

## **Civil society and children united in their condemnation of the appointment of convicted sex offender as Kannaland Mayor**

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For immediate release

Earlier this week Jeffrey Donson, a convicted child sex offender, was re-elected as Kannaland's mayor. Disbelief, disgust and concern were the responses from children and civil society when they heard the news that a child rapist has been elected as Mayor of a Western Cape Municipality. Child Human Rights Defenders\* in their weekly meeting with the Children's Commissioner cried: *"How is it possible that a rapist and a fraudster can be allowed into positions where they can run a whole municipality. Was the information on the candidates not revealed to the public during the time of elections or are people just blindly following a rapist and a fraudster? Who in their right mind would follow a grown man who started a relationship with a 15-year-old the mayor of your municipality?!!!"*

The story has been covered in the media many times, so his history is well known by the electorate. Hence, Nicolaas Valentyn, the speaker of Kannaland council says that this week's media reports (<https://www.news24.com/news24/southafrica/news/kannaland-speaker-says-news24-report-on-its-child-rapist-mayor-is-an-insult-to-voters-20211117> ) are an insult to voters. But, a deep question that must be asked is why a community would put a convicted sex offender, who has demonstrated that he cannot be trusted with its children, in a position of power? By repeatedly voting for him to lead them are they condoning his crimes?

Donson's re-election shows how child rape like other forms of violence is normalized. *'Gendered forms of violence in South Africa have become invisible in many communities. They are no longer considered as "violence" and instead masquerade as socially acceptable, even socially encouraged behaviour,'* laments Prof Shanaaz Mathews, Director of the Children's Institute. It is within this context that boundaries are blurred, sexual engagement with children and young people is tolerated and even normalised.

This is a damning indictment of South Africa's commitment to end gender-based violence and our promise to protect children. In a country where adult men use power and control to manipulate young children, especially girls, we cannot afford to put children at risk. *'Where does this leave us now?'* asks Christina Nomdo, Commissioner for Children. *'Is talk about commitment to child rights and combatting gender-based violence just lip service from those in power? This is not just a news story for those of us in the children's rights sector, this is a measure of our society, and it is unacceptable!'*

Children note that Donson's appointment also sets a terrible example. A Child Human Rights Defender\* working with Save the Children highlights how,

*'Society has failed us as children, and our safety in the country remains questionable. Our future is not protected if people still vote for a rapist. The big question is will other rapists in our communities be jailed... if he (a rapist) was selected to be the mayor. We cannot help to question if maybe our next president might be a rapist too. As children we are very disappointed'.*

As mayor he has power, influence and access to communities, which means families and their children, so this community are choosing to expose their children to potential sexual victimization. *'As a convicted sex offender, he cannot be trusted to act in the best interest of children and is incapable of protecting them,'* says Dr Neziswa Titi of the Children's Institute. *'The community who has put him in power should well know that they have offered their children for more sexual violations by such a person.'* Her concerns are shared by children.

A Child Human Rights Defender working with Save the Children agrees, *'Mr. Jeffrey Donson being a mayor is a disrespect to the constitution of South Africa and children at large. If he is given the authority to govern, the safety of the children and children's issues will not be taken into consideration. What happened to justice and accountability in this country? We demand protection of children in this regard'.*

Section 28 (2) of the Constitution states that *'A child's best interests are of paramount importance in every matter concerning the child'*. It applies to children as individuals and, as in this case, as a community. The needs of the children of Kannaland are complex, they deserve the best that South Africa can offer, they have a right to decent municipal services but they also have a right to be protected from predators. Mr. Donson has rights too, but our laws are clear the protection of children comes first and people who have been convicted of multiple sexual offences against children forfeit the right to work with children.

