



HEAR OUR VOICES



Save the Children

The South African Children's
Complementary Report to the
African Committee of Experts on the
Rights and Welfare of the Child |
South Africa

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**The South African Children's
Complementary Report to the African
Committee of Experts on the Rights and
Welfare of the Child | 2017**

SUBMITTED TO THE AFRICAN COMMITTEE OF
EXPERTS ON THE RIGHTS AND WELFARE OF
THE CHILD

In response to South Africa's Second Country
Report to the African Committee of Experts on
the Rights and Welfare of the Child regarding the
implementation of the African Charter on the
Rights and Welfare of the Child

30 June 2017

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Save the Children



**Nelson Mandela
CHILDREN'S FUND**



CHANGING THE WAY SOCIETY TREATS ITS CHILDREN AND YOUTH

WE CAME FROM ALL OVER SOUTH AFRICA TO TALK ABOUT THE RIGHTS OF CHILDREN

We, the delegates who took part in the National Children's Consultation Workshop, are pleased to present the very first Children's Complementary Report to the African Committee of Experts on the Rights and Welfare of the Child (ACRWC, "The Committee").

This children's report includes concerns which we, as children, have in South Africa. It reflects our views and experiences. It also takes into account what the South African government has done to make sure all children can enjoy the rights as stated in the African Charter on the Rights and Welfare of the Child.

We came from many different parts of South Africa: from urban and rural areas, from different socio-economic backgrounds and cultures. Among us were children with disabilities, children from single-parent families, children who have been abandoned by fathers, children who are in places of safety, children who experienced abuse, violence and crime; and children from very poor backgrounds.

All of us have our own hopes and dreams for the future. We all want to be successful and contribute to our families and communities in a positive way. We want to help make our homes, schools and community a better place.

We thank Save the Children South Africa, the Nelson Mandela Children's Fund and Molo Songololo for creating the opportunity for us, as representatives of South African children, to get together and engage each other on issues that affect us as children. We thank the facilitator, particularly the NMCF ambassadors, for creating a fun and interactive environment, which enabled us to engage with each other and produce this report.

The title of our report is HEAR OUR VOICES. We hope that our voices will be heard and considered by the Committee and by South Africa's government and society.

The italic text in the report indicates direct quotes from delegates and contributors to this report.



We came from many different parts of South Africa; from urban and rural areas, from different socio-economic backgrounds and cultures. Amongst us were children with disabilities; children from single parent families; children who have been abandoned by fathers; children who are in places of safety; children who experienced abuse, violence and crime; and children who are from very poor backgrounds.”

Children formulating their responses to the government's report at the National Children's Consultation meeting, May 2017.



INTRODUCTION

The Children’s Complementary Report from South Africa is directed to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in response to the South African government’s Secondary Country Report to the ACERWC regarding the implementation of the African Charter on the Rights and Welfare of the Child.

Save the Children South Africa (SCSA), in collaboration with Nelson Mandela Children’s Fund (NMCF) and Molo Songololo, held a National Children’s Consultation Workshop on the 27 and 28 May 2017 in Pretoria. Its primary purpose was to facilitate children’s discussion, and to support and guide them to produce a Children’s Complementary Report to the ACERWC.

