

South Africa's
First Supplementary CRC Report
To The
United Nations
Committee on The Rights of The Child

Background Information

According to the requirements of the United Nations Convention on The Rights of The Child (CRC), countries that have ratified the convention submit their first report to the United Nations Committee on the Rights of The Child (UNCRC), two years after ratification. Thereafter, CRC reports are submitted every five years to the UNCRC.

South African Parliament ratified the United Nations Convention on the Right in 1995. The South African Government deposited the initial CRC Country Report with the United Nations Committee on the Rights of the Child in November 1997.

In line with the provisions of Article 45 of the CRC, a total of 250 community organisations throughout the country unanimously agreed that this sector produce a Supplementary CRC Report to the UN, and that the National Children's Rights Committee (NCRC) facilitate the process that would produce this report.

The South African government did a commendable job in involving civil society in the country's report process. It is also remarkable how this report informs on what South Africa has achieved in terms of the national constitution, legislation and national policy since the new dispensation. However, this report omits to provide pertinent information on current practice or status regarding children's rights delivery in the country. The danger, therefore, is that South African society may overlook issues that have the potential to stifle social change regarding the survival, protection and development of children in Black¹ communities, and especially African communities. The purpose of the Supplementary CRC Report is, therefore:

1. To provide pertinent additional information where gaps in the country report are identified.
2. Table civil society's additional recommendations regarding children's rights delivery and performance monitoring in South Africa.
3. Produce a document that will guide reconstruction and development initiatives of the children's rights movement in South Africa.

Each of South Africa's nine Provinces had a task team overseeing the supplementary report process, and a national task team was established to consolidate and co-ordinate activities. Members of the provincial task teams were representatives of community organisations, and the national task team was constituted by representatives of national organisations.

The National Children's Rights Committee (NCRC) national office provided the basis for activities of supplementary report processes at national level, while at provincial level, various organisations supported provincial activities.

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Glossary of Terms

ANC	African National Congress
CBO	Community Based Organisation
CBF	Children's Broadcasting Forum
Convention	Convention on the Rights of the Child
COSATU	Congress of South African Trade Unions
CRC	Convention on the Rights of the Child
CSS	Central Statistical Services
DACST	Department of Arts, Culture, Science and Technology
DICAG	Disabled Children Action Group
DWAF	Department of Water Affairs and Forestry
ECD	Early Childhood Development
FUBA	Federated Union of Black Artists
HRC	Human Rights Commission
IDASA	Institute for a Democratic South Africa
IMC	Inter-Ministerial Committee on Young People at Risk
IMCG	Inter-Ministerial Core Group
ISS	International Social Services
NCPS	National Crime Prevention Strategy
NCRC	National Children's Rights Committee
NDA	National Development Agency
NGO	Non-Governmental Organisation
NIPILAR	National Institute for Public Interest Law and Research
NPA	National Programme for Action for Children in South Africa
NPASC	National Programme of Action for Children in South Africa Steering Committee
OAU Charter	Organisation of African Unity's Charter for the Rights and Welfare of the child
PAC	Pan Africanist Congress
PHC	Primary Health Care
PSNP	Primary School Nutrition Programme
RDP	Reconstruction and Development Programme
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SADC	Southern African Development Community
SANGALA	Southern African National Games and Leisure Activities
SALGA	South African Local Government Association
SAPOHR	S.A Prisoners Organisation for Human Rights
TRC	Truth and Reconciliation Commission
UN	United Nations
UNCRC	United Nations Committee on the Rights of the Child
UNHCR	United Nations High Commission for Refugees
UNICEF South Africa	United Nations Children's Fund in South Africa

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Introduction

South Africa's "Initial CRC Report" to the UNCRC stipulates that the San and the Khoi are the original tribes of South Africa. The debate as to whether or not the African peoples of this land originate elsewhere has yet to be concluded. In the meantime, suffice it to observe, that it is not by accident that of the 37,859 million people in this country, 76% are Africans.

The cruel and vicious apartheid system entrenched a way of life in this country that systematically denied the African Peoples their heritage. This system destroyed the lives of scores of the Black people of this land - - along with the lives of their children. Under apartheid many children died, and those who survived, suffered severe violations of their rights.

The intensification of mass resistance against apartheid from 1970's until the democratic Government elections in 1994, resulted in a new phase of repression by the state. Children were subjected to unprecedented levels of violence both inside and outside prisons. Thousands of children in this country were killed, maimed, tortured, and left psychologically damaged or affected by state organs that were designed to repress resistance by the oppressed.

A democratic South Africa inherited socio-economic and development conditions characterised by factors such as:

- **Poor child survival, protection and development infrastructure in Black communities.** Example: In 1989, it was estimated that the prevalence of chronic protein malnutrition was 28% among African children, 11% among Coloured children, 7% among Indian children, and 4% among White children. In 1990, it was estimated that 2.3million South Africans were nutritionally compromised. 87% of these cases were African children.
- **Large scale poverty in Black communities.** Example: In 1985, the average personal disposable income for Blacks was calculated at R975 per annum, versus R8 326 for whites. It would be interesting to note the difference in average disposable income for Blacks between then and now - indeed if there is any significant difference.
- **Under-developed human potential in Black communities.** Example: In 1983/84, the African child was allocated R234 for education for the year, Coloured children R569, Indian children R1 088 and R1 654 for White children.

In South Africa, community organisations and NGO's have always been and are still at the forefront of child care services. As a result, they have been driving processes that have produced new CRC related policy and legislation in this country.

The new South Africa also inherited:

- A racially divided, traumatised, dehumanised and child welfare negligent society
- A de-Africanised approach to development processes and systems
- An active NGO sector, composed of approximately 20% NGOs, the rest being community based organisations (CBOs) that tend not to record or document the invaluable knowledge they possess in their fields of operation. Therefore, while some of the information contained in this report may not be easy to substantiate, experience related testimonies of community organisations support these unsubstantiated statements.
- Census systems that exclude pertinent statistics on the San and Khoi Peoples.
- Census systems that do not meaningfully capture children's rights delivery data and information.
- A children's rights programme approach that emphasises rights and not child responsibilities.

South Africa's historical background is important, because if it is ignored, development processes in this country are likely to overlook the need to address issues that have potential to stifle progress. Children's rights delivery in this country must aim to give equal survival, protection and development opportunities to all or the majority of our children. Proceeding as if all children in this country have always enjoyed the same standard of living will only delay social change in South Africa. It is therefore necessary to level the playing field

Many African children continue to be deprived of the rights set out in our Constitution and the CRC. Indeed, real liberation should enable the majority of this country's population to meaningfully influence decisions that impact on their well being - and that of their children.

Recommendations

1. Government Ministries to implement community intervention programmes through existing community organisations. These organisations are best positioned to provide access to relief for needy sectors of society. Establishment of new service structures is often unnecessary and uneconomic.

2. The NCRC, government departments, funding agencies and other critical stakeholders to assist community organisations to themselves document their experiences and knowledge. This will enable these organisations to present their operational research findings professionally. South Africa needs to consider the input of these organisations when improvement strategies are being considered.
3. The UN Committee on the Rights of the Child to acknowledge the culture of non-documentation in developing countries, and to support improvement initiatives in this regard. This culture of non-documentation makes it difficult for community organisations to always present reports that are perceived to be “reliable and objective information”.

CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION

Background Information

The United Nation's Convention on the Rights of the Child, the South African Constitution, the OAU Charter on the Rights and Welfare of the Child, the National Programme of Action for Children in South Africa, as well as legislation and national policies effected since the new dispensation, are tools that have created an enabling environment for children's rights delivery in this country. However, South Africa still has a long way to go to effect quality of life for the majority of her children. Suffice it to say that the state of child survival, protection and development in this nation today will undermine nation building initiatives that aim to transform South Africa into a strong and prosperous country.

Current Practice and Realities

1. The 1994 democratic elections did not automatically eradicate racism. This malicious factor still permeates the whole fabric of South African society. Blacks and their children continue to be cruelly discriminated against. Cases of Black children denied free and peaceful association with their white counterparts - even in schools - are still a reality. A six month old African baby was recently killed by a farmer in the Benoni area in Gauteng, for reasons that have yet to make sense. (*See appendix A.*)
2. White managed NGOs continue to have easier access to operating resources and to influence national and international children's rights processes. In some instances, they even influence programme funding decisions. Community based organisations (CBO's) on the other hand, still struggle for essential programme delivery intelligence, governance, technology and administrative resources.
3. The race factor in South Africa has potential to stifle development because it is now clouded by the notion of the "rainbow nation". The majority of the South African society is Black, and until this sector of society is confident to form public opinion on issues that affect them and the lives of their children, this country will continue to miss out on the self determination aspirations of the Black majority.
4. The concept of "children's rights" as presented to our society is foreign. There is a need to identify cultural terminology that is more acceptable to the majority of South Africans - especially those in rural areas. The idea of "rights" for children is foreign to Africa - especially when the issue of child responsibility is

underplayed. However, everybody spontaneously embraces the idea of adult responsibility to ensure child survival, protection and development. This is what Africa has always understood the duties of families, communities and society to be, and we need to restore that philosophy of life to reach communities where children are most at risk in this country. The alternative is likely to alienate communities from children's rights initiatives.

5. The language generally used in meetings, conferences and workshops critical to knowledge enhancement for children's rights organisations often defeats this purpose. Delegates from community based organisations are often overwhelmed by the English language, concepts and terms used in these workshops.
6. The South African society - including some professionals and practitioners in the children's rights field - is generally not aware of the country's children's rights commitments and developments in this regard. To this extent, other sectors of society that are critical to effect children's rights delivery and performance monitoring are neither involved nor are they aware of the contribution they have to make towards the delivery of the National Programme of Action and related programmes.
7. The urban rural divide in this country causes great concern as it results in skewed access to resources, information, development opportunities, national processes, new opportunities etc. City dwellers continue to be spokespersons for rural communities.

No one can champion any cause better than those who are most affected. As expressed in Sotho: "*Bohloko ba seeta bo utlwa ke mong'a sona*"

8. Delivery of the National Programme Of Action in South Africa is stifled by :
 - NPA delivery structures that do not extend yet to local government structures - where the children are located.
 - Inadequate essential resources in the Government's NPA administration activities and co-ordination structures.
 - Children's rights and political will not matched by the necessary passion to realise child survival, protection and development in underprivileged communities.
 - Insufficient child knowledge on the OAU Charter, CRC, NPA, Children's Charter and Section 28 of the S.A Constitution for children structures to meaningfully influence provincial and national processes that have potential to impact on their lives.

- Inadequate representation of the broader civil society on the NPA Steering Committee.
- Lack of tax concessions for organisations/institutions that support CRC/NPA related projects in South Africa.

