



**MINISTRY OF POLICE
REPUBLIC OF SOUTH AFRICA**

**MINISTER FIKILE MBALULA – SPEECH AT THE GENDER BASED VIOLENCE AND PROTECTION OF
VULNERABLE GROUPS**

ACTION INDABA – CENTURION

WE ARE AT A CROSSROADS AND WE HAVE NO TIME TO WASTE TIME

My Cabinet Colleagues,

UN Drugs & Crime Representative Ms Akisheva,

UN Regional Representative for Women Ms Shongwe

Deputy Minister of Police, other Deputy Ministers,

The National Director of Public Prosecutions,

Interim-Acting National Police Commissioner,

Deputy National Police Commissioners,

Provincial and Divisional Commissioners,

Commanders, Leaders of the CPFs & CSFs,

Inspector General of Intelligence

Chairperson of PSRIA

Father Smangaliso Mkhathshwa

Ms Mazibuko – OUR FEARLESS ACTIVIST

Members of the Civil Service,

Invited Guests,

The clergy and other dignitaries

Civil Society and Community Leaders

Ladies and Gentlemen

We are at a crossroads but only one of these roads will secure our humanity a better future.

The crossroad we are at gives us an opportunity to stop talking, it says we must see and hear. We must see the hurt on the faces of South African women.

We must see the hurt on the faces of South Africa's children and even infants. We must see the burial corteges day after day.

Life as we contemplate it in this regard is under destruction. Women and children are the custodians of humanity and are being preyed upon by violent men amongst us. I often hear that some cases do involve women as perpetrators, this I accept, however the cold facts are that the number of incidents where a woman is a perpetrator is manageable. On the other hand, men have placed us in this crossroads.

It is men against women, men against children, men against gays and lesbians, men against infants, men against the elderly, men against whoever they think is not correct in their own estimation - this can not be sugarcoated any longer.

As is, we are dealing with serious reported cases of a high profile non-South African female suspect accused of grievous bodily harm of two females.

Our legal system and instruments that exist to protect South Africans and women in particular must be seen to be working and justice delivered one way or the other. I shall restrain my comments on this as the matters proceed within our legal system.

In this matter, as it is with all of them, we must move swiftly but deliberately so that we do not bungle matters especially those that are as complex as this high profile one. The reports themselves place us squarely on the crossroads.

The crossroads signage demands we must see, hear and feel the terror visited upon our women, children and other vulnerable groups.

The terror is in our homes, in the streets, in churches and even at times in places of safety like police stations, prisons and old age homes.

I have convened this gathering mindful of the fact that civil society and indeed this government have convened over 1000 conferences, prayers, summits and indaba's over this very matter. There have been marches and protests. We are still experiencing alarming and shocking brutality visited on our people by some of our people.

We must also ask – Is the scourge of violence we are experiencing due to inaction on the part of those entrusted to protect, inaction on the part of communities or civil society?

There is an apparent total breakdown of acceptable human behavior in our country.

We can not be deaf or blind to crimes committed by our friends, family members, icons or idols.

We can not close our eyes and ears when our colleagues, comrades, leaders, churchmen and sons, husbands and uncles assault, rape, humiliate and abuse the vulnerable among us.

Is our inaction due to the fact that the stock market does not crash each time a woman is raped?

Is it because the value of the Rand is deaf to the cries of little children as men who trade the same Rand rape and brutalize the vulnerable?

There is something I want to refer to as Gender Based Violence Economics – I talk of the population gender imbalances that each femicide brings – I talk of battered women who instead of being productive to society have to attend hospitals to be bandaged up after an assault.

I talk of the deep scars that remain after a man has had his forceful way on a woman or another man or child.

We as politicians must realize that gender based violence visits both the essence of our social fabric and the economy. Likewise, the business community and worker unions must realize the Rands and Cents of Gender Based Violence. The public health problems costs to South African public purse is up to R42 billion per year – 1.3 per cent of our GDP.

Moreover, the disproportionate ratio in social workers to law enforcement officers has to be addressed. The country employs approximately 12 000 social workers, 173 000 police officers and 500 000 private security members.

Statistics show that for the period April 2016 to September 2016, a total of 60 003 domestic violence related cases were registered on the SAPS Crime Administration System.

