 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 result in any impropriety or prejudice; report on that conduct and take appropriate remedial action.

It is an impartial institution that exercises its powers and performs its functions without fear, favour or prejudice. This institution is accountable only to the law and the constitution and only reports on its activities to the National Assembly. No person or organ of state may interfere with the functioning of this institution. In fact, organs of state are compelled by Section 181 of the Constitution to support the Public Protector and other constitutional institutions.

The work of the Public Protector is principally regulated by Section 182 of the Constitution and five (5) key pieces of legislation. These are the Public Protector Act of 1994, the Executive Members Ethics Act of 1998, the Promotion of Access to Information Act of 2000, the Protected Disclosures Act of 2000 and the Prevention and Combating of Corrupt Activities Act of 2004.

Victims can approach the Public Protector anytime when they have complaints regarding improper or prejudicial conduct of an organ of state or public official or public office-bearer. The service comes free of charge.

The only matters excluded from the Public Protector's powers are those that involve the conduct of private persons/entities and judicial matters.

We have committed ourselves to a vision that states that we seek: "to be a trusted, effective and accessible Public Protector that rights administrative wrongs and consistently acts with integrity to ensure fair, accountable and responsive decision-making, service and good governance in all

state affairs and public administration in all spheres of government”.

Flowing from this vision, are three specific promises, we have made to the public:

- To be accessible to and trusted by all persons and communities;
- To deliver prompt remedial action;
- To promote good governance.

Even though the Public Protector does not directly deal with cases of violence against women and children, you can benefit a lot from the services of this institution. We will step-in in an event the competent organs of state fail to give you the assistance they ought to provide or when they carry out their functions in a manner that prejudices you.

In this regard, we advise victims to report their cases to organs of state such the SAPS and the Independent Complaints Directorate, among others. Only if you do not get joy from such institutions should you approach the Public Protector for help. Our office has dealt with a number of cases where victims were failed by the responsible organs of state.

As recent as last week, the Public Protector released a report in which she called for the compensation of a 24-year-old victim of rape, who had been failed by the justice value chain after her court case was postponed 48 times, dragging for eight years.

The Public Protector caught wind of this poor woman’s ordeal on 10 December 2008 in a news article published in a national daily newspaper. The newspaper reported that the woman, who was 14 years of age at the time of the alleged assault, had reported the matter to the police in 2000 and eight years on she had yet to see justice.

Reportedly speaking to the journalist who penned the said story in 2000, the victim was quoted as having said: “Had I known that the justice system would let me down so badly, I would not have reported the two men who raped me.”

Due to the seriousness of the allegations, the Public Protector launched an own-initiative investigation into the matter and found that the acts and omissions of the police and the prosecuting authority fell far short of the acceptable standards of good administration in terms of Constitution of the Republic and this constituted maladministration.

The investigation further revealed that the police, prosecuting authority and the Department of Justice and Constitutional Development (DOJCD) did not adhere to the standards set and prescriptions of the Minimum Standards on Services for Victims of Crime (Victims Charter), which was approved by Cabinet on 01 December 2004.

In addition, the probe found that the victim had suffered prejudice when her constitutional rights to dignity, equality before the law and the right to, as a child, be afforded action in her best interest were not respected and when she was not afforded the protection provided for in the Victims Charter.

In view of these, the Public Protector called for the victim to be compensated and that the compensation be calculated taking into account the number of postponements

and travel and subsistence costs the victim and her mother, who accompanied her to court sessions, incurred.

The Public Protector also called on the National Commissioner of the South African Police Service, the National Director of Public Prosecutions and the Director General of the (DOJCD) to issue a letter of apology to the victim for the delay in the finalisation of the trial. Recommendations were also made to the National Commissioner of SAPS and the NDPP to prevent the recurrence of such happenings.

This is just one example of the many cases that we resolve and help restore the dignity of victims who were in a state of hopelessness, had lost hope in the country's justice system and just on the verge of giving up.

It is important for competent organs of state to take cases such as these seriously and treat them with the sensitivity they deserve so as to ensure public confidence in the ability of such institutions to render quality services. Some cases go unreported because people just do not have confidence in these organs of state and this is exacerbated by the unresponsive attitude from some of these institutions.

As I draw towards my conclusion, Programme Director, I would like to emphasise the point that while we call on people to not "Look Away" and to "Act against Abuse", we urge competent organs of state to be responsive to communities as failure to do so ends up defeating the purpose of a campaign such as this.

The Public Protector has offices spread across the country and victims can report alleged or suspected improper or prejudicial conduct by the state for investigation. Details can be obtained on our website: www.publicprotector.org or our toll free line 0800 11 20 40.

Those of you who have complaints and wish to lodge them with the Public Protector now can make their way towards the back of this hall after the formal programme. Our team of investigators is ready to register your complaints. Also, there is our Outreach Officers for those of you who would like to learn more about the services of the Public Protector.

Thank you.

Adv Mamiki Shai
Deputy Public Protector