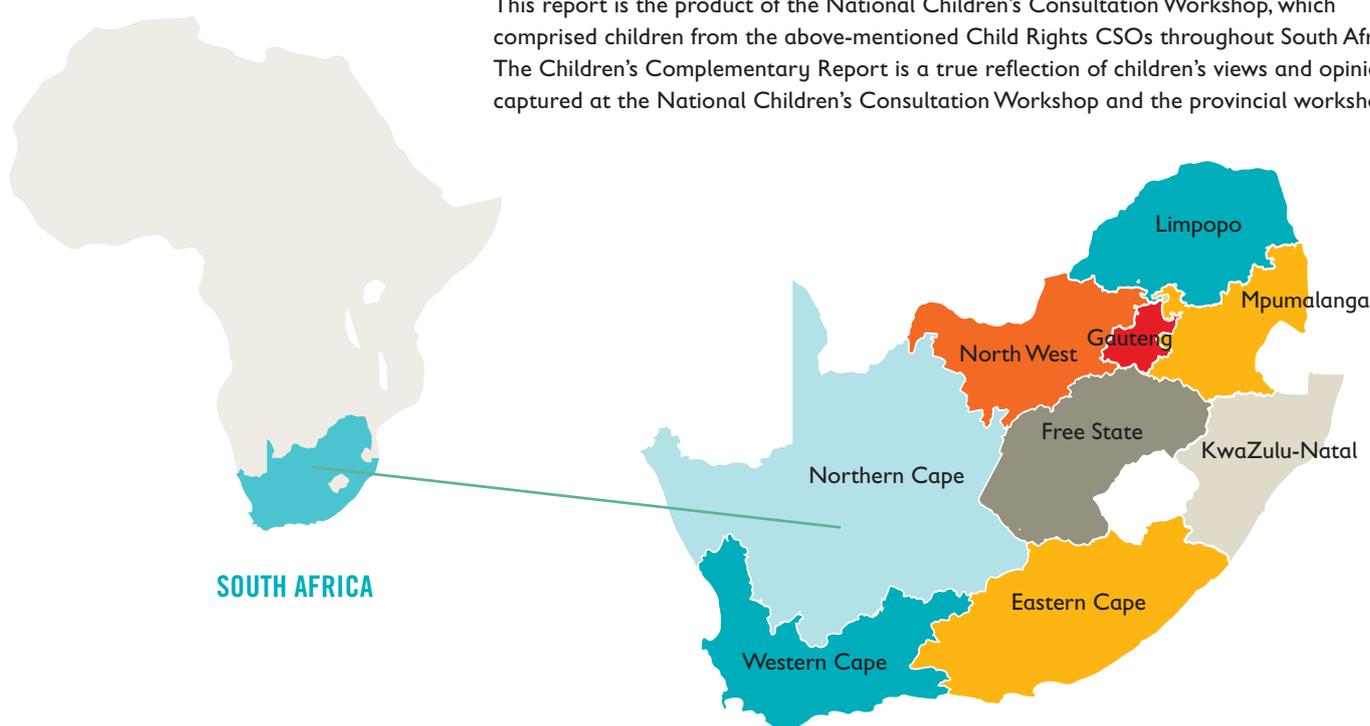
In total, 107 children (53 boys and 54 girls) aged 12 to 17 years (with four 18-year-olds) from all nine provinces of the country attended the workshop. Child Rights Civil Society Organisations (CSOs) in collaboration with children from the different provinces identified, elected and nominated children to participate in the National Children’s Consultation Workshop. Table 1.1 presents the total number of child delegates per province, and Child Rights CSOs.

Unfortunately, white and Indian children, who make up a sizable portion of the child population of South Africa, were not well represented at the National Children’s Consultation Workshop.

No.	Province	Child Rights CSOs
11	Eastern Cape	Umtata Child Abuse Resource Centre
10	Free State	Save the Children
20	Gauteng	Kids Haven and Save the Children
10	KwaZulu-Natal	KwaZulu Region Christian Council
24	Limpopo	KG Maluleke Memorial Disability Integration & Save the Children
11	Mpumalanga	Save the Children
11	North West	SOS Children’s Villages Rustenburg
6	Western Cape	Molo Songololo
11	Northern Cape	Nelson Mandela Children’s Fund Child Ambassador

Table: 1.1 Total Number of Child Delegates, per Province, and Child Rights CSOs

This report is the product of the National Children’s Consultation Workshop, which comprised children from the above-mentioned Child Rights CSOs throughout South Africa. The Children’s Complementary Report is a true reflection of children’s views and opinions captured at the National Children’s Consultation Workshop and the provincial workshops.



APPROACH AND PROCESS

The National Children's Consultation adopted a child participatory approach to empower and engage children. The organising workshop team, under the leadership of SCSA and Molo Songololo, created an interactive environment to enable children to share their views freely, experiences and opinions on child rights issues. This made it easy for children to freely share their views and make specific, concrete recommendations on what should be done to improve the situation of children in South Africa.