Recommendations

1. Existing racism sensitivity programmes to be supported and expanded to reach organisations, institutions and society's facilities that have contact with children.
2. The National Plan of Action Steering Committee (NPASC), National Children's Rights Committee (NCRC) and other critical stakeholders to facilitate a process that will review the children's rights concept in the South African situation, with the intention to agree on appropriate terminology in this regard.
3. The NPASC, NCRC and other stakeholders to make a special and conscious effort to enable community based organisations access to new opportunities in CRC processes.
4. Facilitators in children's rights workshops to conduct workshops, meetings, and training sessions in the language in which community organisations and their communities are fluent and free to participate.
5. The NPASC, South African Broadcasting Corporation (SABC) and other key stakeholders to agree, implement and monitor the performance of a strategy that will familiarise and engage society with the various NPA/CRC related activities in this country.
6. The NPASC, the NCRC, organisations that advocate for the plight of rural communities, and other stakeholders to enable and support people and community organisations in rural areas to champion their own cause in various fora.
7. The NPASC to thoroughly examine and determine barriers to NPA delivery - with the intention to agree on and implement corrective action in this regard.
8. Ministry of Finance to provide tax rebates for NPA related grants.

CHAPTER II: DEFINITION OF “CHILD”

Background Information

The Constitution of South Africa stipulates that a child is anyone below the age of 18 years.

Current Practice

1. The Youth Commission Act defines Youth as anyone between the ages 16 and 35.
2. Various legislations recognise different ages for various rights and responsibilities (e.g. fire-arm licence, marriage, voting, army, contracts, schooling).

Recommendations

The NPASC, NCRC, the National Youth Commission should engage the S.A Law Commission and Human Rights Commission in a process of harmonising legislation on age of majority and take cultural differences into consideration.

CHAPTER III: GENERAL PRINCIPLES RELATING TO THE RIGHTS OF THE CHILD

Background Information

According to the South African Constitution, everyone is equal before the law.

Current Practice

1. In South Africa White children enjoy the quality life that is still a dream for the majority of their Black counterparts (e.g. access to clean water, health care, safe homes).
2. Children's rights advocacy programmes are still largely supported by international agencies. Domestic funders - including the Nelson Mandela Children's Fund - still find it difficult to support programmes that advocate for and promote children's rights and responsibilities. Even service delivery projects are often inadequately funded in this country - with the result that organisations are forever engaged in a balancing act trying to achieve effective programme delivery with insufficient resources. Many organisations have had to cease operations due to lack of funding.
3. Child participation in CRC/NPA processes is ad hoc in South Africa, and when the need for child input is felt by government and civil society, children from the rural areas, villages, townships and informal settlements are often excluded. When attempts are made to involve these children, they are fewer in numbers in groups that are dominated by children from relatively affluent backgrounds. Often these children are not prepared for the psychological trauma that comes with lack of exposure to their "affluent" counterparts, unfamiliar surroundings and new processes.
4. Economic structural adjustment initiatives in this country, e.g. downsizing in the private and public sectors, result in family conditions that threaten the child's survival and development.

Recommendations

1. Various government Ministries to deploy - in line with their mandate - essential resources to ensure quality life for children in historically underprivileged communities, clear Child Survival & Development schools to be set through the NPA.

2. The national budget to allocate resources that will enable the NPA Secretariat to meet their responsibilities.
3. The NPASC to mobilise domestic funding for CRC/NPA programmes and projects from parastatals, NDA and private sector sources.
4. CRC children structures to be established and or strengthened particularly in underprivileged communities – with the intention to enable children to themselves elect their representatives to different national and international fora and events.
5. COSATU, NPASC, NCRC and all other critical stakeholders to lobby for Children’s Rights related protocol for economic structural adjustment and related initiatives.

CHAPTER IV: CIVIL RIGHTS & FREEDOMS

A. NAME AND NATIONALITY (ARTICLE 7)

Background Information

A person's name and surname is the single most critical instrument for identification and identity, self-assurance, worth, and esteem of the whole self. For example, in the African culture, special significance is attached to individual names given at birth, and family names (surnames) originating from the clan. Names often determine the child's role and position in the family structure.

In the past, missionaries insisted on African children being given Christian names for enrolling at church and at school as their names were regarded heathen. In some cases, children and adults working as farm labourers were identified by the farm owner's surname. Some of these names became entrenched as surnames of Black families. The excuse used was that African names were difficult to pronounce.

At another point in our history a significant number of African families voluntarily "westernised" their surnames to ensure that they were classified as "coloured" - with the intention to access better living standards. These two factors contributed significantly to the denial of identity for many children in this country.

The new South African Constitution entitles every child to a name and nationality. It is important, therefore to note that a name is the first instrument to affirm the child's whole being even if the Constitution does not expand on this matter. South African children should now be free to reclaim their identity.

While the legacy of western names continues to exist, the trend to revert to traditional African names is noticeable and this is to be encouraged.

Current Practice

1. The South African Citizenship Act (1995) provides citizenship in equal measure. In practice however, children of South African parents do not necessarily acquire citizenship automatically. A number of children born in exile are still non-citizens of South Africa.
2. Many parents and guardians, especially in rural areas, do not register the births of children born at home until the need for birth certificates arises. i.e. when the child goes to school or prepares for baptism. Statistics for late registration are

still relatively high.

3. Many children are still stateless because when South Africa prepared for our first democratic elections, applications for identity documents (I.D.) targeted only those above 18yrs.

TABLE 1(a)

YEAR	RECORDED BIRTHS	LATE REGISTRATION	RECORDED STILL-BIRTHS
1991	537 999	299 946	8 872
1992	501 461	273 016	8 007
1993	557 995	348 535	6 879
1994	677 107	430 762	6 968
1995	809 439	548 559	8 946

NOTE : That of the 809 439 recorded births, in 1995, 548 559 (68%) were late registration which means a large number of children in South Africa are registered late or not at all. Prior to 1995 the former Homelands' (Transkei, Bophuthatswana, Venda and Ciskei) figures were not included in national statistics. The increase in late registration shown during 1995 can be attributed to this factor.

4. Access to offices registering births and deaths is often hindered by the fact that these offices are located in urban areas and they are not easily reached by people who travel long distances to birth registration centres. Also, such offices are often over-crowded, unattractive, with long queues, poor maintenance of records, poor customer service, rude and abusive officials and regular announcements indicating the “computers are down”.
5. Forms, documents and other information are still only available in English and Afrikaans. A large number of office personnel in public places converse in English and Afrikaans, denying needed information to many South Africans whose sole access is through the African languages, often people have to pay for help in completing these documents.
6. In some cases, parents or guardians themselves do not have either a birth certificate or an identity document. As both are required for registration, documentation such as an affidavit is necessary – thus frustrating the intentions of parents and guardians who have travelled long distances for birth registrations – without affidavits.
7. Non-literate parents are often unable to remember the actual dates of giving birth. In this case birth dates are estimated according to traditional time indicators. When the need for official registration arises, those in authority simply guess the dates, often without considering traditional time estimates.
8. Only biological or adoptive parents are allowed to register the births of their

children. Relatives, guardians or foster parents find it difficult to assist in this regard. This condition frustrates common law adoption realities - where guardians and relatives deem it in the best interest of the child to be able to register the births of children in their care.

9. In rural areas where there are a higher number of unregistered births, sympathetic teachers do not strictly adhere to the regulations of enrolling children when birth certificates or identity documents, thereby adding to the number of unregistered births.
10.
 1. It is very difficult to determine the ages of unregistered children who live in the streets, and often when they die, these children are buried under assumed names.

Recommendations

1. The Ministry of Home Affairs, political parties, Local Government and Traditional Authority structures, as well as other key stakeholders to determine measures that will deal with historical child registration problems facing the South African child who has recently returned to the country.
2. The Ministry of Home Affairs to facilitate a process that will ensure that all parties concerned in South Africa jointly agree a plan to embark on a national child (including homeless children) registration campaign.
3. The Ministry of Home Affairs to train and update birth registration personnel in birth registration protocol and customer care.
4. The Ministry of Home Affairs to ensure that offices, equipment and technology in birth registration offices are well maintained.
5. The Ministry of Home Affairs and all concerned to agree on strategies that will enable authentic guardians to register births of children in their care.
6. Home Affairs, community organisations, local government and all concerned, to heighten society's awareness on the dangers of the child statelessness.

B. PRESERVATION OF IDENTITY (ARTICLE 8)

Background Information

Children are given family names at birth which they carry into adulthood and as such help to preserve their identity, even during or after disturbing circumstances such as divorce and re-marriage where surnames are often exchanged by parents. South Africa

needs to protect her children in second marriage situations.

We also need to enable our children, where this need arises, to reclaim their identity lost through apartheid or other factors e.g. where children raised by the extended family wish to return to their rightful names.

Current Practice / Realities

1. Many divorced mothers change their surnames and that of their children when they remarry - often without consultation with or explanation to the child. When the child reaches maturity, they ask questions or may express their wish to reclaim their surname - at which point serious conflict often erupts between child and parent.
2. Adoptive parents – including common law adoptive parents – generally feel threatened by the prospects of their children’s wish to reclaim their identity at some point in life.
3. Many Black children who attend “White Schools” from nursery school level up to matric, or live in white neighbourhoods from babyhood into adulthood, suffer from an identity crisis. Some are unable to speak their mother tongue – or they simply reject it.
4. Increasingly children are born into mixed marriages. The parents of these children enjoy their self-awareness and traditional heritage while this is not often the same with their children.

Recommendations

1. If the child is above 10 years of age, Welfare and Home Affairs Ministries and community organisations to ensure the child’s approval for name change where parents deem this to be necessary.
2. Community organisations to heighten awareness among South Africans on adult’s and children’s rights to reclaim their identity if they so desire.
3. NGO’s and Ministry of Welfare to ensure that children who wish to reclaim their rightful names are appropriately counselled and enabled to do so.
4. Ministry of Education to institute school programmes that ensure that children are exposed to the cultures and values of other population groups, especially to African cultures because South Africa is an African country. Black parents to also familiarise their children with African traditions.
5. Community organisations to encourage parents and children in mixed marriages

to establish or join support groups that will help them deal with identity factors that may affect them socially, psychologically and emotionally.

C. FREEDOM OF EXPRESSION (ARTICLE 13)

Background Information

The South African Constitution provides for freedom of expression for all. However, in most families the disciplinary practice has been that children are “seen, not heard”. The first significant event that led children to openly express their opinion on a national issue took place in 1976. School-going children protested against the use of Afrikaans as a medium of instruction in schools. Regrettably, the State responded with hostility, resulting in the Soweto uprising, and many children died. Subsequent events have been well recorded.

Since 1976, South African children have been at the forefront of the struggle for liberation. However, resistance within the family, community and society in general to children asserting themselves is still evident. This kind of institutional resistance stifles children from expressing their views on matters that have the potential to impact on their lives.

Current Practice and Realities

1. There are various issues related youth programmes in this country.
2. The NCRC’s process to establish children structures has yet to be finalised.
3. The Children’s Broadcasting Forum has yet to make significant impact on children’s rights and the media industry.
4. Generally, it is adults through community organisations and NGO’s that work with children or children’s issues who represent the issues of children in various forums.
5. It is still difficult for parents and teachers to encourage child input in Parent Teacher Associations.

Recommendations

1. Involvement of children from rural and underprivileged communities in children’s rights processes to be seriously considered by parties concerned in this regard.
2. The NCRC to ensure that children structures are established by April 1999.
3. The NCRC and the CBF to facilitate “first call for the child” in the media industry.

4. Families, the community and children institutions to seek child input when discussing issues that will impact on the lives of children in their care.

D. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION
(ARTICLE 14)

Background Information

South Africa is now a secular country. All religious groups are free to practice their religions. However, before the new constitution became legal, it was not public policy to promote or practise various religions. As a norm, all public schools were required to follow Christian practices, conduct biblical lessons on the old and New Testament - irrespective of the beliefs and practices of their communities.

Current Practice & Realities

1. In public schools, non-Christian children are now not obliged to attend Christian sessions, and efforts are being made to include other religious teachings in the school curriculum.
2. In South Africa, children automatically adopt religious rites and practices followed by the families they are born into. Parents generally do not bother to expose children to other denominations.
3. Increasingly, schools established and run by churches are enrolling children regardless of denomination.
4. Generally, the African Peoples in South Africa endeavour towards harmonised Christianity with their traditional practices and rituals.
5. Many children raised the “Western way” look down upon traditional African practices that are still followed by their parents.

Recommendations

1. The Ministry of Education to encourage schooling institutions to consciously expose children from as early an age as possible to all religions.
2. Families to be encouraged and supported by community organisations and all concerned in their obligation to inculcate religious tolerance and respect in their children.
3. Department of Education to support the SABC’s and civil society’s efforts to

remove the stigma attached to religious rites and rituals-especially African rituals.

E. FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY
(ARTICLE 15)

Background Information

The Group Areas Act destroyed mixed communities, and people were forced to live in areas designated for their race groups. Children were subjected to this trauma along with their parents, and they had to attend schools provided within the residential area assigned to their race. It is not by accident, therefore, that in this country people - including children - are often wary of persons of other race groups.

Current Practice & Realities

1. Adults and children in South Africa often claim their right to the freedom of association and peaceful assembly without due consideration to the legal rights of others. For instance, in the East Rand – South East of Johannesburg, high school youth involved in a school boycott forced primary school pupils to also miss school.
2. Since the desegregation of schools, there have been various incidents of violence amongst school pupils – often with parents supporting the factions of their children. At the Ben Schoeman Primary School in Groblersdal in the Northern Province, white parents joined their children in the race squabble between Black and White children. Black parents followed suite.
3. Children in schools located in “white” and “black” residential areas are not encouraged to freely socialise or explore each other’s cultural diversity.
4. Events which highlight the “Rainbow Nation” are often a demonstration of ad hoc and “stage managed” events. The South African society has yet to achieve the capacity to be colour blind.
5. In many rural areas, children on farms do not attend the same schools. Children of farmers go to “white only” schools, while those of farm-labourers attend “farm-schools” established for them by the farmer.
6. Even in post-apartheid South Africa, police are still hostile to students and school pupils when they demonstrate peacefully (**see appendix**).

Recommendations

1. 1. The Department of Education, teacher and parent associations to develop

strategies to nurture racial tolerance in schools and among parents, especially in schools located in the small rural towns.

2. The Ministry of Education, student bodies and teacher associations to review and restore programmes that encourage interaction between schools, for instance, annual music, debate and sports competitions. In the past, such programmes were critical education support and character building programmes (even as they were racially governed).
3. The Department of Education, NCRC and other key stakeholders to facilitate a process that will determine, design and develop a comprehensive and contextualised Children's Rights Training Manual for all those who interface daily with children in their work.

4. The NCRC, The Department of Education, Human Rights Commission, Farmer Associations and all other key stakeholders to facilitate a process that will examine the issue of schooling for children on the farms - with the intention to ensure equal access to quality education for all children on the farms.

F. PROTECTION OF PRIVACY (ARTICLE 16)

Background Information

In South Africa many Black families do not enjoy privacy in their homes because the consequences of apartheid ensure that most families live in dwellings with one or two bedrooms - regardless of the size of these families. To date, many parents still share-sleeping quarters with their teenage children.

During the civil strife, displaced families were often communally accommodated in church and community halls with their children of all ages. Under such circumstances, privacy became a luxury these families could not dream about.

Lack of appropriate quality of life infrastructure for Blacks in urban and rural areas promoted a way of life that disregarded human dignity. In urban areas for example, toilet facilities for Blacks were few and far between, and it was illegal for them to use toilets designated for “Whites”. To date, many homes in informal settlements within or on the outskirts of townships, as well as in the rural villages, do not have sanitation facilities. This encourages children in these communities – from a very tender age – to disregard the link between privacy and human dignity, e.g. children in these communities are encouraged to urinate in the open.

Current Practice & Realities

1. A significant number of families and children still live collectively in community/church hall situations in various parts of the country.
2. The Reconstruction and Development Programme does not demonstrate the aspiration of privacy and human dignity. One roomed low-cost housing remains a norm for many poor families – even for families with grown up children.
3. In many poor families, young children of different sexes sleep together under the same blanket. Often these children discover their sexuality inappropriately.
4. Child privacy is frequently violated in State institutions that accommodate and provide shelter for children.
5. Sanitation facilities are among priority community needs in rural and informal settlement communities.

Recommendations

1. Local Governments to determine the scale of families in their areas displaced during the period of struggle - with the intention to involve all critical parties in the resettlement of these families.
2. The Ministry of Housing and RDP initiatives to re-examine low-cost housing options that will promote family and child privacy.
3. Community organisations and other concerned parties to conduct workshops and seminars that aim to promote self-respect and human dignity.
4. NGO's, the Ministries of Justice, Correctional Services, Education, Welfare, and community organisations to monitor and address the violations of child privacy and abuse in public and private institutions.
5. Relevant Ministries to ensure that all families in this country have sanitation facilities in the next 10 years.

G. ACCESS TO APPROPRIATE INFORMATION (ARTICLE 17)

Background Information

During the apartheid era, secrecy and withholding of information was common practice. In the public and private sectors, information and influence is still largely in the hands of officers who are struggling to embrace the new dispensation. These officers have yet to internalise the notion of public access to information.

Current Practice & Realities

1. The media prefers to publish sensational stories that "sell" newspapers. When the NCRC circulated information on the UNCRC Report Process to major national and local newspapers in the country, only the Sowetan and the Saturday Star published the article.
2. While stories on burning issues such as child abuse are somewhat frequently published, the media is generally not "child friendly" in their reports.
3. Some newspapers, the SABC, M-Net TV, and radio channels publish and broadcast child related stories and promote discussions that enable children access to pertinent learning, examination and general knowledge information.
4. Children in most townships and villages in the rural areas have inadequate or no access to library facilities. Schools in most Black communities do not have libraries, and children in poor families in these areas cannot readily access information.

5. It is almost impossible for society in general to access information from State agencies, and is worse if you are a child.
6. Critical information for the child is often presented only in English or Afrikaans and this excludes a large percentage of South African children.
7. Many children over 12 years of age have no access to sex education and sexuality information, while many children between the ages 3 and 7 are still not aware of the dangers of fraternising with strangers, or the dangers of not reporting strange advances by known and/or unknown persons.
8. Many children in this country are unaware of the South African Children's Charter.

Recommendations

1. The NPASC to facilitate a process that will lobby the media's support of the NPA processes.
2. The Departments of Education, Arts Culture Science & Technology, Corporate Social Responsibility Programmes and foreign aid to facilitate the establishment of school libraries in historically underprivileged communities.
3. Government Ministries to sensitise State employees regarding dissemination or provision of information when this is required by civil society, especially children.
4. The school system, CBOs and NGOs to enable children access to sex education and sexuality information, AIDS and other illnesses of concern, as well as to primary healthy care information.
5. The NCRC, CBOs, NGOs and the HRC to ensure that children are aware of the Children's Charter, OAU Charter, CRC, NPA and Section 28 of the Bill of Rights.

H. THE RIGHT NOT TO BE SUBJECTED TO TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ARTICLE 37(a))

Background Information

The South African CRC Country Report covers legal and constitutional provisions related to degrading treatment or punishment in relation to children.

Current Practice/ Realities

1. The worst forms of inhuman treatment of children happens within the family, and in public societal institutions. In integrated schools, some white teachers are hostile to Black children. In recreational public places in some parts of this country, the lack of tolerance for Black children is humiliating, and officers in the juvenile justice system constantly undermine the dignity of children who find themselves in the juvenile justice system.
2. The South African society is significantly hostile to children who live on the streets.
3. Corporal punishment has been abolished in South Africa, however, children are still beaten up in schools, within the family, on the farms and in other arenas of child labour-sometimes children are beaten up brutally.

Recommendations

1. Government Departments, community organisations and local government structures to determine the extent of child torture in their areas of operation-with the aim to agree appropriate corrective measures in this regard.
2. The Department of Education to enforce the use of alternative methods of discipline at the teacher's disposal, and to monitor performance in this context.
3. The Department of Welfare and critical stakeholders to facilitate a process that will develop a vigorous national strategy to lure the country's children from the streets back into classrooms or meaningful alternative programmes.
4. The Department of Constitutional Affairs, CBOs, NGOs and civic structures to heighten awareness among parents and teachers on the alternative forms of discipline.

CHAPTER V: BASIC HEALTH AND WELFARE

Background

The country report acknowledges problem areas and achievements in the field of basic health and welfare in this country. However, it does not refer to the traumatic mental and psychological experiences by South Africans-especially children throughout the period of the struggle for democracy. Furthermore, this condition that has potential to put national prosperity at risk has not been earmarked for priority attention by the Government. For example, a study undertaken in Khayelitsha found that 19% of children and adolescents in informal settlements had diagnosable psychiatric disorders-predominantly mood or anxiety related.

It is observed that additional factors causing psycho-social trauma for children are:

- Use of children in substance abuse and commercial sex industry
- Loss of dignity and respect
- Identity crisis
- Post political violence trauma
- Child abuse
- Domestic violence
- Poverty
- Disintegration of family ties
- Disintegration of social fabric of society

A. RESTRUCTURING THE HEALTH SYSTEM.

Current Practice & Realities

1. The principles of Governance as enshrined in our constitution, are not always adequately translated into practice. For example, Government and civil society are still struggling to define and clarify their individual and collective roles in the delivery of basic health and welfare in this country.
2. Government and the non-governmental sector are still struggling to find and agree upon joint decision making systems regarding the implementation of primary health care.
3. There are glaring racial disparities in resources allocation and access to health care facilities. South Africa continues to have 'first and third' world communities - with scores of children living in conditions of poverty.
4. Rural areas still lack health care services - e.g. Nyetse village in Lehurutse in the North West Province. Where there are clinic facilities in rural areas, there is often

lack of medicine and staff.

5. Rural areas still suffer the absence of 24 hour medical services.
6. There are poor or no ambulance services in most rural areas e.g. a number of villages in the Northern Province, and in other rural areas as well.
7. Most NGOs involved in health care are concentrated in urban areas.
8. Health professionals do little or do not want to work in rural areas, leaving most rural communities with little or no coverage. We applaud the Ministry of Health for recent developments in this regard.

Recommendations

The Ministry of Health and key institutions to facilitate a process that will define Primary Health Care in South Africa, determine and agree on a primary health care strategy, and clarify individual and collective roles for delivery of primary health care in this country.

B. HEALTH AND HEALTH SERVICES

Current Practice & Realities

1. The establishment of the District Health Authorities under the Primary Health Care (PHC) model is highly appreciated as it enables underprivileged communities access to health care services.² However, there is no clarity regarding the functions and powers of District Health Authorities, and their responsibility to facilitate public participation within local and provincial government health structures.³
2. South Africa does not have a comprehensive health policy - for instance, on indicators such as maternal and infant mortality rates, nutrition and other notifiable and communicable diseases.
3. Training of community health workers is not standardised.