In addition to their rights to protection and respect for their best interest, children have a right to participate in political processes. *'One practical way of doing this is for children to be involved in municipal IDP processes in which they help to shape the very environments in which they grow and thrive,'* explains Steve Miller CEO of Save the Children South Africa. *'However, when a convicted sex offender is appointed mayor, it puts this entire process in jeopardy. How can children be expected to engage meaningfully with a convicted child rapist? This is an unacceptable situation and it has a direct impact on children and their future.'*

Children should not have to choose between being safe and being able to have a say in their communities. The Child Human Rights Defenders\* working with the Children's Commissioner expressed their disappointment in all the adults that had a hand in this - judges, voters and political party leaders: *'(Political parties) should be doing background checks. Looking for criminal records. They need to do the most to make sure these are the perfect candidates for the job'.*

The law is supposed to protect children but there are loopholes. Donson was convicted of one count of indecent assault and seven counts of statutory rape back in 2008. The offences were committed in 2004 so he was tried under the outdated criminal law. Consequently, he paid a R20,000 fine and received a suspended sentence. As he did not serve a sentence of at least one year when his five-year sentence was reduced, he was still eligible to serve on the council, and he was re-elected later that year.

Since then, the Sexual Offences Act has come into force establishing the National Register for Sex Offenders. This law states that anyone who has a previous conviction for a sexual offence against a child, irrespective of which law they were convicted under or whether they served their sentence should have their name placed on the register. In Donson's case because he was convicted on multiple counts he should not have been eligible to have his name removed. But the law is unclear as to the need to screen elected officials. *'Why we are not checking the sexual*

*offences register for people who are put on the list? Or at the very least before they take office and are employed by the municipality?’ asks Adv Tarisai Mchuchu-MacMillan, Executive Director of MOSAIC, ‘Public servants must be screened against the National Child Protection Register and the Register of Sex Offenders before they are deemed fit to serve, so why are we not doing the same for public representatives?’ Adv Mchuchu argues that the child protection and sex offender registers should be checked when individuals apply to be candidates for a party, the law needs to be interpreted in the best interests of the child and section 126 of the Children’s Act read together with chapter 6 of the Criminal Law (SORMA), would allow this.*

Dr Shaheda Omar, Director of the Teddy Bear Foundation for Abused Children argues that we need to hold people accountable for their actions regardless of who they are and what positions they hold. *‘In this case it is clear that crime pays and a child rapist has been rewarded to a position of power, status and authority. This is a gross violation of our children. By appointing a perpetrator to this position, the people who have appointed him are equally guilty as they have become colluders in the system. We have failed our children.’*

As we head towards the 16 days of activism of no violence against women and children Dumisile Nala, National Director of Childline, argues that this appointment sends the wrong message. *‘We are battling to deal with violent crimes against women and children in South Africa, yet at the same time we have a person who has been convicted of such crimes put in a leadership position,’*

**We should be taking a very firm stance against people convicted of sexual violence crimes.**

It is important that we stop, reflect and redirect our moral compass to ensure the protection of children and young people at all costs. The National Strategic Plan on Gender Based Violence and Femicide is meant to shift the social norms that underpin violence and each one of us has a responsibility to uphold it. This needs to start with challenging the practices of those in power as this will lead the way to address power and patriarchy in our society. Step down, Mr Donson you are not a fit and proper person to lead Kannaland Council.

**\*Children’s names have been removed for their protection**

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Individuals and organisations endorsing the release

#### Organisations

- Centre for Child Law
- Children's Institute, University of Cape Town
- Child Welfare South Africa
- Child Welfare Pietermaritzburg
- Childline
- CINDI
- Clathan
- Custoda Trust Northern Cape
- Give a Child a Family
- Jelly Beanz
- Justice and Violence Prevention Programme, Institute for Security Studies
- KZN Midlands Welfare Social Services and Development Forum
- Molo Songololo
- MOSAIC
- NACCW
- Office of the Children's Commissioner
- Pietermaritzburg Children's Home
- Rubic Foundation
- Save the Children South Africa
- Sonke Gender Justice
- SAPPIN - South African Parenting Programme Implementers
- The Parents Centre
- The South African National Child Rights Coalition
- The Teddy Bear Foundation for Abused Children
- UMTAPO
- Womxn and Democracy Initiative
- World Vision South Africa

#### Individuals

Prof. Catherine Ward, Department of Psychology, UCT

Prof. Lorna Martin, Department of Forensic Pathology, UCT

Prof. Ann Skelton, Faculty of Law, University of Pretoria and a member of the UN Committee on the Rights of the Child.