To ensure accurate recording of children's views, the organisers established a facilitation team comprising Project Officers from SCSA and Children's Ambassadors from NMCF. Molo Songololo led and facilitated the workshop, supported by the facilitation team. In addition, SCSA secured a professional videographer to capture the proceedings.

The NMCF ambassadors and SCSA facilitators captured the main collective ideas and opinions of the child delegates on paper. Notes from child delegates' group discussions and presentations during plenary sessions were captured.

REPORT DRAFTING GROUP

Each province elected two child delegates to form a report drafting group to ensure that the views and opinions of delegates were properly captured and represented in the report, and to approve the final report.



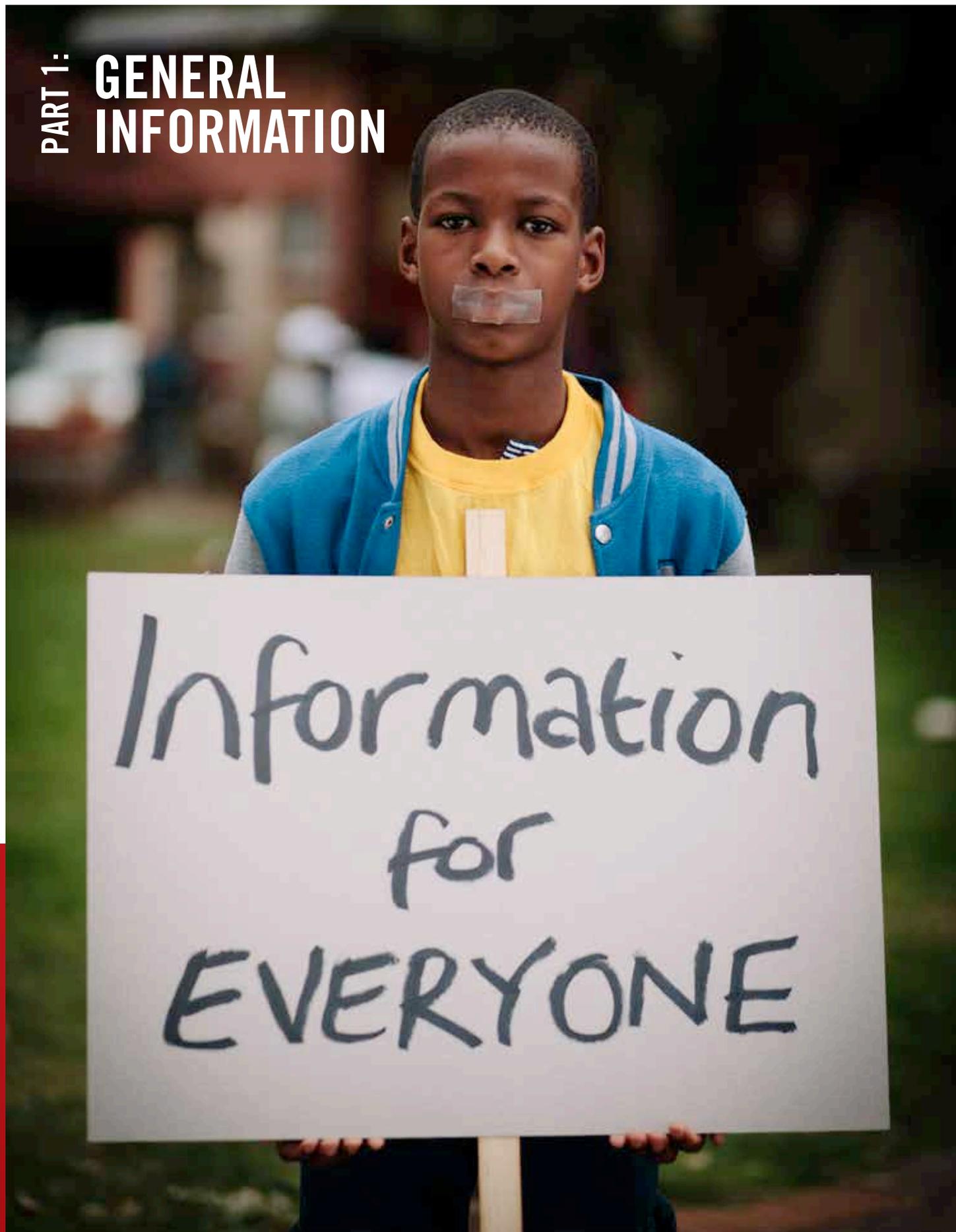
Save the Children South Africa (SCSA) in collaboration with Nelson Mandela Children's Fund (NMCF) and Molo Songololo held a National Children's Consultation Workshop on the 27th to 28th May 2017 in Pretoria.