Recommendations

1. The Departments of Health at national, provincial and regional level together with agencies involved in health care services/ training to agree on measures that will ensure that PHC entrenches partnerships between local communities and government structures.

2. The Department of Health, research agencies, and the NGO/CBO sector to conduct national research on maternal and infant mortality rates, especially of African mothers and infants⁴ - to enable South Africa to develop baseline data that will guide national policy in this regard.
3. The Department of Health to standardise training of community health workers.

C. SPECIAL PROGRAMMES WITHIN INTEGRATED FRAMEWORK

Mental health

Current Practice & Realities

The apartheid system and the period of struggle left South Africa with a traumatised society. Both children and adults are affected, and yet there are no easily accessible mental health programmes-especially for poor families and communities⁵.

Recommendations

The Departments of Health, Welfare, Correctional Services, and community organisations to facilitate a process that will determine a national health care strategy that will address the trauma that has gripped South African society. The rate of family and child suicide in this country is a clear sign that society is on the edge, and still suffering the results of apartheid trauma.

D. ALCOHOLISM AND DRUG ABUSE

Current Practice & Realities

1. The rate of child suicide in South Africa is increasing.
2. An increasing number of patients are hospitalised for stress related illness.
3. Mental illnesses still bear social stigma and patients are still ridiculed in society. Victims are blamed for this condition. Clearly, this has a negative effect on the treatment of mental patients.

Recommendations

1. Community organizations and the Department of Health to determine and strengthen strategies and programmes that will give children access to emotional crisis intervention-especially for children in townships and rural communities.
2. The Departments of Health and Social Welfare to demystify all illnesses related to mental health problems and health care skills. Training and contracting out of

local lay-counselors to be enhanced. They could do most of mental health work and referrals when necessary.

3. If the Department of Correctional Services is to be used to house severely mentally disturbed children, this should be done only as a last resort.

E. NATIONAL CHILD HEALTH PRIORITIES

Disability

Current Practice & Realities

1. The birth of a disabled child or occurrence of disability in a family places heavy demands and responsibilities on families.
2. Lack of adequate social security nets within family structures lead to disability grants being shared by the whole family at the expense of quality care for the disabled child.
3. Children with disabilities are particularly vulnerable to physical, sexual and emotional abuse due to the inability to defend themselves. Often they are alone at home and the lack of value placed on them by society and their own families leaves them exposed and vulnerable.
4. Although the health act provides for basic free health, disabled children have no access to accommodation for free services, corrective surgery, physio-therapy and also pay for their basic devices e.g. wheel-chairs.
5. Children with difficulties are still denied access to public facilities.

Recommendations

1. Special security for children with disability to be reviewed in line with NPA aspirations.
2. Daily programs for children with disabilities to be affordable and accessible.
3. Community organisations to sensitise disabled children, their families and society to the sexuality challenges of disabled children, and to their vulnerability in this regard.

F. ENVIRONMENTAL DEGRADATION

Current Practice & Realities

1. Like other countries whose economies are based on mining and chemical manufacturing industries, South Africa has pollution problems whose by-products impact on health. For example, there is no accurate information on the impact of mine-dumps surrounding residential areas, and the use of asbestos material in housing for disadvantaged communities.⁶
2. There is still a high prevalence of bilharzia cases in places which are not far from other treated water systems. For example, rural communities closer to famous holiday resorts and tourist places do not share the same sanitation and treated water systems.

Recommendations

1. The Department of Health, Mining companies, community organisations, and other key parties to facilitate a process that will research the impact of industrial pollution in South Africa, especially those industries whose surrounded residential areas are disadvantaged communities.
2. The Department of Health to examine the prevalence of bilharzia and other water borne diseases near water treatment resources, and to develop a national policy in this regard.
3. Civil society and all organizations involved in child development and welfare to support the Department of Health in its campaign against health issues detrimental to children's health e.g. the anti-smoking campaigns.⁷

G. HIV/AIDS

Current Practice & Realities

1. HIV/AIDS infection among children and youth is escalating, and so are HIV/AIDS orphans. It is anticipated that SA will have 3 million AIDS orphans by the year 2005.
2. Many people still do not believe that HIV AIDS is a reality, they do not even want to talk about it.
3. Families are still not maximising effort to heighten awareness among children on HIV/AIDS.

Recommendations

1. The Department of Welfare, NGO/CBO to facilitate a process that will determine the number of households headed by children orphaned by the epidemic - with the intention to determine essential support systems in this

context.

2. Families and community based programs/projects on STD's/HIV/AIDS must embark on child, youth and society awareness campaigns on sexual health. Families to be given essential support in this regard.
3. Statistics on STD/HIV/AIDS prevalence in communities surrounded by industries e.g. mines should be collected and findings used to guide intervention programmes.⁸
4. South African youths must be helped by all concerned to understand sexual health risks and to take responsibility for their own sexuality.

H. TRADITIONAL PRACTICES

Current Practice & Realities

1. There is evidence that a large percentage of South Africans still get health care from traditional healers. Others access both the Western and traditional health care systems.
2. Whilst it is a positive development for any country to review traditional, customary or cultural practices that seem to hinder development in its society, it is however, necessary to approach this in a very sensitive and constructive manner. As the NGO sector, we are concerned that the country report reflects negative aspects of traditional practices and there is no positive comment or an attempt to constructively address the practices that may be detrimental to health without undermining cultural integrity.⁹ It has been proven that western medicine is not the only answer to health problems.
3. There is concern about the prevalence of death of children during school initiation ceremonies due to infections that are preventable.
4. The statement (in the country report) that puts lobola as an established economic indicator for delay in marriage “resulting in children being born out of wedlock and into single parent families” is misleading. There is no causal relationship between lobola and children born out of wedlock. Whilst it may be taken as a true reflection in certain instances, it cannot be generalized as a norm.

Recommendations

1. It is imperative that PHC approaches integrate services offered by traditional healers into the health care system.
2. Community based organisations like Cochasa must be encouraged by all concerned to continue heightening public awareness on the value of effective

traditional health care.

3. The Department of Health, in consultation with all concerned, must establish procedures which will help control traditional healers practices, and guidelines that will regulate initiation practices and practices of traditional healers
4. To retain the sacredness of our traditional practices, the Department of Health and all relevant health care training institutions must utilize all past initiatives for empowering traditional surgeons with skills that will enable them to maintain these practices in hygienic conditions.

I. NUTRITION & BREASTFEEDING

Current Practice & Realities

1. The Primary Nutrition School Programme (PNSP) does not accommodate children under five years of age.
2. The School Feeding Scheme system only operates during school terms and children are not covered for school holidays. Out of school children do not benefit from the PNSP.

Recommendations

1. The NPASC to facilitate a process that will give proper guidelines for the implementation of the PSNP.
2. The HRC and the NCRC to monitor the performance of the PNSP.
3. The Departments of Social Welfare, Education and Health should agree on funding to extend feeding provision to under-fives and needy out of school children, including during school terms and holidays.
4. The IMC should co-ordinate and lobby for funding for a further study on the possible impact of the KwaZulu Natal Biscuit Programme.¹⁰

CHAPTER VI: FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. PARENTAL GUIDANCE (ARTICLE 5A & PARENTAL RESPONSIBILITIES (ARTICLE 18B))

Background Information

The single and most brutal legacy of the apartheid system is disintegrated family life in Black communities. By 1990, most families in underprivileged communities were not economically viable. Family ties had weakened, adults had abdicated their parental responsibilities and families were left destitute with minimal prospects for full recovery.

The new South Africa inherited a situation where parental guidance had been eroded to a point where the line between children's rights and parental abuse were blurred.

South Africa's family structures can be categorised as nuclear families, extended families, single parent families, grandparent families, gay and lesbian families and, of late, child headed families. However, most families in this country are either extended or nuclear families.

Current Practice & Realities

1. In South Africa, the family structure is not directly protected by the Constitution, except in Section 28 (1) (b) which stipulates that a every child has the right to family care or parental care, or to appropriate alternative care when removed from the family environment.
2. South Africa has not yet thoroughly examined the state of the family institution in this country. This makes it difficult for State and civil society to determine the support needed by destitute families in their effort to nurture productive citizens for the future.
3. There are racial, urban/rural and class disparities that create difficulties in accessing family support programmes.¹¹
4. Most community organisations that work with the family are at risk of closure due to financial problems, e.g. church based family welfare programmes, Child and Family Welfare programmes, etc.
5. Most parents/guardians cannot afford quality and affordable development programmes for their children.

6. Traditional systems to prepare the youth for adulthood have been eroded, especially in African families leaving many children forced to assume the parenting role and ill-prepared for the responsibilities that come with parenthood.

Recommendations

1. Relevant community organisations and the Department of Welfare to jointly facilitate an inclusive process to consolidate existing information on the state of the family structure in South Africa, and to agree on strategies to strengthen the family as a institution whose “health” is critical for successful nation building.
2. An inter-ministerial committee led by the Department of Welfare and Social Security and civil society to facilitate an effective affirmative action plan to redress the historical imbalances in resource allocation between racial groups, urban/rural communities and formal/informal settlements.
3. The Welfare and all other Government Departments to commission existing community organisations to implement (for a fee) programmes on behalf of Government. This will strengthen community organisations, as well as ensure that Government does not have to create new structures.
4. The family, the church and community organisations to effectively counsel and familiarise young and “new parents” on the implications and responsibilities of parenthood.
5. The family, the church, communities, and all other institutions of society to be encouraged and supported in their responsibility to ensure that the child in South Africa reclaims their childhood.

B. SEPARATION FROM PARENTS (ARTICLE 9)

Background Information

The struggle for liberation left many children separated from their parents and families. Some ended up abandoned in South Africa or in foreign countries. Some children were left homeless, displaced, even orphaned.¹² Various interventions are made by political parties, community and NGO’s to address the plight to these children, however, the lack of financial and other resources continue to make it difficult for these organisations to be effective in their work. These children still need South Africa to ensure their re-integration into society.

Current Practice & Realities

1. White children still enjoy better protection than Black, especially African children.
2. Many disabled children between the ages 0-6 years are abandoned by parents.

3. There is a high rate of alternative placement for children in this country. For instance, more than 80 statutory child removals are carried out per month in the Western Cape.
4. Placement of children in institutions far away from their families makes re-unification, reintegration and after care services for the children concerned very difficult.
5. Children in South African Residential Care facilities are inadequately provided and cared for. According to the National Council for Child and Family Welfare:
 - The majority of Reform Schools and Schools of Industry in this country do not have social workers. The average ratio of psychologists in these schools is 1:96.
 - Of the 313 child and youth care staff in Schools of Industry and Reform Schools, only 11% have proper qualifications for the work they do.
 - In Places of Safety, only 54% of senior child and youth care personnel who lead, train, supervise and support on-line staff hold basic qualifications in this work.¹³
6. Findings conducted by the Inter-ministerial Committee on Children and Youth at Risk (IMC) revealed that approximately one third of the children in state owned and run facilities were considered by staff in these institutions to have been inappropriately placed. Further investigations discovered that due to the lack of personnel efficiency, the status of children is not periodically reviewed. As a result, the Children's Court decisions remain static, and the child is wrongfully kept in the institution.
7. Institutional care is very expensive as opposed to other types of placements. For instance, it costs about R 2 327 per month to keep a child in an institution - at R75 per day.