From April 2016 to December 2016, there were 37 630 reported cases of sexual offences. Of these, 30 069 (80%) were reported cases of rape which showed a decrease of 6.5% from the previous year's trimester. South Africa also records a high number of serial rape & serial murder cases.

There remains significant under-reporting of sexual offences and domestic violence in South Africa, we must admit to that and not be excited about statistics. There are police and societal barriers to reporting gender based crimes to the police and this contributes heavily to the scourge.

The effects of violence can remain with women and children for a lifetime, and can pass from one generation to another. Studies show that children who have witnessed, or been subjected to, violence are more likely to become victims or abusers themselves.

I am calling on all of us gathered here, all South Africans to report any suspicion of domestic abuse and remember always that 'each domestic beating is a potential murder'... - 'each domestic sexual abuse of a child is a potential rape and infanticide'

In Parliament this past June, we said rape, infanticide and gender based violence are henceforth regarded by my office as a fundamental threat to national security and I instructed the police to deal with it in that manner as a priority crime.

Gender Based Violence is a dishonour to our democracy. It pains me that some of our Public Representatives get themselves on the wrong side of the law.

These cases are very important to the public, they must be handled properly and there must be no favors nor skewed justice. Perpetrators defile the ground we walk on but we are yet to show them that indeed they do. This must change.

Violence against women and girls is an extreme manifestation of gender inequality and systemic gender-based discrimination. The right of women and children to live free of violence depends on the protection of their human rights and a strong wire of justice.

A rape survivor must have rapid access to a health clinic that can administer emergency medical care, including treatment to prevent HIV and unintended pregnancies and counseling.

A woman who is beaten by her husband or boyfriend must have someplace to go with her children to have safety, sanity and shelter. The government must make that available. I am instructing police management to make this a priority in our budgetary matters.

A victim of violence must have confidence that when she or he files a police report that they will receive justice and the perpetrator will be punished.

'Each domestic beating is a potential murder' - 'each domestic sexual abuse of a child is a potential rape and infanticide.'

We are at a crossroads and the route we choose must be the one that rejects intimate partner violence, a route that rejects harassment of the LGBTQI community, we must reject gender based violence in all its forms. This rejection starts with the departments I lead.

The South African Police have a specific set of responsibilities – I would like to be heard clearly on this – the South African Police have a specific set responsibilities in quelling the scourge of gender based violence in all its manifestations. We have a responsibility to make it clear that domestic violence is a serious crime.

Our communities have rightly criticized the police for 'reluctance to interfere in domestic disputes, and in particular, for their reluctance to arrest and prosecute the perpetrators of the domestic violence.'

Protection of human rights, Prosecution of offenders, Prevention of violence, and Provision of Services to survivors is a legal obligation we have and it is a promise our constitutional democracy espouses.

TELEVISION is widely watched and a very influential medium across all people in South Africa today. There are over 12 million television sets switched on in South Africa daily. Its impact is far-reaching. Many of the most popular T.V. programs, with the highest viewership ratings, reinforce the misogynistic, patriarchal, men-power-wielding customs, portrayal of women in a bad light or as witches and so on.

These violent images against women, the reinforcement of witchcraft as a real thing and bears real results. We are then left with organ harvesting criminality of people with albinism.

I address this message to the creative industry here with us and outside. The portrayal of women and children as sex objects on the TV drama genre contributes to making certain acts appear acceptable to some. It objectifies children and women in general.

The crude caricature portrayal of gays and lesbians put these communities at risk. It dehumanizes them as objects of ridicule.

I am requesting that we start to write screenplays, stories and media articles that encourage respect and love for women and girl children. TV must promote harmonious lifestyles that accept GAY community. This is what the U.S. television sitcom WILL AND GRACE achieved for America.

I am fully cognizant that these crimes know no class, but many of the raped or murdered women and children come from the most marginalized sectors of society: they are poor, from rural areas, sex workers and so on. None of these people deserve to be murdered. They are vulnerable. They must be protected.

I am fully cognizant of the history of oppression that visited our land for centuries thus breeding violence amongst us. I am aware that many of the contributing factors include financial pressures due to economic difficulties but at the end we all cannot excuse crime.