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PART 1: **GENERAL
INFORMATION**



The South African Government has a duty to report to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on its progress to ensure that all children in South Africa enjoy their rights as stated in the African Charter on the Rights and Welfare of the Child (African Children's Charter). Its second report, covering the period May 2013 to May 2016, was presented in April 2017.

Children in South Africa are generally not aware of the African Union, its role and responsibilities. *"Some of us only know about the African Union from the organisations we belong to or from news reports"*.

They are also *"not aware that there is a special committee set up by the African Union"*, the African Committee on the Rights and Welfare of the Child. They *"don't know who the Committee members are or what they are supposed to do."*

Children generally do not know about the African Charter on the Rights and Welfare of the Child. They do not know that the South African Government has certain responsibilities to ensure that the African Children's Charter is implemented.

Those who are aware of the African Children's Charter have gained this knowledge from taking part in rights

education workshops held by children's organisations like Save the Children, Nelson Mandela Children's Fund, Molo Songololo and many other NGOs.

Delegates reported that *"we have not had enough time to be properly informed"* about the South African governments Second Country Report and its contents. Delegates also did not have the time to properly examine what the ACERWC said about the South African government First Country Report.

We thank Save the Children South Africa, the Nelson Mandela Children's Fund and Molo Songololo for creating the opportunity for us, as representatives of South Africa's children, to get together and engage each other on issues that affect us as children. We thank the facilitator, particularly the NMCF ambassadors, for creating a fun and interactive environment, which enabled us to engage with one another and produce this report.