Recommendations

1. DICAG, community organisations and the Department of Health to jointly find effective measures to heighten community awareness on :
 - The plight of newly born children with diverse needs/disabilities.
 - Existing support and alternative care programmes for parents of children with disabilities.
2. The Department of Welfare and community organisations to agree on measures that will ensure that the personnel in the social services system institutionalise children

only as a last resort. All other family orientated options to be considered first – “in the best interests of the child.”

3. The Departments of Welfare and Justice, community organisations/NGOs and SAPOHR to agree measures that will ensure that personnel in children institutions effectively rehabilitate children inclined in this direction and have them re-integrated into society in the shortest possible time.
4. Child placement officers and concerned parties to ensure that the child has been consulted on alternative placement, and that he/she has a clear understanding of the necessity to have them institutionalised.

C. FAMILY REUNIFICATION (ARTICLE 10)

Current Practice & Realities

1. In terms of the Child Care Act (1983), children removed from parental care cannot be taken outside South African borders without Ministerial consent.
2. International Social Services (ISS) process is generally very slow and unknown to South Africans.
3. Cases of children born outside South African borders waiting to be re-united with their families are unduly delayed.

Recommendations

1. Departments of Welfare and Social Services, Justice and Home Affairs to familiarise the South African society with protocols for moving children across South African and international borders.
2. NCRC to facilitate a process that will recommend appropriate legislation for the protection of South African children “living” outside the country.

D. RECOVERY OF MAINTENANCE FOR CHILDREN (ARTICLE 27)

Current Practice & Realities

The Maintenance Payment & Recovery System is neither effective nor efficient, and many children over the age of six years are adversely affected by the irresponsibility of their parents.

Recommendations

Efficient Family Courts to be instituted to address cases of child survival, protection and development - and to ensure child input in decision processes that have potential to significantly impact on the child's life.

E. ADOPTION : (ARTICLE 21)

Background Information

In the extended family system, the concept of adoption as understood in the western sense was not practised. In this context, a practice that closely resembles adoption, is when a childless couple is given a baby or child from the family to rear, love, and care for - with the intention to help the concerned couple to rid themselves of their "infertility anxieties" and thus increase their chance to conceive.¹⁴ There was never the need for formal adoption, secondly it was intra-family based adoption because the extended family automatically supported children in need of care.

Current Practices & Realities

1. Whilst Black communities are in general beginning to open up to the western-style of adoption, some communities are still not embracing this particular type of adoption, especially in rural areas.¹⁵
2. According to the Child Care Act, of 1983, person/s of other racial backgrounds may adopt across the colour line. A significant number of Black children have been adopted by White parents. However, the implications on the psycho-social developments of such adoption placements are not known.¹⁶
3. In South Africa, adoption procedures vary depending on which institution conducts the adoption processes. Traditional adoption is still practised amongst black families though very few are reported or done through recognised institutions.

Recommendations

1. The Department of Welfare to facilitate a process that will motivate families to adopt and give needy children a decent family life. Childless couples to be especially targeted and motivated to adopt children in difficult circumstances e.g. HIV positive, children living with AIDS and children with disabilities.
2. NCRC to facilitate a study that will determine the extent and the pscho-social impact of adoption across the colour line.

3. The Department of Social Welfare to put in place mechanisms to help support cross-race adoptions.
4. The Department of Social Welfare to train personnel working in matters related to adoptions and to continuously update them on both local and international developments in this regard.
5. The Department of Welfare to facilitate a process that will compile a national adoption register for prospective adoptive parents - to serve as a resource for accredited agencies as and when they need adoptive parents.
6. The Departments of Welfare and Health, to facilitate a process that will motivate families to adopt children in difficult circumstances, e.g. HIV positive, children with disabilities and to subsidise these families with some of the resources they will need to care for these children.

F. PERIODIC REVIEW OF PLACEMENT (ARTICLES 20)

Current Practice & Realities

1. Case-loads of social workers working with adoption cases are high. The result is perpetual crisis management and insufficient time for the support of families who have “lost” or gained children through adoption.
2. Due to poverty, the rate of returns of children placed in alternative family care, is alarmingly high. For example, in 1996, 565 children were inappropriately returned from foster-care.

Recommendations

The Department of Social Services and key non-governmental and community-based organisations to facilitate the review of national social security provisions for children, and to implement and monitor the performance of agreed measures in this regard.

**G. PROTECTION FROM ABUSE & NEGLECT:(ARTICLE 19)
INCLUDING PHYSICAL AND PSYCHOLOGICAL RECOVERY & SOCIAL INTEGRATION: (ARTICLE 39)**

Current Practice & Realities

1. While some work has been done in select areas, South Africa has not yet determined the social, psychological, emotional and physical damage done by child

abuse practices on children and their families. Neither have the implications of child abuse on nation building been examined.

2. Suffice it to say that the impact of child abuse does not disappear with the incarceration of the perpetrator.

Recommendations

The NCRC to facilitate a process that will examine the impact of child abuse on children and families- with the intention to have the findings guide South Africa on the determination of support programmes.

CHAPTER VII: EDUCATION

Background Information

The country report refers to the devastating effects of the Bantu Education Act, institutionalised racism, and the systematic “under-skilling” of “professionals” in underprivileged communities.¹⁷ What this report does not refer to is the psychological and emotional impact that devastated many Black people in this country - including those professionals who must teach children and produce productive citizens of the future.

Education as introduced and orchestrated by the Apartheid regime was no less than a mechanism of total dehumanisation. It was used to systematically engineer the under-development of human potential among the Black peoples of this land. Dr Verwoerd stated that Blacks should be educated only to become efficient “drawers of water and hewers of wood”.¹⁸

Education was the single most effective strategy employed by the Apartheid government to entrench white supremacy and the black inferiority complex. It is not by accident that the South African history began with the arrival of Jan van Riebeck in 1652. This was meant to entrench the notion that Africans, like Europeans, are not the indigenous people of this area.¹⁹

In Apartheid South Africa, education was overseen by government departments responsible each for Whites, Coloureds, Indians and Africans. In addition, everyone of the nine (9) “Homeland Governments” also had each a department of education. South Africa had a total of 13 departments of education, and by the end of 1995, these administrations had not been fully amalgamated.

A. Early Childhood Development (ECD)

Current Practice & Realities

1. There are inadequate early childhood facilities in this country, especially in the Black Communities.
2. There is no standard curriculum for early childhood development.
3. Many child minders administer home-based nursery schools for the 0 - 3 years olds without appropriate training. Their Educare programmes²⁰ are often:

- not registered,
 - without adequate resources for child stimulation and
 - their clientele consists of poor parents paying fees infrequently.
4. There are no agreed national guidelines for the establishment of operating standards for informal or home-based educare/nursery school/child minding programme and pre-school programmes in South Africa.
 5. Often there is no distinction between an educare and pre-school programme in home-based programmes, and the result is that children of 0 - 3 and those for 6 year olds are put through the same programme.
 6. Many children in poor communities still cannot access nursery and pre-school education. In the Gauteng Province, more than 80% of the 1 million children under the school-going-age have no access to early childhood development programmes.
 7. Many of the young children bussed from Black communities to schools and pre-school in white communities are:
 - Forced to leave home very early, and the result is inadequate sleeping hours e.g. some children in Soweto have to awaken at 5:00 am and arrive home after 5pm.
 - Forced to come home late and lose time for homework, leisure and cultural activities, as well as time with their families.
 - Exposed to traffic accidents that often result in death as a result of rush hour traffic.

Recommendations

1. Curriculum for ECD in South Africa to be negotiated and agreed upon by the Department of Education and major parties in this field such as the Congress for Early Childhood Development, the National Association for Child Minders, the NCRC, etc.
2. Department of Education, South African Local Government Association (SALGA), CBOs and Civic Associations to promote home based Educare programmes with appropriately trained personnel and effective supervision systems to ensure quality programmes.
3. Home based ECD programmes to be registered with their local government structure and assisted in their operations.
4. The Departments of Education and Welfare to subsidise Educare and pre-school programmes, especially those that are home based – and in disadvantaged communities.

B. PRIMARY EDUCATION

Current Practice & Realities

1. Selection processes for children seeking admission and bursaries into private schools still exclude a great number of Black children.
2. The Schools' Act stipulates that no child shall be turned away from school due to inability to pay school fees. However, legal action is increasingly being taken against parents who are unable to pay school fees.²¹ This places different pressures on the family and the child.
3. The conditions of poverty cause students to be average and under-average performers. This denies large numbers of students access to bursaries, grants, scholarships, exchange programmes and educational loans.²²
4. Most primary schools in under-privileged communities are over-crowded, forcing schools into the platoon schooling system, with the teacher pupil ratio remaining high.
5. Corporal punishment is still rife in many schools, including primary schools.²³
6. Many schools especially in rural areas are still without basic facilities such as water, electricity and sanitation.²⁴
7. In some schools, there is a significant use of the drug "Ritalin" on hyperactive children and parents are not fully informed on this drug and its side effects.²⁵

Recommendations

1. Entrance tests at private schools to be reviewed jointly by parents, school bodies, and the Department of Education.
2. The Department of Education, the Justice System, students and parent bodies to review options for school fee payment measures that will not criminalise and traumatise families.
3. The Department of Education to speed up the schools upgrading programme in Black communities - especially in rural communities.
4. NCRC and key players to facilitate research into the effects of Ritalin. Such research to also determine other safe options that can be used to treat hyperactivity in children.
5. The Ministries of Transport and Education, in partnership with parents and

student organisations to agree on school bus facilities for learners, especially in rural areas.

C. HIGH SCHOOLS

Current Practice & Realities

1. In some areas, boycotting students still find it easy to intimidate other scholars and at times even primary school pupils are forced to join the boycott when bigger pupils block access to the school. For example, a group of Kwa –Thema primary school pupils (near Springs in Gauteng), were forced to stay home for a considerable amount of time while conflict between the Congress of South African Students (COSAS), and Pan African Students Organisation (POSA) raged on.
2. In black townships, most schools no longer have extra mural activities such as music competitions, debates, sports competition etc., as part of their education programme. Holistic development of the child is thus stifled.
3. In many sectors of society, teachers and scholars are still experiencing the legacy of apartheid and “post struggle” conditions, as well as transition difficulties. Symptoms of this situation are that both groups tend to be:
 - non-committal to effective education,
 - diminished culture of teaching and learning
 - stealing of examination papers, and
 - an increasingly poor record of Matric results.
4. While new opportunities were ushered in by the new dispensation, students in underprivileged communities are still making poor or badly informed career choices.²⁶ As a result, many graduates of various education and training programmes are still finding it difficult to secure jobs.
5. A significant number of school-going children are involved in criminal activities such as car hi-jacking, house-breaking, theft, gangsterism etc.
6. Drug abuse and trafficking is rife in schools.²⁷
7. There are no school social workers or therapists in South African schools, despite the fact that our children have been traumatised by conditions of apartheid and events of the struggle for liberation.
8. Most children who live far from schools are exposed to different forms of danger during their long distance travel to and from school - often on foot.
9. Poverty and traditional factors i.e. patriarchal tendencies still make it difficult for

the girl child to access education, especially in the rural areas. This creates fertile ground for teenage pregnancies.

