

Welcome Address at AORC Webinar

- Chairperson of the Board of the African Ombudsman Research Centre, President of the African Ombudsman and Mediators' Association, and Public Protector of South Africa – Advocate Busisiwe Mkhwebane
- Hon. Madeleine Nirere, Ombudsman of Rwanda
- Our distinguished speakers, **Mr. Ben Buckland**, Senior Advisor, Association for the Prevention of Torture (APT); **Mr. Peter Boshier**, Chief Ombudsman of New Zealand and Mr Tom Lord, OPCAT (Optional Protocol to the Convention against Torture) Inspector, New Zealand; and **Ms Themebelihle Nhlanzi-Ngema** Director Legal Services Judicial Inspectorate for Correctional Services (JICS) (South Africa).
- Excellencies and Honourable Ombudsman who are able to join us
- Distinguished participants and guests
- Members of the media, ladies and gentlemen

On behalf of the Vice-Chancellor and the Council of the University of KwaZulu-Natal, as well as the Dean of the School of law, I have great pleasure in welcoming you to this morning's webinar session on **Visiting places of detention**. Our host today is the African Ombudsman Research Centre known as (AORC), which is the research and training arm of the African Ombudsman and Mediators' Association known as (AOMA).

When the COVID-19 pandemic broke out, AORC was swift to revise its training programme in line with the various lockdown restrictions. I am heartened to report that despite the challenges following the outbreak of the COVID 19 pandemic, we are continuing to deliver on our mandate to promote capacity development, knowledge generation and professionalism within AOMA in furtherance of good governance, the rule of law, and the protection of human rights.

An ombudsman is an official who is charged with representing **the interests of the public** by investigating and addressing complaints of maladministration or a violation of rights by public authorities. In general terms, an ombudsman is a state official appointed to provide a check on government activity in the interests of the citizen and to oversee the investigation of complaints of improper government activity against the citizen.

Public officers make decisions and determinations in the course of delivering services relating to defending the country and safeguarding law and order; collecting revenue through taxation; regulating the economy; providing welfare and certain economic services; protecting individuals; and developing human and physical resources. They are expected to

make those decisions and determinations in a fair and non-oppressive manner for the benefit of members of the public.

The citizen will turn to the Ombudsman when that public officer's decision or determination is, or is seen to be, unfair and oppressive. By checking allegations of maladministration and enquiring into the decision-making process, the Ombudsman can determine how the decision was made, and consequently make recommendations that target an improved service and, more importantly, help prevent similar occurrences in the future.

Public accountability and good governance are ensured only if all parties draw and learn from their errors. This remains the fundamental principle behind the work of the Ombudsman for, without it, there is no way that that Office can make a real difference.

If the goal of the ombudsman is to ensure that good governance prevails and that acts of maladministration are rectified, then this goes to the heart of upholding the functions of the democratic state. This morning's webinar will be talking to an issue that is hugely important to the citizenry and ensuring accountability in the manner in which public officials perform their functions, when persons are placed at the mercy of the state. Places of detention are places which detainees or inmates cannot freely leave. They include, prisons, mental health facilities, intellectual disability facilities, aged care facilities, COVID-19 managed isolation and quarantine facilities and immigration detention centres among others. After visiting the place of detention, the Ombudsman may make recommendations where necessary to improve the conditions of detention and detainee treatment.

The discussion to follow will shed light on the Optional Protocol to The Convention Against Torture (OPCAT) and what it means in relation to the Ombudsman; who is tasked with visiting places of detention; in order to ensure appropriate monitoring of conditions of detention; and to make necessary recommendations to improve the treatment of detainees.

I would like to thank you for your participation in these proceedings and once again, welcome you to the interesting discussions that will follow. Thank very much.