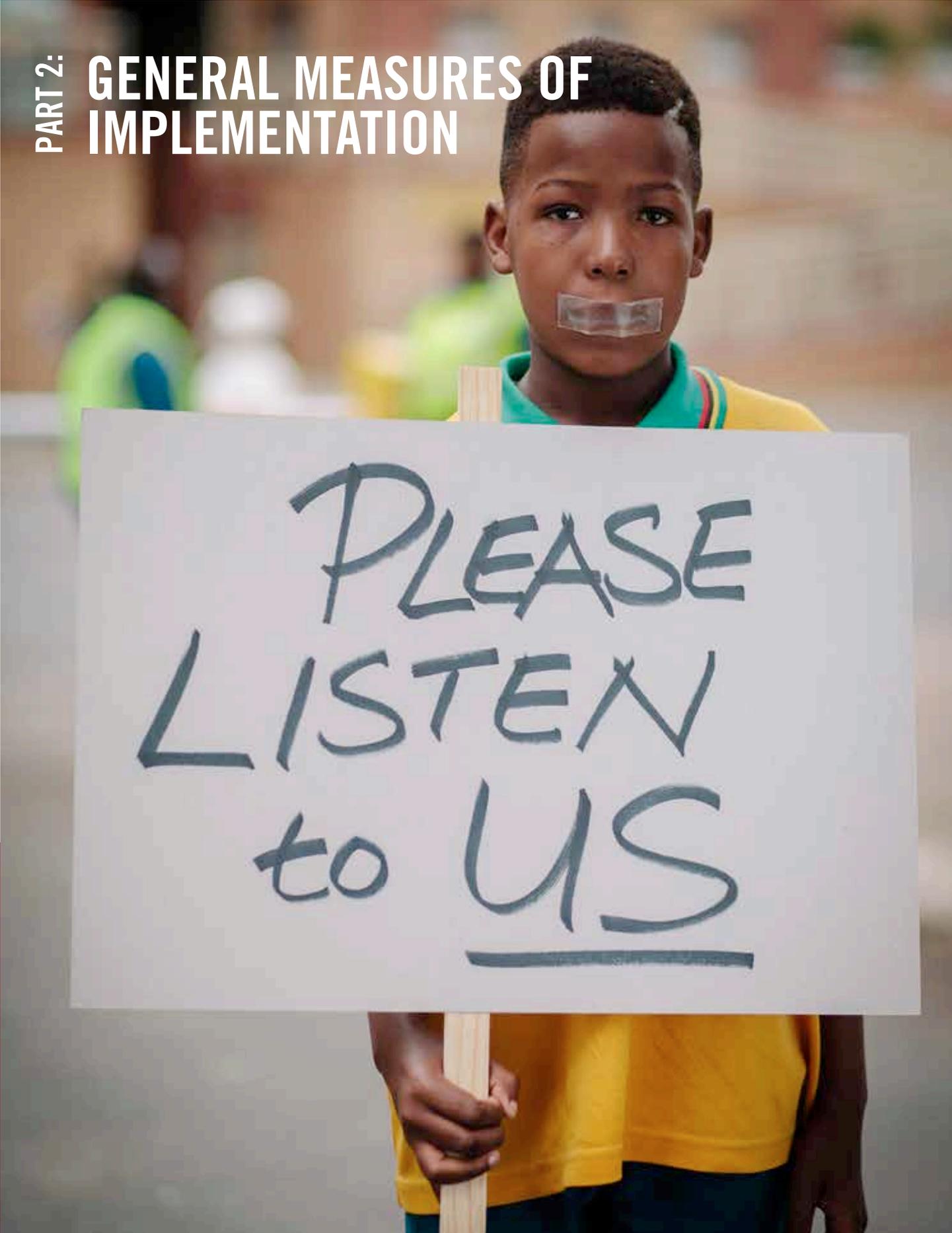


National Children's Consultation meeting, May 2017

“The South African government needs to make sure **all children can enjoy their rights as stated in the African Charter on the Rights and Welfare of the Child”**



PART 2: GENERAL MEASURES OF IMPLEMENTATION



PLEASE
LISTEN
to US

2.1 CONSTITUTION, LEGISLATION AND POLICY FRAMEWORK

The South African government must take all the necessary steps to adopt laws or other measures, as may be necessary, to implement all the rights of the child and duties of government stated in the African Children's Charter.

The delegates acknowledged that "there are many laws, policies and programmes in South Africa that promote and protect the rights of the child". These laws and policies make special provision to ensure that children are properly taken care of and protected from abuse and exploitation.

Delegates further noted that although children generally benefit from these laws, policies and programmes; the issue is that the laws and policies are not properly implemented. They stated that there are many situations and incidents "in our communities where children's rights are being violated, and the laws are not implemented", such as children who:

- do not have birth certificates or are unable to get them;

- are not in school, who are expelled and are not followed-up to return to school;
- do not enjoy proper nutrition and who are hungry;
- do not have access to health care, medicine and treatment;
- are homeless and living on the streets, in backyards and open spaces;
- bullied, abused, exploited and victims of violence and crime.

Inequality, treating people unfairly, low wages, unemployment, dropping out of school, lack of services and lack of access to services remain big problems for children in South Africa. Over 60 percent of children (mainly black children) are poor and experience various difficulties that endanger their survival.

2.2 INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF THE RIGHTS AND WELFARE OF THE CHILD

Most delegates were not aware that there is a special framework or body set up to coordinate and promote the rights of the child in South Africa.

South Africa's president abolished the Department of Women, Children and Persons with Disabilities in 2014. The Department of Social Development is now responsible for coordinating, monitoring and protecting the rights of children. Delegates are worried that the Department of "Social Development have to deliver social services to children in need, administer social grants, and coordinate the monitoring and protection of children". Delegates do not think the Department can do this effectively.

The South African Human Rights Commission has appointed a commissioner to address children's issues, but most children

"have no idea about the SAHRC, who they are or what they are supposed to do". Delegates did "not know who the Commissioner is and what the job is of the Commissioner".

The delegates noted that the ACERWC's recommended that the South African government give serious attention to setting up a monitoring body on the implementation of children's rights. In its report, "the government did not mention any plans to set up an ombudsperson for Children".

Delegates called for the establishment of an ombudsperson for Children, or a Commissioner for Children.

