



**Address by Public Protector Adv Thuli Madonsela during the launch of
Setsi sa Mosadi initiative in Johannesburg, Gauteng on Saturday, 12
March 2011.**

**Programme Director
Chairperson of the Khanya College Board Mr Moss Maganyi
Board members of Khanya College
Coordinator of Setsi sa Mosadi Maria van Driel
Women groups present
Representative of various civic organisations present
Ladies and gentlemen**

I am honoured to address the launch of such a ground-breaking initiative.

It is indeed heartening to see the civil society increasingly taking the initiative to get involved in programmes that seek to address the plight of women in pursuit of gender equality.

This occasion could not have come at a better time. Not only have we recently joined the rest of the world to commemorate the International Women's Day on Tuesday, 08 March, we have also entered our National Human Rights Month.

While the International Women's Day seeks to celebrate women and their achievements, the Human Rights Month is aimed at raising awareness about people's human rights as enshrined in the Constitution. This is within the context of appreciating that women's rights are human rights and that human rights are indivisible and mutually reinforcing.

Of course, as we all know, Human Rights Month stems from our National Human Rights Day on 21 March in commemoration of the 69 people who lost their lives after security forces of the erstwhile apartheid government opened fire on a crowd that was protesting against pass laws 51 years ago. We have come to know that brutal attack as the Sharpsville Massacre.

A report released last week by CIVICUS: World Alliance for Citizen Participation to coincide with the International Women's Day noted that women in the African civil society continued to face major challenges.

According to the report women in civil society in Africa were particularly prone to intimidation and harassment. It calls on African governments, regional bodies, the international community and civil society to do more to protect women human rights defenders on the continent.

Some of the major challenges faced by women as outlined in the report included deeply entrenched patriarchal norms and an increased risk of sexual harassment and violence due to the nature of their work.

The authors of this document reportedly argued that:

"Even in countries with ratified laws and protocols on the protection of women's rights, there are clear instances where government officials and security forces have shown lack of understanding of these laws, and in some situations, blatant disregard for them."

As an ombudsman or the Public Protector I have a keen interest on issues relating to human rights. Globally, not only do institutions such as my office exist to promote good governance in the public administration and respect for the rule of law, they also advocate strongly for the upholding of human rights.

This raises the questions: How and when does the Public Protector get involved in issues like these, what powers does the Public Protector have and who does the Public Protector help and how are the Public Protector's services accessed?

I'll start with the constitutional mandate of my office. The Public Protector is established under Chapter 9 of the Constitution to support and strengthen constitutional democracy. Section 182 specifically places a responsibility on the Public Protector to investigate any conduct in state affairs or the public administration that is alleged to be improper or prejudicial, to report in that conduct and to take appropriate remedial action.

The Constitution states that I have additional powers granted by national legislation to use mediation, conciliation, negotiation or any other means to resolve or rectify disputes or grievances against the state.

Two key pieces of legislation are central to the Public Protector mandate. These are the Public Protector Act 23 of 1994 (PPA) and the Executive Members' Ethics Act of 1998 (EMEA). The PPA gives me what is perhaps the broadest and over-arching powers to investigate the conduct of the state. This includes all the three layers of government, parastatals and entities in which the state holds a majority share.

Anyone can lodge a complaint with me against any of these state organs and I will investigate provided that the matter is not older than two years. However, the Act gives me a discretion to investigate cases older than two years if I feel that there are compelling reasons to do so.

The EMEA on the other hand gives me powers to investigate the conduct of the Executive. This includes the President, Ministers, Premiers and MECs. Unlike the PPA, this Act makes provision for complaints to be lodged by Members of Parliament and Legislatures only and that the investigation should not last longer than 30 days, with the report thereof submitted to the President.

There are other pieces of legislation that give me powers to execute my mandate. These include the Protected Disclosures Act, the Prevention and Combating of Corrupt Activities Act and the Promotion of Access to Information Act among others.

It is important to mention that I cannot investigate private persons and entities as well as court decisions. Also worth noting is the fact that my services are free and I am constitutionally obliged to investigate matters without fear, favour or prejudice and that I am independent and subject only to the Constitution and the law.

Programme Director;

In the Bill of Rights, the Constitution enshrines the rights to equality, human dignity, life, freedom and security of a person, privacy, freedom of expression, citizenship and health care, food, water and social security, among others.

My office gets involved when organs of state disregard people's human rights. I step-in in the event competent organs of state fail to give the public the assistance they ought to provide or when they carry out their functions in a manner that prejudices people or constitutes abuse of power.

In cases of violence on women, we advise victims to report their cases to organs of state such the police 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 competent organs of state.

For instance, I recently released a report in which I called for the compensation of a 25-year-old victim of rape, who had been failed by the justice system after her court case was postponed 48 times, dragging for eight years.

My office had learned of this 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 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 wrote 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, my office 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, I 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.

I also called on the competent authorities to issue a letter of apology to the victim for the delay in the finalisation of the trial and to implement measures to prevent a recurrence. The perpetrators have since been jailed and my office is monitoring the implementation of the remedial action in my report.

This is one of many examples of how my office resolves and helps restore the dignity of persons and communities, who are in a state of hopelessness.

Programme Director

Section 182 (4) of the Constitution calls upon me to be accessible to all persons and communities. With the little resources we have at our disposal, we have established twenty walk-in offices across the country including our Head Office in Pretoria. We also have a toll-free line, which is 0800 11 20 40.

Our office here in Johannesburg can be found at Women's Jail in Constitutional Hill. Contact details for this and the rest of the other offices can be found in the brochures distributed at the entrance of this venue by my staff.

We call on communities to make use of the Public Protector's services. We promise to be accessible all persons and communities; provide prompt remedial action on all the cases we deal with; and promote good governance in all state affairs.

Our ultimate goal is to see a state that is accountable, operates with the highest level integrity and is responsive to the needs of all our people regardless of race, gender, disability, age, nationality or any other status.

I again congratulate and applaud the opening of Setsi sa Mosadi Centre. It will go a long way towards helping us to achieve the vision of an inclusive society where all are treated with dignity and equal consideration regardless of gender, race, sexual orientation or any other form of difference.

Thank you

Adv T.N Madonsela
Public Protector of the Republic of South Africa