

We've been failed by those bodies meant to serve our republic

WHO will hold government accountable if the institutions that have been set up under the constitution to provide the necessary checks and balances are such lame ducks?

Whether it's the Public Protector, the Human Rights Commission, the Commission for Gender Equality or the Equality Court — all these institutions that have been created to promote democracy, a culture of human rights, gender equality and to hold government accountable, have failed.

This week yet another institution created to uphold democracy and human rights was in parliament blaming the government for impeding it.

The SA Human Rights Commission was venting its frustration at the government's

refusal to implement recommendations contained in a report it had compiled on xenophobia. The report contains recommendations to various government departments of actions they ought to take in preventing xenophobic attacks similar to those in 2008. Among these recommendations is an early warning system.

As early as March, the telltale signs that the commission's recommendations would not be taken seriously by the government were there. The commission had to subpoena the National Intelligence Agency after it had failed to develop the early warning system.

"We compile some of the reports. We make recommendations. We bring them here. We write. But no one answers," the commission's



chairman, Lawrence Mushwana, said this week.

By "here", he was referring to the portfolio committee on justice. And neither body has the power to bite.

But what is interesting is the confidence with which Mushwana had declared the commission's readiness to deal with xenophobic attacks this time around.

On what basis, then, was the commission ready, if his recommendations had not been implemented?

Mushwana's frustrations come on the heels of those of the Public Protector, Thuli Madonsela, who recently bemoaned the government's refusal to implement recommendations from her office.

She is reportedly pushing for the establishment of a parliamentary body which has the teeth to enforce the

recommendations her office makes and to push for legislation which will hold government departments accountable.

Her unhappiness is, once again, levelled at the portfolio committee of justice, which doesn't have the authority to enforce her recommendations. If her proposals are not implemented, there will be a negative impact on service delivery — which can constitute a violation of human rights.

After all, it is to her department that the public is supposed to complain to about public officials who don't do their work. But what good does

it do if her organisation's role is to listen, make suggestions, monitor and fold its arms and wait for the next presentation to parliament that simply says: "We heard, we saw, suggested and nothing was done"?

Madonsela recently found that President Jacob Zuma had violated the executive ethics code by failing to disclose his financial interests on time. What has not been widely reported is the fact that she had found there was merit in the president's concern regarding the lack of clarity in the act.

While I accept that at the heart of the problem is the absence of legislation enabling

these institutions to enforce their recommendations, these organisations must take responsibility for failing to raise public awareness and for ensuring that ordinary citizens access their services.

With the exception of a few — and here I'm referring to the Democratic Alliance, Afriforum and a few white people — how many of us mere mortals know how the office of the Public Protector or the Human Rights Commission operate? How many of us know where the offices are, what cases they take on and how we reach them?

Apart from high-profile cases — such as the ones against Zuma and the plethora of cases against Julius Malema lodged in the Equality Court and Human Rights Commission — we have no idea how to access these bodies, whose role is to investigate alleged improper

conduct by state agencies or officials and uphold human rights and equality.

When last did you hear of the Commission for Gender Equality? Who in government or any political parties have you heard complain about the disappearance of this body? If the Human Rights Commission and the Equality Court were effective, would they not be swamped with cases of racial discrimination in a country that remains as racist as ours?

These institutions need teeth and the will to serve all of South Africa's communities if they are to truly uphold democracy.

After all, democracy is not for a chosen few. It is for all.

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