2.1 RECOMMENDATIONS

- The South African government must ensure that the laws, policies and programmes for children are properly coordinated at the highest level, and implemented.
- All government departments must work together to ensure that all state officials know and understand child rights, implement them properly and are held accountable to do so.
- The South African government must ensure that all children are taught in primary and high schools about the laws concerning and affecting children.
- The government must work together with NGOs, children's groups, community groups, the media and social media to inform and educate children about the laws, policies and programmes that concern and affect them and monitor how they impact on children's lives.
- The government and parliaments (national and provincial) must include children in the law and policy making processes.

2.2 RECOMMENDATIONS

- The South African government must setup an effective national body in government at the highest level to coordinate the promotion, implementation and protection of the rights and welfare of the child; and consult with and involve children.
- The South African government must establish a national independent ombudsperson for children, or a commissioner for children. The ACERWC must set a deadline for the South African government to do so.
- The "ombudsperson for Children must be considered and set up immediately. It is the most important subject". The ombudsperson or Commissioner "must promote children's rights, report on the problems children experience, involve and consult with children". Children must be able to "complain and report their problems".

2.3 RECOMMENDATIONS

- *The South African government must “spend money more wisely by focussing on the education sector, health sector, housing; public transport, community sport, recreation and educational facilities; and jobs for parents and young people”.*
- *“Train more qualified and skilled social workers, teachers, police and community workers”; and monitor their progress and development.*
- *The government must make sure that there are “school health workers and counsellors in every school and that every community has a special centre and programme to help and support children”.*
- *Children in poor rural and urban areas “need reliable, cheap and safe transport to and from schools” and to public facilities.*
- *Government must make more funds available for “public recreational, sports and educational facilities” and make sure that these facilities are open and available to children at appropriate times. “In some of our communities libraries are open just for a few hours on Saturday morning and community halls are mainly used by church groups”.*
- *The government must make sure that “government funds and social grants are not abused by officials and ministers, and that people do not cheat the Government of its money”.*

They want an independent person or office to keep an eye on children and monitor how government and society are implementing and protecting children’s rights. They stated that the Commissioner for Children must “protect them from their rights being violated”. Delegates want the

special ombudsperson or Commissioner to “talk on the ground with street committees, community leaders, youth structures, counsellors and learners at schools”, to “stand by them” and be “someone who has experience of the struggle we as children face.”

2.3 BUDGETARY ALLOCATIONS AND ACTUAL EXPENDITURE

The South African government’s report sets out the increases it has made to budgetary allocations for children. However, delegates pointed out that the South African Government needs to provide more and/or better quality services. They felt that improved planning and resource allocation processes are necessary.

Delegates were concerned about government “spending money on teachers who are not at school and teaching” and “funds that go missing and that have been abused by corrupt officials”.

radio about “money that has not been spent, and the spending of large sums of money on meetings, travel and road-shows of officials and ministers”.

They noted that children generally do not have information on how much money the government has to spend on children, “we do not take part in any decisions about budgets and on what the money must be spent.

They also noted that corruption, people cheating (*defrauding*) the South African government, are taking money from children and preventing children from enjoying their rights. “What gets budgeted and allocated for children does not all get spent on children”.

The delegates also said that they hear a lot in the newspapers, on TV news and on the

“Children in poor rural and urban areas need reliable, cheap and safe transport to and from schools”

2.4 DISSEMINATION OF THE AFRICAN CHILDREN'S CHARTER AND PREVIOUS CONCLUDING OBSERVATIONS

All delegates at the National Children's Consultation received a copy of a booklet on the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child, produced by Save the Children. For many it was the first time that they received any material about the African Children's Charter.

During report back sessions, delegates agreed that many "children know their rights but are not aware of their responsibilities". They also said that "children are not educated

enough about their rights". The delegates further agreed that "children should be educated more about their rights so that they can protect themselves."

2.5 ALLOCATION OF RESOURCES

The government highlights in its report that the National Budget Plan 2015 budgeted an additional 7.9% per year on children's services, over the following three years. However, adequate planning and oversight are necessary to ensure the effective allocation of resources for children.