10. Education at tertiary level is expensive. Scarce resources make it difficult to address the huge financial backlog in tertiary institutions. Concerned players have yet to agree on effective solutions to this problem.
11. Formerly “white universities and technikons” are still better resourced in comparison to historically Black institutions.

Recommendations

1. The issue of examination-paper “leaks” to be vigorously pursued by the Department of Education and the Justice System so as to take appropriate corrective action when offenders are identified.
2. Teacher Organisations, Department of Education and student bodies to embark on a “teacher-student reorientation exercise” to nurture the culture of learning and teaching in South African schools.
3. The Government, on the private sector and all job opportunity programmes like SAGDA to agree initiatives that will ensure that jobs are created for school leavers and graduates. The doctors’ community service programme initiated by the Department of Health, for example, is a good example of such an initiative.
4. The issue of bursaries and other education financing options-especially at tertiary education level - to be thoroughly examined by the Ministry of Education, student organisations, parent bodies and bursary institutions, and a way forward in this regard to be jointly agreed.
5. Ministries of Education, Welfare and Justice, together with students, parents and relevant community organisations to examine the issue of crime in schools and to agree on appropriate corrective measures.
6. Families, communities and CBO’s to motivate girl children to assert themselves, and to support them when this is necessary.
7. Competencies of career guidance teachers to be enhanced by the Department of Education and community organisations.
8. School social work services to be introduced in schools by the Departments of Welfare and Education.

D. CHILDREN WITH DISABILITIES

Current Practice & Realities

1. Most schools and institutions for children with disabilities are located in urban areas, thus making it difficult for parents to be involved with the education of their children.
2. There is a lack of nursery and pre-school facilities for children with disabilities e.g. children with hearing and sight difficulties.
3. Children with epilepsy are not catered for in schools. There are no agreed measures to deal with these children.
4. Most children with learning disabilities go undetected in Black schools. This makes it difficult for these children to receive appropriate support or remedial services timeously. This causes most children to drop out of school.
5. The disparity between Black and White schools and institutions is still a source of concern in underprivileged communities.

Recommendations

1. The Departments of Education and Welfare - in partnership with parents and community organisations, to ensure that where possible, children with disabilities are integrated into mainstream education systems, and to ensure further that those who cannot access such programs, also receive appropriate development or social security programs.
2. Schools to enable scholars and teachers to be familiarised with procedures to handle epilepsy attacks and similar illnesses on learners.
3. The Ministry of Education to continue to resolve disparities in resource allocation between schools in black and white communities.

E. TEACHER TRAINING

Current Practice & Realities

Teacher training does not include training on the UNCRC, the African Charter on the Rights and Welfare of the Child, First Aid, Development Studies etc.

Recommendations

The Ministry of Education, to ensure that the teacher training curriculum include training on:

- The OAU Charter for the Rights and Welfare of the Child
- The UNCRC
- The NPA

- Section 28 of the S.A. Constitution
- First Aid
- Development dynamics etc.
- Child Abuse

CHAPTER VIII: SPORTS, CULTURE AND RECREATIONAL ACTIVITIES

Historical Background

South Africa has a wealth of accomplished sports and artistic persons both nationally and internationally. Large business corporations have been highly supportive of various events promoting sports, leisure and cultural activities. Usually, these events are out of reach for most Black South Africans, except for soccer events. Past apartheid policies also created a situation where the Performing Arts Councils and the South African Broadcasting Corporation (SABC) promoted and provided resources for mainly white talent and audiences.

Resources were further aimed at importing overseas, especially European productions. In some instances, overseas productions were rather dubbed into local languages.

Current Practices & Realities

It is still quite difficult for Black talented children to access sports and cultural development resources. Other challenges facing talent from disadvantaged communities are:

1. The non-inclusion of arts, culture and physical education in the school curricula.
2. Lack of appreciation by most Black parents of sports and arts as professional careers.
3. Lack of trained teachers in the field of physical and cultural education in schools based in disadvantaged communities.
4. Girl children have additional pressures affecting their leisure and study time. For example they are required to do child-minding, housekeeping and in extreme circumstances scavenging, stealing and prostitution, as a direct result of poverty.
5. Severe lack of recreation, arts and sports facilities in the rural and township areas. Where these are available, entrance charges are not affordable.
6. Provision of facilities by the Ministry of Sport, Arts and Culture is selective and often not consistent with community needs.

7. There are either very few or no community centres that serve children's needs in media, cultural history museums, computers, or recreational centres in poor communities.
8. Most parents do not observe the child's need for leisure, recreation and play-time, and the role sport and play can play in the child's personal growth and development.
9. Art education is still an elective subject in schools because of inadequate policy, ill-trained staff and the fact that children are excluded from policy formulation processes.
10. Sports, cultural and recreational facilities and programming for disabled children is practically non-existent.
11. At Local Government level there is no special budget for children's programmes, and Local Government should place a moratorium on the conversion of township residential property sites to recreational sites by city councils, until such development plans have been agreed upon by all concerned - especially the community and children.
12. The South African adult and children Olympic teams are still predominantly White – despite the fact that Blacks account for approximately 80% of this country's population.
13. New schools are still being built without any sports fields, courts or games facilities, and sometimes without even ensuring sufficient land on the site for development of such facilities in the future.

Whilst there is a national attempt through the government-implemented South African National Games and Leisure Activities program to broaden participation in sports and exercise activities, the impact has yet to be felt. The newly established democratic structures and programmes like FUBA, the Congress of South African Writers (COSAW), Performing Arts Workers Equity (PAWE), National Sports Council (NSC), United Schools Sports Association of South Africa (USSASA), and the National Olympic Committee of South Africa (NOCSA) should be commended and encouraged to help develop increased access to participation and development of new talent among children. Other successful examples, the South African Football Association (SAFA) has successfully established a national girls soccer team and the Chappies Little League Soccer Competition as well as the physical education and youth sports for all programs of Sports Coaches' OutReach (SCORE).

Recommendations

1. Community Centres to be strengthened and supported especially through the local government structures to provide information and develop skills in the arts and cultural fields, and in sport and recreation. Local Government through the Metropolitan Councils to speedily establish appropriately resourced Community Arts Centres, with professional and sustainable training programmes, and administration capacity. These could possibly be linked to the Directorates of Sports and Culture located in the Provincial Education Departments.
2. The Children's Broadcasting Forum to strengthen their programme and broaden their stakeholder participation.
3. The Bureau of Advertising Standards to include civil society in their decision making processes, to ensure that the consumer is protected, that the cultural integrity of various population groups is considered, as well as to eliminate images depicting racial discrimination and practices by the advertising industry.
4. The Ministry of Education to incorporate schools arts curriculum into the national education programme. e.g. the *Pelmam* Arts and Music technical college in Dobsonville, Gauteng.
5. Department of Education and community organisations to promote arts in schools and communities.
6. The Ministry of Education to include Physical and Health Education in the schools curriculum, and to provide support to teachers by offering in-service training programs in this field.
7. The Ministries of Sport, Arts and Culture to recognise volunteer-driven initiatives to involve children in activities in these fields, and to make resources available at local authority level to promote community participation and train people in facilitating activities for children and youth.
8. The Ministries of Sport and Education to provide more facilities in schools and communities for sport and play.
9. The Ministries of Sports, Arts & Culture to promote integration of children with disabilities in mainstream programs, as well as develop adapted programs, to urgently increase access and participation of disabled children.
10. Community Centres and Local Authorities to establish Youth Sports desks.
11. National Sports Council and Local Sports Councils to include Youth Sports desks and children's representation in their management structures, to give children and youth a voice in democratically elected decision-making forums, especially at community level.

CHAPTER IX: SPECIAL PROTECTION MEASURES

Background Information

Significant policy and legislation relating to children has emerged since the 1994 elections and the ratification of the UNCRC Convention. However, the speed with which essential CRC national policy and legislation was churned out, left those who must apply this national policy and legislation far behind. A significant number of professionals – let alone the community and the children – have not internalised the meaning of new policy and legislation. The result is that child protection related processes in South Africa do not utilise new policy and laws to demonstrate the first call for children in this country.

A. REFUGEE CHILDREN

Current Practice

1. There is very little information on the situation of refugees prior to 1994 in this country. South Africa acceded to the UN Convention on the Status of Refugees in 1996, and the development of procedures and support programmes for refugees started soon thereafter.
2. Many South Africans do not understand the concept of refugee – hence the blatant and subtle tension between South Africans and “illegal aliens.” It is interesting to note that this tension is significantly noticeable where the “alien” is from another African country.

South Africa has a responsibility to lay a solid basis for the protection of refugee children in this country.

3. There are no statistics in this country on the state of child refugees in this country, their numbers and their needs. Nor do we have significant measures to ensure the delivery of rights for refugee children.
4. The South African Constitution does not distinguish between rights of citizens and non- citizen children. Therefore, it allows equal protection for all children. However, the reality is that this country faces a huge development backlog regarding its own children, with communities are struggling to survive, let alone the needs of refugees communities. This allows for increased tensions in

communities. For example, it is reported that in the Northern Cape, while the Somalis do not have their refugee status ratified, they are accessing all the local services, and this fuels tensions between the “Somali refugees” and the local people.

5. Many displaced children – i.e. children of displaced families in this country, children of refugees and illegal aliens – are lured into crime, prostitution and street life by their stateless condition and also by inadequate support programmes.

Recommendations

1. The Departments of Home Affairs, Foreign Affairs and Justice, together with the UNHCR, the SAHRC and community organisations to facilitate a process that will resolve terminology that best describes refugee status in South Africa.
2. NCRC, SAHRC, UNHCR and other relevant human rights agencies and religious institutions to facilitate research into the state of refugee and non-citizen children in South Africa.
3. The Department of Home Affairs, the Human Rights Commission, NCRC and relevant community organisations to use the findings of such a study to develop South Africa’s Strategy for the delivery and monitoring of Children’s Rights for refugee and non-citizen children.
4. The Department of Home Affairs, the UNHCR, and relevant community organisations, to heighten South African Society’s awareness to the country’s obligations to refugees and non-citizen children. All South Africans should be made aware of the impact of xenophobia on children.

B. ARMED CONFLICT

Background

Throughout the years, generations of children in this country led the struggle for liberation. Black children from 15 years of age and even younger, took leadership roles to mobilise their school-mates and communities for the “struggle”. Some joined the liberation movements within the country or in exile for military, educational and other training programmes. By the 1980s, those inside the country facilitated and led community processes such as Self Defence Units (SDUs). These maintained social justice and order in the era of “making South Africa ungovernable.” This left many children incarcerated right up to the 1990s. Numbers of children are still missing and individual parents are still searching for their whereabouts or bodies.

A sizeable number of White children died “defending the country from terrorists” when the National Party was still in Government. Numbers of those who defected from the

army or died in action has never been made public knowledge. These were as young as 16 years old.

