

# Media Statement



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**TO: ALL MEDIA**

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**RE: MOTHER SENTENCED TO LIFE FOR FAILING HER OWN CHILD**

In a landmark case, the Johannesburg High Court sentenced a woman to life imprisonment for witnessing, aiding and abetting the rape of her child and failure to reveal the identity of the perpetrator, thus defeating the ends of justice.

The mother of the child told doctors on arrival at the Chris Hani Baragwanath Hospital that the child was injured as a result of falling from the bed. She later failed to explain why semen was found on the anal swabs taken by Dr Singh during the child's medical examination and why semen was found on the nappy worn by the child on the day of the incident.

In terms of section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act 32 of 2007, the definition of rape is: "Any person who unlawfully and intentionally commits an act of sexual penetration with a complainant without the consent of the complainant, is guilty of the offence of rape." Section 1 of the same act further defines sexual penetration' as any act which causes penetration to the genital organs of one person, anus, mouth or any part of the body of a person by an object or genital part of another person. This act also protects the genital penetration of animals, the same way it does on human beings.

State Advocate, Elivera Du Plooy, argued that common sense dictates that the victim, a 2-month old baby girl, could not have consented to an act of sexual penetration and that any such act would have been unlawful and intentional. She further stated that the unrebutted conclusive medical evidence of Dr Singh determined that the victim's injuries were caused as a result of sexual penetration, which is a clear indication that the mother of the child lied to the court and should therefore face the price of wrong doing.

She further asked the court to convict and sentence the mother as per provisions of Section 55 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act 32 of 2007, which states that any person who

- (a) Attempts,
- (b) Conspires with any other person;
- (c) Aids, abets, induces, incites, instigates, instructs, commands counsels or procures another person to commit a sexual offence in terms of this act, is guilty of an offence and may be liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

The only reasonable inference the court could draw, was that a male person committed an act of sexual penetration with the victim in the presence of the mother as there was evidence that the child was at all times in the company of the mother. The court found that the mother failed in her duties as the minder and protector of the child to tell the truth and therefore sentenced her to life imprisonment, the same sentence that would have been imposed to the perpetrator as per Section 55 of the Sexual Offences Act.

"Parents have a responsibility towards promoting wellness of children and if they fail these children, the courts will deal harshly with them. This case will serves to educate the public that should they witness a crime, they have an obligation to report it and testify in court, lest they be found guilty of colluding with criminals and face the wrath of the law." says the Director of Public Prosecutions in the Gauteng Local Division, Adv. Andrew Chauke in welcoming the sentence.

Kind Regards,

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