Ladies and Gentlemen, Cabinet Colleagues – we are at a crossroads in the severe abuse of alcohol.

We are at a crossroads and it demands that our communities, neighbors and families must not hide behind the shame of domestic violence. There is impunity in this crossroads we find ourselves.

To end femicide we need to end impunity, bring perpetrators to justice, and every individual has to change his or her attitude towards this being just a private domestic issue.

The traditional unequal power relationship between men and women is abhorant. The idea that a man has power over his wife; including the complete control over her property and of her daily affairs is unacceptable.

This warped notion that a woman could be a man's property instilled another idea that a husband had the right to administer physical 'punishment' to his wife.

Female victims of this domestic violence often retract their police reports or suffer from the inside due to concern over the male bread winner going to jail. This compounds this cancer into emotional and financial violence against our women and vulnerable groups.

Rape and sexual assault, domestic violence and child abuse have remained unconnected to other areas of criminal victimization.

The SAPS is focused upon improved training, specialist police and visible policing, this is where effective change could be implemented. The members of the FCS here are joining us having been on their conference focussing on improving service delivery.

In our midst are super people, our FCS investigators have delivered and cracked complex cases often without recognition. I have personally seen the work you do, the improved care and the sensitivity you approach and manage cases.

You are all our hero's and heroines and I encourage you to reach for excellence in your very difficult and emotionally taxing job.

The FCS Unit requires all the support it requires. It requires that we organize ourselves fast to reprioritize gender based violence in our human resources establishment.

As a priority crime, gender based violence will henceforth receive due budgetary allocation to do its work effectively and I look forward to the FCS Conference Report from Major General Mosikili as it will inform our short and medium term interventions. Lieutenant General Mngwenya is also instructed to provide all necessary support to FCS.

Female victims of this domestic violence often retract their police reports or suffer from the inside due to concern over the male bread winner going to jail. This compounds this cancer into emotional and financial violence against our women.

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Earlier I spoke of the direct and specific obligations that SAPS have, allow me to mention but a few of the laws and regulations pertaining:

- . The Older Persons Act Number 13, 2006 which provides protection to older persons and promote their status, well-being, safety and security and to combat their abuse.

- . The 2012 Cabinet approved Service Charter for Victims of Crime in South Africa and Minimum Standards for Services to Victims of Crime to protect and promote the rights of victims in compliance with South Africa's obligations under various international and regional human rights treaties.

- . The Child Justice Act, 2008 which creates a new separate criminal justice system for children in conflict with the law.

The Act requires that children be treated differently from adults, but provide for them to be held responsible and accountable for their actions. The Act provides that children be treated in a manner that will encourage them to turn away from crime.

Here we must pause to recall the recent video that went viral on the internet showing a schoolboy brutally assaulting a schoolgirl. Though chilling and unacceptable, we must still raise that boy to be a proper and upstanding citizen. This law guides us perfectly in this regard.

- . The Criminal Law (Sexual Offences and Related Matters) which creates a framework which ensures the provision of adequate and effective protection to victims of sexual offences.

. The Domestic Violence Act, 1998 which imposes certain obligations on police who receives a complaint of domestic violence.

These laws and regulations together with others correctly emphasize the victim's plight. From these laws and the policy on Reducing Barriers to Reporting of Sexual Offences and Domestic Violence which you have in your Indaba Packs.

I aimed at focusing our efforts into making it easier and less traumatic to report these crimes.

The continued perpetuation of these crimes emanate from the cases that get withdrawn and not reported.

Often victims say they were chased away from police station or their case was not treated seriously or they were viewed with suspicion, re-victimized, humiliated or simply ignored by our police.

We must give communities and our vulnerable groups understanding of their rights and expectations so that we could be held to account effectively.

We must reduce the gap between reported and unreported incidents of sexual offences and domestic violence; this will be a boost to efforts to prevent such violence. Let us reduce barriers to reporting these crimes. We must put our people first.

I trust that this policy will be an important resource for SAPS and communities alike as we take up the challenge of building safer communities.

The offences of domestic violence, rape, femicide and infanticide particularly, are surrounded by strong feelings, and insensitive interviewing of a victim by police or friends of a victim already humiliated and degraded, may cause further trauma.