Upon negotiation for a peaceful settlement from 1991 to 1994, the demilitarisation, demobilising and debriefing process was not effective in reintegrating children who were involved as cadres in the liberation army units, in SDUs, SPUs, SADF and similar structures into society. Some members of the SDUs were integrated - elections into the defence force (SANDF).²⁸

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The new dispensation did not clearly articulate the demilitarisation, debriefing and reorientation process for children. Many of the young people still feel left out, dissatisfied, traumatised and unable to integrate in society. South Africa still needs to articulate its demilitarisation programme in language that will effectively negotiate reconciliation, reconstruction and development with the then child soldiers of our liberation struggle.

Current Practice & Realities

1. South African children are still traumatised by the effects of armed conflict.
2. A significant percentage of youth aged between 16 and 35 years feel that their selfless contribution has not been acknowledged by society. Many of these young people did not make it into new democratic structures, nor were they sufficiently qualified and experienced to make it into desired “status jobs” in either government or the private sector. Some of those that were integrated into the old defence force structures (SADF), have either “resigned” from this occupation, or voiced their dissatisfaction.³⁰
3. Whilst the struggle for liberation groomed young people into leadership roles and position of power within the communities, the new dispensation has shifted this and located power in differently skilled and experienced people. Young people who have experienced the might of political power, have to suddenly acknowledge that in the new national scenario, power comes with wealth, education, employment status and, in some cases, lineage. This shift of influence has left many young people confused and unfulfilled.
4. Most children – now aged 16-35 years, who were leaders in the struggle were not able to further their studies. This is often a disadvantage when these young people seek employment. Lack of employment opportunities has led youth who are well trained in arms and arms tactics, into criminal activities such as bank robberies, theft, drug trafficking, arms dealing, etc.³¹
5. Some areas of armed conflict still harbour land-mines, e.g. Riemvasmaak.³² These land-mines are still life threatening devices for especially children in these areas.

6. The TRC conducted hearings on the violation of children's rights and their final report to government released in November 1998 contains reparation recommendations made by the Commission.

Recommendations

1. The President's Office, Cabinet, provincial government, political and liberation movements, SANDF, youth and key community structures, to jointly find a creative way to meaningfully and "publicly acknowledge" child/youth contribution to our liberation. Indigenous options such as "intelezi"³³ to be exposed in this regard. These children need to be "cleansed" of the past to stabilise them.
2. The NCRC to facilitate a process that will lobby government, concerned institutions and companies, for the imposition of a clause in arms sales, that insist that South African arms are not to be used in any way by or against children.
3. The NPASC, NCRC, community organisations/NGOs, and relevant institutions in the South African society, to advocate for significant "post struggle" reparation measures for the children of South Africa.
4. The Department of Welfare together with community organisations to intensify programmes to remedy the situation of dysfunctional families.

C. JUVENILE JUSTICE ADMINISTRATION

Background Information

Often the criminal justice system in South Africa succeeds in making criminals out of children in the juvenile justice system. While children are capable of committing hideous crimes, this does not make it right for the justice system or any person in authority to handle them with hostility. Caution perhaps, but not hostility. Sometimes even children who have committed petty offences are handled brutally.

Of the 398 children awaiting trial in prison, 62% are charged with petty crimes.³⁴

Out of 100, 000 children arrested, 15% become habitual criminals. Conditions experienced by children in prisons entrench criminal tendencies. The constitution creates an enabling child protection environment, but our criminal justice system has yet to be seen to be reconstructing its approach to juvenile offenders and rehabilitating them.

Current Practice & Realities

1. In terms of a Presidential Decree in May 1995, children were released from prison without adequate, effective and essential measures for support. A good number of these children were re-arrested within a week and put back in detention.³⁵
2. It is reported that a Government NGO partnership pilot project in Durban - KwaZulu Natal - is successful. (the Durban One Stop Centre)
3. Indigenous customary methods of addressing offending behaviour of children - especially diversion programmes - are under-utilised and if incorporated, this is done superficially.³⁶
4. Personnel shortages e.g. warders, is a serious concern. There are insufficient warders in prisons and places of safety.
5. Frequent labour relations problems in prisons and places of safety leave children unsupervised.
6. There is serious over-crowding. In 1997 it was reported that children accused of petty offences were found to be sharing over-crowded cells with rapists and murderers.³⁷
7. Inter-ministerial responsibility for children in the justice and correctional service system is continually shifted between ministries.³⁸
8. Policy and legislative changes are almost always not coupled with supporting law enforcement or policy implementation and administration resources. Ad hoc interim measures in this context are isolated, and do not appear geared towards reintegration once a new system is developed.³⁹
9. Many children are sentenced without a single visit from either a social worker or a legal representative.⁴⁰
10. The criminal justice system is not child-friendly, and many children do not understand the court proceedings, nor do they understand the legal language and terms used by the court system – despite assistance by interpreters.
11. In general, criminal justice offices and facilities are located very far from the homes of child offenders. Children are separated from their parents/guardians, sometimes until the date of trial – often weeks later.
12. Often, hygiene and nutritional needs of child offenders are not considered. The situation is worse in police “lock-ups” as they are not geared for long detentions, and children often go without a change of clothing or a bath for up to six weeks.⁴¹

13. Follow-up and re-integration programmes for children released from detention are inadequate.
14. There is also a number of displaced children from SADC countries detained in prison cells and police “lock-up” facilities for criminal activities, or for lack of appropriate documentation.

Recommendations

1. The Department of Justice and Welfare and community organisations to agree on protocol for Presidential Decree Releases for children.
2. An independent audit of the Durban “One Stop Centre” to be undertaken, and findings to be used to develop strategies for similar facilities countrywide.
3. IMC and community organisations/NGOs to jointly develop and implement crime prevention programmes. Appropriate traditional approaches to be also considered.
4. NCRC in partnership with SAPOHR and Department of Justice to sensitise criminal justice personnel on the rights of imprisoned children.⁴²
5. Agencies of Criminal Justice and Welfare, to agree on their different roles regarding children caught-up in the justice system, to take individual and collective responsibility in this context, and to communicate these agreements to the general public.
6. The Ministry of Justice to ensure that no child is convicted without reports of a social worker, medical practitioner and legal representation. Penalties for judicial officers who violate agreed standards to be imposed.
7. Department of Correctional Services, Welfare and Health, to facilitate agreements on the development of an affordable nutrition plan for children in detention.
8. The Justice Department and community organisations to ensure that children appearing in court re familiar with court and court-room procedures, and to urgently take steps to ensure child-friendly and non-intimidating court environments for children.
9. The justice system to ensure that legislation imposes a maximum period for processing cases involving children.

D. CHILD LABOUR

Background Information

The impact of apartheid pressures caused many families to become dysfunctional. For various reasons, children were forced into the harsh world of exploitative work situations. Today, children can be found working in industries such as agricultural industries, prostitution, tourism, taxis as well as domestic work.

Currently, South Africa has a problem of several schools of thought on child labour. One school of thought argues that no child should work, because allowing children to work denies adults employment opportunities. Another school of thoughts argues that children can work but should not be involved in exploitative labour. Yet another school of thought insists that family chores and responsibilities are child labour-if they deny children the opportunity to attend school. A recent report in a local labour bulletin highlights some of the problems that exist between legislated law and the translation of these into realised human rights sectors of the general public.⁴³

It should also be noted that one of the peculiarities of Africa is the emphasis on children being involved in family welfare related chores. This is seen as an efficient “on-the-job” training process to nurture a sense of responsibility, build character and equip the child with skills and competencies that will be needed in adulthood.

Current Practice & Realities

1. There is no clear agreement on what constitutes a finite definition of child labour in this country.
2. There is no adequate and reliable quantitative data on the state, scale and situation of child labour in South Africa.
3. An increasing number of children entering the country illegally with parents or guardians are vulnerable to all forms of child labour.
4. Poverty forces communities and parents to encourage children into the labour market as a means of survival.⁴⁴
5. South Africa participated in the 1998 Global March against Child Labour.
6. Commercial sexual exploitation is on the increase in SA, particularly in areas of severe poverty.

Recommendations

1. The Network against Child Labour, labour organisations, NCRC, NPASC,

Department of Labour, Welfare and Justice, the Farmer's Association, Business South Africa, parent's and children's structures, the Mandela Children's Fund, the Youth Commission, SAHRC and other relevant parties to jointly plan and conduct a comprehensive national research on child labour (including refugee children). This initiative must to be a follow-up project to the Global March. Findings from this study to form the basis for a national plan of action against child labour.

2. Research particularly into the issue of commercial sexual exploitation of children is urgently needed.

E. DRUG ABUSE

Background

Apartheid South Africa created a systematic under-development of Black people through the introduction of structural dependency on drug and alcohol use. For example, the “dop” system in the Cape was used as a means of payment for labour.

The lack of recreational facilities in Black communities also contributed to substance abuse, where instead of holistic urbanisation, “beer halls” were among the first structures to be put up whenever a township or location was built. “Beer halls” were also set-up in mining compounds as recreational facilities.⁴⁵

When the 1976 uprisings occurred, youths showed their anger against the humiliation brought by these facilities to their society. They burned them down. Beer halls were the first structures to be completely destroyed by youths.

Current Practice & Realities

1. In the Western Cape, many farm labourers are still paid through the “dop” system.
2. There are insufficient public awareness programmes on foetal alcohol syndrome - especially in the Western Cape. Many young mothers in this country use alcohol throughout their pregnancy period.
3. The numbers of children taking alcohol and other substances are on the increase
4. Enforcement of substances related legislation is not efficient. For example, children can still buy cigarettes over the counter even though it is illegal to do so - especially in underprivileged communities.
5. Dagga and glue-sniffing are the main form of drug abuse among children - particularly for children in and on the streets.
6. Substance abuse recovery facilities are very few and far between in this country. Some provinces are completely without such facilities. e.g. Free State Province.
7. Drug syndicates wield too much power, and this forces parents and communities to turn a blind eye to their activities, often as a result of fear.
8. Ineffective enforcement of the law and police involvement lead certain communities to take the law into their hands.
9. Many communities are still without recreation facilities and community relaxation

programmes.

Recommendations

1. Relevant Ministries, labour organisations, farmers fora and other key players to examine the implications of the “dop system” - with the intention to agree corrective action in this regard.
2. The Department of Health, community organisations, church structures, schools and local government structures to conduct foetus alcohol syndrome awareness programmes at local clinics, churches, shebeens, women societies etc.
3. Relevant Ministries, local government structures, the private sector, and town planners to review the state of recreation and relaxation programmes in their communities, with the intention to upgrade or establish these where this is necessary.
4. Communities to support the police in their effort to enforce the law. Crime syndicates not to be allowed by communities to operate their hideouts freely in family residential areas.
5. Corrupt police-persons to be singled out and accordingly prosecuted.

F. SEXUAL ABUSE

Current Practice & Realities

1. There are insufficient quality programmes in communities to support sexually abused children-especially in underprivileged - primarily rural communities.
2. Schools and community organisations are not providing sufficient sex abuse related awareness and basic protection skills to children. Children living and being on the streets are most at risk in this regard.
3. Communities are reacting to inadequate sexual abuse related law enforcement by going as far as killing “perpetrators”. This situation has become extremely dangerous.
4. Reports by community organisations indicate that in Namaqualand on the West Coast, girls are abducted, drugged and subjected to child prostitution and sexual abuse. They also report that there are child pornographic rings developing in Port Nolloth in the Northern Cape.
5. The justice system is not friendly to victims of sexual abuse - thereby further traumatising abused children. Corrupt police also help perpetrators to “squash

cases” - thereby ensuring - that these dangerous people continue defiling children in families and communities.

