



Commission
for Gender
Equality



EDITORS/REPORTERS

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A JOINT MEDIA BRIEFING STATEMENT BY THE COMMISSION FOR THE PROMOTION AND PROTECTION OF RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL), COMMISSION FOR GENDER EQUALITY (CGE) AND THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC) IN RESPONSE TO THE OUTCOME OF PASTOR TIMOTHY OMOTOSO, THE CO-ACCUSED AND THE FAILURE OF THE JUSTICE SYSTEM IN SUCESSFUL PROSECUTION OF SEXUAL OFFENCE CASES IN SOUTH AFRICA.

Over the years South Africa has seen a shocking and drastic increase in reported and recorded cases of sexual offences. This is a cause for concern because it touches the core and moral fibre of our society in general.

In line with its mandate of protecting and promoting the cultural, religious and linguistic rights of communities, CRL embarked on an investigative study into Commercialisation of Religion and Abuse of People's Belief Systems between 2015 -2017. It was during this process that the matter of sexual violation in sacred sites like churches and traditional healing spaces strongly came forth. Co-incidentally during this time the CRL was approached by the late Pamela Mabini, with a case of alleged sexual

violation and possible human trafficking at Umhlanga – KZN by a religious leader. That is how the case of Pastor Omotoso came in to being.

As the Pastor Omotoso case unfolded, witnesses soon attracted unwelcome attention, placing them in harm's way, that escalated rendering to vulnerabilities posing a threat to their lives. This was further exacerbated by an inefficient witness protection programme, changes in the prosecution team and the presiding officer that required one of them to retell her testimony to the new team.

The protracted nature of the case added an extra burden of trauma characterised by many instances of starts and stops along the way.

Following the pronouncement on this case by Judge Schoeman on 02 April 2025 in Gqeberha, the CRL decided to confer with the two other Chapter 9 Institutions (C9s), namely CGE, and the SAHRC to address amongst others:

- (i) the outcome of Pastor Omotoso case;
- (ii) the ramifications and the general handling of the case;
- (iii) Other gender-based violence and femicide cases in South Africa; and
- (vi) To determine the way forward.

The meeting with other Chapter 9 bodies was necessitated by the fact that the Omotoso case was not just a matter of a religious leader who was charged for alleged crimes committed within a religious setting, but also about violation of the rights of human dignity and sexual violation against women.

As Chapter 9 institutions, we will always respect the rule of law and decisions taken by the court. Of significance with this case, the court is heard as saying its prosecutors have not acquitted themselves satisfactorily in discharging their responsibilities.

It is on this basis that we must respond to this and ensure that we help restore the public's confidence in the justice system.

Not only do we echo the public's profound outrage about the process and the outcome of the case against Pastor Omotoso and his co-accused, but also believe that the criminal justice system's failure to hold Pastor Omotoso accountable constitutes gross injustice.

We are further appalled by the mediocre quality of work done by the prosecution team, as expressed by Judge Schoeman.

As Chapter 9s, this concerns us and brings into question whether we have fit and proper persons to ensure that access to justice is realised before the courts.

The acquittal of Pastor Omotoso and his co-accused is a huge devastating blow felt by many in our country, particularly the young women who, despite all the odds, came forward and even made many sacrifices to seek justice and to find closure from the pain they endured for many years.

This mismanagement of the case by the NPA creates an untenable environment which might not only cast doubts about their ability, but also, it shows the massive extent to which they failed so many young people.

The NPA's handling of the case may consequently discourage other victims from coming forward and open cases of rape or sexual abuse that takes place at sacred spaces in the hands of religious leaders and *oGobela* (traditional healer trainers).

The nature of these judgments and many others that we observed through our court monitoring processes are devastating, especially when the conduct of the officers of the court contributed to a negative outcome.

The psychological impact of such judgment must not be taken for granted as they have long-lasting effects on the current and future complainants.

Undeniably, this outcome is bound to make hundreds or thousands of other victims doubt the criminal justice system and become reluctant to even come forward to lay charges.

Justice must not only be done, but must be seen to be done. The outcome of the judgment highlights deeply concerning gaps in the system. If this is not addressed, it will undermine all the efforts taken by a broader society to address GBVF.

Against the backdrop of this judgment, we are not convinced that justice was done in this matter. It is therefore imperative that we independently interrogate the gaps highlighted in the judgment and recommend measures that must be introduced to ensure these do not similarly recur.

To this end, the three Commissions resolved to jointly conduct an inquiry into the processes that led to this outcome of the case. For that reason, several institutions and individuals will be called upon to appear before an inquiry within the next few months to interrogate the whole process and come up with possible recommendations.

The time and place of this investigation process will be announced in due course.

For any further enquiry and RSVP, you can contact the following:

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