We must not re-humiliate and not re-victimize the victims at our Police Stations. We must make sure each Police Station has a VFR, a Victim Friendly Room. We encourage business to adopt their local police stations and assist their communities with these facilities.

When we suspect our loved one is missing, report the matter to police immediately. There is no waiting period. No victim must be sent away from a police station without a case being opened and a proper interview made.

We need not see bruises to open a case.

Each slap on the face is a potential femicide.

Each unwanted touching is a potential rape.

Each nasty word, harassment to LGBTQI community is a potential hate crime.

Each verbal abuse of a woman because of her dress is a potential rape. Yekani u-Zodwa Wabantu, leave her alone and let her express herself beautifully and in accordance with the limits of the law.

Allow me conclude with this important policy statement. Whilst some allegations of rape may be false, all investigations must commence on the premise that the complainant is a GENUINE VICTIM. Police and community should NOT be courts of law. Courts are the only centers to pronounce GUILT OR NOT GUILTY. The 6 Point Plan we unveiled last week therefore does not come out of thin air but broader policy objectives which are an instruction to our police officers and a commitment to our people.

The 6 Point Plan entails:

1. All victims should be treated with respect, dignity and interviewed by a trained police official in a victim sensitive manner;
2. Victims should be assisted in a Victim Friendly Room (VFR) or an alternative room where the statement will be taken in private or other location providing victim support services;
3. Victims will be referred/taken for medical examination by the healthcare professional to obtain medical evidence and complete a medical report including seeing to the health of the victim;
4. The investigation should be conducted by the Family Violence, Child Protection and Sexual Offences Investigation Unit (FCS) or a detective with relevant training;
5. The families and victims of sexual offences, femicide and infanticide should all be referred to victim support services that are available within the precinct for legal, medical, social and psychological help;
6. Victims should be proactively with feedback on the progress of their cases on continuous basis – I stress this must be proactive on our part as police investigators

Each police station will have these 6 Points posted visibly at the police station and awareness including a national instruction has been prepared in this regard.

In planning this Action Indaba, we said we would be deliberate in calling this AN ACTION INDABA – EMPHASIS ON THE WORD 'ACTION'. We must come out of here after tomorrow with a clear Action Plan, an Action Agenda with clear deliverables and responsibilities of each one of us and the organizations we represent.

Ladies and Gentlemen, colleagues – we have no time to waste time.

Our people are asking for more social workers and not more police.

Our government approach has to be integrated across departments like Social Services, Small Business Development, Department of Health, Human Settlements, SAPS and Justice Department.

Justice Department through the NPA must hear our people when they say enough is enough – oppose bail on serious offenses and gender based violence.

Social Services must take the baton on making sure that our places of safety are well staffed and that victim support services are adequate.

Small Business Development should be within our stream to assist women to be self sustaining and not rely on a drunkard abusive male for a living. Houses must be provided.

The Department of Health must make facilities available and all necessary support for the vulnerable secured. It is only through this approach will we all locate the correct path to take on this very precarious crossroads.

Lets take a path to complete freedom for our people. Let us not present accusatory statements but solutions. Let us all deliver a safe South Africa. The law demands we do. Not doing so is breaking the law itself.

We must tell our children who are scared to play outside that we hear them. We must tell students at tertiary institutions that their plight is heard and action is being taken. The ladies on the factory floor and those boys and girls at our churches must know that the law will not fail them when humans do.

Let each of us get up on this stage to contribute in the fight against gender based violence – let us take action, serious action with no finger pointing. When we return next year, let us measure what we have achieved and monitor each other throughout the year on the Action Plan we shall adopt – Let this be an Action Indaba.

As police, we must internalize that respectful policing builds trust and confidence in law enforcement. The 6 Point Plan aims to get us to respectful policing.

The 6 Point Plan and its accompanying policy framework sets the highest standards of effective and constitutional policing.

Our constant maxim must be – a reporter of gender based violence is a genuine victim.

We must own this problem and deal with it or else humanity itself is at stake on this crossroads.

I thank you.

HON. FA MBALULA, MP

MINISTER OF POLICE - REPUBLIC OF SOUTH AFRICA