Recommendations

1. NGOs to locate sexual abuse support programmes in communities, where children can access them easily. Community organisations to ensure that parents, teachers, child minders, and all practitioners who interface with children daily are able to identify the symptoms displayed by abused children.
2. Relevant organs of civil society to heighten child awareness of prevention, measures and procedures to follow in the event of molestation or defilement.
3. Communities to be mobilised to support the police in their efforts to enforce the law. Corrupt police-persons to be singled out and severely dealt with.
4. The police and community organisations in the Northern Cape to work together in assessing the scale of sexual exploitation of children in this province, with the intention to agree on a corrective programme action in this regard.
5. Efforts by the Ministry of Justice and NGOs/community organisations to make the justice system child friendly to be intensified.

G. SALE, TRAFFICKING AND ABDUCTION

Historical Background

Child abduction has been on the increase during the past few years. Some of these children have been found murdered, others injured and yet many are still missing. There are many reasons for child abduction, e.g. parents, especially mothers unable to bear children snatch infants from hospitals, divorced parents fighting over custody, abduction for sexual exploitation, muti⁴⁶-related abductions. (*Muti Killings of 13 Children feared, Star 20/11/97*)

Due to the increase in missing persons, the Bureau of Missing Persons was set up in 1994. This Bureau provides information on missing persons on television, and it is linked to the South African Police Services Crime Stop project.

Current Practice

1. Many parents still do not report that their children are missing. (*Reader's Digest, Volume 151, 1997, 16 Missing Children: Who Cares?*)
2. Often resources to find missing children are inadequate.

3. Child sexual abuse and commercial sexual exploitation rackets are controlled by wealthy, international syndicates based in Northern Cape, Western Cape and Gauteng particularly.
4. Children in high schools are used to traffic drugs in their schools. Homeless children are particularly vulnerable and constantly exploited.
5. The numbers of children involved in prostitution are increasing.

Recommendations

1. The police department and community organisations and other organs of society to conduct public awareness campaigns on the implications of child abduction. These campaigns to also encourage parents to report missing children
2. Relevant Ministries and community organisations to agree to a strategy that will trace missing children - with special emphasis on provision of resources to implement this strategy.
3. The working relationship between Interpol, the SA Police and community organisations to be intensified - to enhance the chances of success when tracing missing children.
4. Schools, community organisations and the police to jointly :
 - agree on a strategy in school to deal with learner drug traffickers
 - familiarise learners with agreed procedures to deal with drug traffickers
 - implement and enforce agreed strategies
5. Child prostitutes recovery programmes to provide viable income generation options for child prostitutes, to deal effectively with the psycho-social trauma suffered by these children, and to support them into recovery.

H. CHILDREN BELONGING TO A MINORITY OR AN INDIGENOUS GROUP

Background

Throughout the period of the apartheid government, the indigenous Peoples of this country (Black peoples of South Africa) were regarded as to be the minority groups of this land because then, the definition of “minority” was linked to political and economic power. However, since the 1994 democratic elections, population groups such as the Afrikaners are increasingly referring to themselves as minorities.

Current Practice & Realities

1. Attempts to eradicate practices of customary law such as circumcision have not succeeded. African boys continue to be traditionally circumcised in both urban and rural areas. Until recently, medical practitioners were not engaged in the circumcision of young men to ensure that the circumcision cuts did not become sceptic.
2. It has also been reported recently that in some parts of the country, the girl child is subject to female genital mutilation. Due to the secrecy surrounding this practice, little is known about its existence in South Africa.
3. The Language and culture of the Khoi-Khoi and San tribes is not officially recognised. These languages and cultures are currently threatened by extinction. These tribes have been forced through schools and other indirect means to adopt Afrikaans as their mother tongue
4. Tensions between structures like the local chiefs and the newly formed local councillors hamper effective development of children in the rural areas.
5. Various community structures have developed programmes on radio to ensure continued education, development and exposure to cultural activities.
6. The children of white minority groups continue to enjoy better quality life as compared to children in Black communities
7. Xenophobia is affecting the lives of children of Black non-citizen parents.

Recommendations

1. Traditional structures, churches and community organisations to enhance public knowledge on the rationale behind various cultural practices, to prevent the negative stigma attached to these practices. These parties to also ensure that modern and safe measures are used to protect children from harmful practices. Many children died at traditional circumcision centres due to hygiene factors.
2. Department of Constitutional Affairs, traditional structures, the churches, community organisations and other key players to facilitate a process that will finally agree traditional practices that must immediately be outlawed, e.g. girl child genitals mutilation. Measures to be agreed to enforce agreed way forward strategies in this regard.
3. Constitutional Affairs to facilitate a process that will ensure that the language and cultures of the Khoi and San Peoples are preserved. These languages and cultures should be declared protected heritage of this country.

4. The media to support and promote programmes that focus on culture and language to enable sharing and tolerance.
5. New Governance structures in this country to work in partnership with traditional structures for the protection and development of the child.
6. Community organisations/NGOs, the churches, SAHRC, NPASC and other key parties to heighten public awareness on the plight of non-citizen children (related to xenophobia).
7. The Language Board to consciously promote the Khoi and San languages.

CONCLUSION

The NCRC acknowledges that some NGOs are not satisfied with this report, and we respect the democratic right of others to disagree with it. Community organisations have worked hard and under very trying circumstances to produce this report, and we commend them for their determination. This was a “first” for community organisations in South Africa, and it was an invaluable learning experience for all of us.

The process to compile the first CRC Supplementary Report to the UN gave the community sector in this country the opportunity to:

1. Determine the status of children’s rights delivery in this country
2. Identify gaps that must be filled to create a data base on which :
 - Improvement strategies can be agreed
 - Performance indicators and time lines can be determined
3. Clarify children’s rights delivery roles in this country.

It will certainly take decades to meet the recommendations of this report. The important achievement here is that we now are aware of the scope of work facing the children’s rights movement in this country.

The question is:

Can South Africa rise to the challenges outlined in this report - for the sake of our children, and to reclaim our national dignity?

END NOTES

History

1 The term Black is an inclusive term and refers to people of colour, i.e. Africans, Coloureds and Indians.

Chapter V

2 “Health Resources’, South Africa Survey, 1996:pp 469-472 shows tables and rational used to allocated funds in the health sector for interim period.-

3 “Strategies for public participation in health”, South African Health Review” (1996)

4 “Maternal, Child and Woman’s Health”. South African Health Review (1996) pp: 173-188. See also “Health Indicators”. South Africa Survey (1996/97) pp: 450-468. See also 1997 Review, pp: 6-10 “Health Status” and 141-147 “Priorities”.

5 Ibid. “Mental health’ p. 464 See also 1997 Review, pp: 161 - 162

6 In the early 1990’s research showed that workers and surrounding communities were in danger of lead poison from the Thor Chemical plant near Durban.

7 “Thoughts about smoking start in the very young: Birth to Ten Study”. Preliminary findings indicate that children as young as five (5) years old, are aware of the smoking behaviour of people around them, as well as that cigarette advertising have a substantial impact on very young children. Cardiovascular Prevention pulse, Montreal, Quebec, 29 June - 3 July, 1997.

8 KIDACO case study.

9 South Africa has a traditional healers’ association, with a membership of 200,000 traditional healers which is easily accessed by people.

10 KZN Biscuit study

Chapter VI

11 For example, the well run Systematic Training for Effective Parenting (STEP) is only implemented in the urban area.

12 “The forgotten children”, The Star, 25/02/98: p. 9. This story is one of many that have appeared in the local press during the last two years, mainly depicting the problems faced by those abandoned outside South Africa.

13 Currently available qualifications in Child and Youth Care in South Africa are: Certificate in Child and Youth Care, UNISA (post Matric), National Higher Certificate in Residential Child Care, Technikon (post Matric), National Higher Certificate in Residential Child Care, Technikon (post Matric), Basic Qualification in Child and Youth Care, NACCW, Std 8 or less.

14 In South Africa, there is a Nguni custom in which a childless couple is given a baby or child from the family to rear, care and love. This is referred to as ukufaka esiswini [to insert into the stomach].

15 According to Child Welfare, in 1996 adoptions followed the pattern shown below:

African children adopted	262
Coloured children adopted	228
Indian children adopted	320
White children adopted	216

16 South Africa recently witnessed a landmark cross-race adoption case involving biological parents and adoptive parents over the future of 11-year-old Sifiso Mahlangu. The biological parents claimed the British adoptive parents wanted to adopt him without their agreement. After a lengthy cross-national case, both parents agreed that Sifiso be adopted and now lives in London.

Chapter VII

17 “South African Schools Act (1996) [Schools Act] Initial country Report: South Africa, Nov. 1997.

18 “The school must equip the Bantu to meet the demands which the economic life will impose on him. What is the use of teaching a Bantu child mathematics when it cannot use it in practise? Education must train and teach people in accordance with their opportunities in life.” Dr Hendrick

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- 19 Verwoed, newly appointed minister of Native Affairs, 1953.
20 “Illustrated History of South Africa: The real story, Reader’s Digest: p.13, 1989.
21 Need explanation of Educare programmes.
22 Increasingly, parents are facing humiliation as they face legal action for not paying school fees
23 “because provinces now manage their own schools,” School takes legal action over fees, The Star
24 p.6. Also individual schools have been tasked with a 1:40 teacher pupil ratio per class and should
the school governing body prefer it at 1:26, then money should be found to pay extra teaching
staff.
25 Example of the UWC case.
26 In Gauteng, a school teacher was taken to court by parents for having administered corporal
punishment on their child. They won the case and the teacher lost the job.
27 “Fading face of government schools -how loss of facilities affect education”, Cape times, 04/12/97.
This is a news item comparing three different schools in terms of resources available to their
students and teachers and how it affects education and well-being
28 Examples of use of “Ritalin” news - story!!!
29 Example of unemployed graduates.
30 “Alarm over clubs ‘flooded’ by Ecstasy”, Pretoria News, March 17, 1998: p.5
31 **Chapter IX**
32 Weekly Mail & Guardian story
33 “Commission to probe crisis -ridden SANDF integration process”, The Sunday Independent,
01/03/ 1998: p.9
34 Ibid.
35 Example of heist stories
36 Example of Riemvasmaak landmines
37 “Intelezi” is a Nguni word for fusion of herbs used for cleansing purposes.
38 “Boom in child convicts”, Weekly Mail & Guardian, 04/07/97
39 “Dream of rehab turns to anarchy”, Weekly Mail & Guardian, 30/01/1998
40 Indigenous customary ways of addressing offending behaviour include family group
41 conferencing.
42 “Children in the cells of killers” - Citizen, 05/11/97
43 “Further shocks of kids in jail,” Weekly mail & Guardian, 30/01/1998
44 Ibid.
45 “Many children locked up in jail are there illegally”, The Star, 30/08/96
46 Ibid.
47 See simplified UN Juvenile Justice Instruments
48 “Child Labour”, SAAPAWU in Farmer’s Weekly, 07/09/1997.
49 Ibid.
50 A local television series “Emzini Wezinsizwa” captures this life.
51 In this case, African medicine is used in witchcraft.