Delegates said that "the Government is not doing enough to prevent poverty and inequality". They said that children in poor urban and rural communities do not have easy access to information, resources or opportunities. They noted that some schools, libraries and community services get vandalised and resources are stolen and damaged.

The delegates want to see changes in the fees system in education. They are worried about how they "are going to pay admission fees, college and university fees". Many parents are unemployed. Others earn low wages and are not able to pay school fees. "Principals and teachers put pressure on learners when their parents can't afford to pay school fees."

2.4 RECOMMENDATIONS

- The South African government must ensure that "every child in every school know and understand the African Children's Charter", and it must be included in the school work of learners in primary schools, in high schools, and at colleges and universities.
- The media (TV, radio and print) must be used to help create awareness about the African Children's Charter. "Awareness messages on social media for children, teenagers and adults must be published regularly."
- The South African government must ensure that all social workers, police, health workers, court workers, educators and community workers know the African Children's Charter. "All those working with children must be educated on the rights of children," and on how to implement and protect the charter and fulfil their duties and their accountability to children.

2.5 RECOMMENDATIONS

- The government must give priority, and allocate more resources, to developing under-resourced, poor rural and urban communities, improve housing, schools, facilities, roads, street lights and remove outside toilets in informal settlements and relocation camps.
- Government must spend more on resources, and ensure their proper management, to improve school facilities and materials, as well as the quality of the learning, teaching and teachers in poor rural and urban communities.
- Government must provide "more health, social and support services to poor communities and should provide more bursary and learnership programmes for learners from poor families and backgrounds".

2.6 RECOMMENDATIONS

- All professionals must be educated about the rights of the child. They must know and understand their duties and responsibilities, and must be screened to check if they are fit to work with children.
- Only screened, skilled and trained professionals/workers must be assigned to work with children. “They must know and understand the challenges teenagers face” and must have knowledge about how to support and work with teenagers in different settings.
- Improve the training and skills of teachers. Delegates want teachers to be trained in how to talk about sensitive topics with learners, about technology, child/youth development needs; as well as knowing how to teach different age groups.

2.6 TRAINING OF PROFESSIONALS WORKING WITH AND FOR CHILDREN

The government’s report details training programmes on children’s rights and laws aimed at various professionals, including social workers, child and youth-care workers and court clerks. Delegates gave examples of where professionals did not seem to be aware of children’s rights, based on the way they treated children.

Delegates expressed their mistrust in some officials and professionals working with and for children. They stated that “teenagers cannot go to the clinics because they feel judged”. They also stressed that the clinics and services are usually not ‘child-friendly’ or suitable for young people.

Delegates felt strongly that “they are not comfortable to speak to the adults about sensitive topics, such as sex” especially adults who “look down on us and who think we just want to have sex”. A delegate stated that “healthcare workers punish and judge, when children need help, instead of making them comfortable and showing care.”

Delegates also raised concerns about police officers. They stated that many “are working with the criminals”. They stated that some police are poorly trained, especially those

in the charge offices. They feel that “trust in police should be reinforced and the acts of bribery and corruption must be put to an end”.

“Poorly-trained teachers are not good because the learners will have poor learning and will not understand what the teacher was talking about”. Delegates also expressed concern about the conduct of some teachers and how they humiliate and disrespect learners. They feel that some teachers should not be teaching.

Many professionals, such as teachers, health, community and youth workers and the police, are not screened or monitored as required by the Children’s Act and the Sexual Offences Act. They are not screened and checked against the Child Protection Register. This is one reason why “so many teachers are abusing children, and corporal punishment is still practiced in many schools”.

“Healthcare workers punish and judge when children need help, instead of making them comfortable and showing care”

2.7 STEPS TO MAKE THE PROVISIONS OF THE AFRICAN CHILDREN'S CHARTER WIDELY KNOWN

The South African government should ensure that people know about children's rights by raising awareness of the African Children's Charter. Some delegates at the workshop were not aware of the African Children's Charter and the specific rights it contains for children.

Delegates at the provincial consultation in Delft, Western Cape, said "it was our first time [in] hearing about the African Charter".

A delegate in Beaufort West stated, "No, we haven't heard about the African Charter yet, but we would like to, as it also helps children facing abuse. The Charter can also help other

organisations that deal with children and their rights being violated".

The delegates were not aware of any steps the South African Government has taken to make the provisions of the African Children's Charter known more widely.

2.7 RECOMMENDATIONS

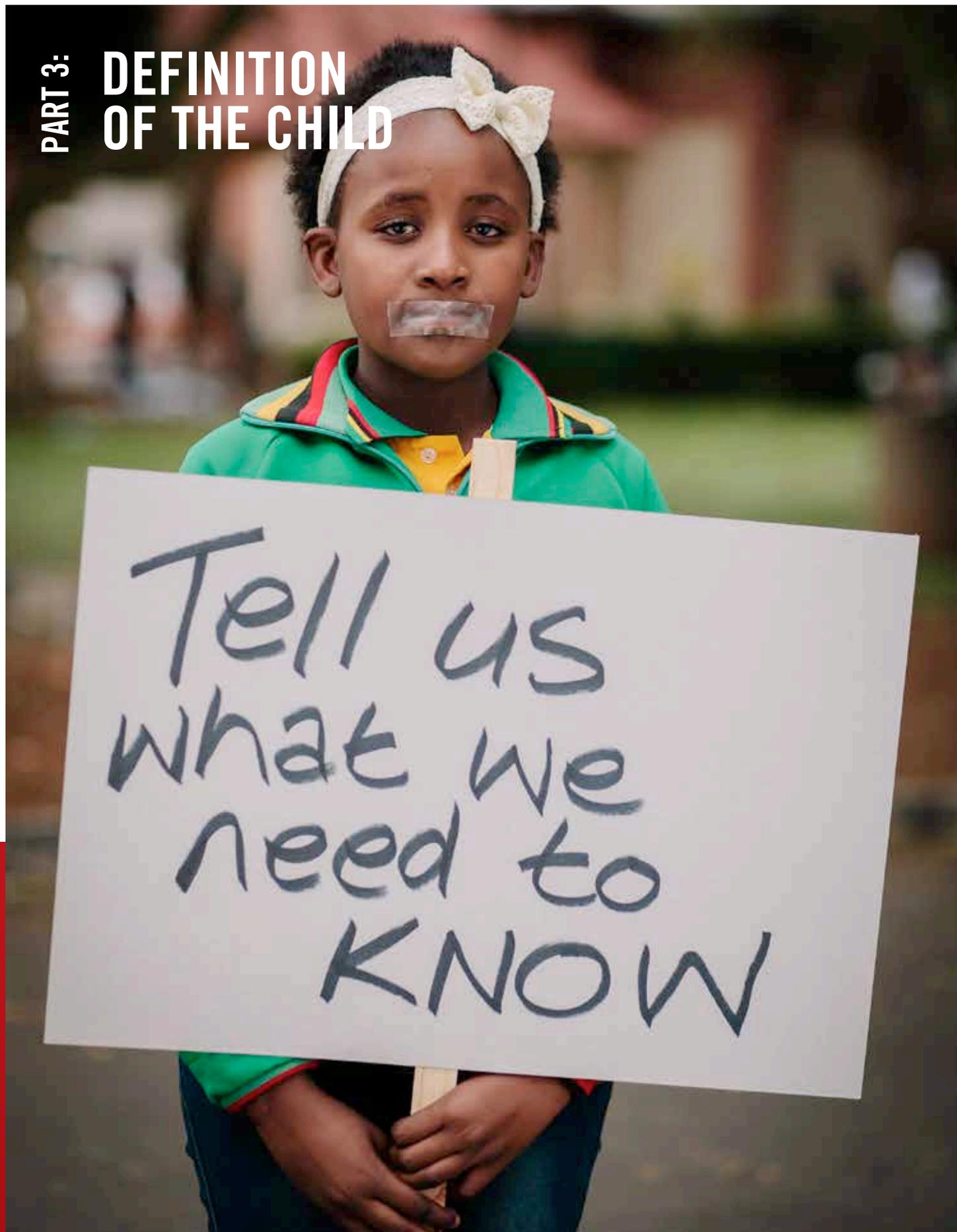
- All government officials and workers (health, social, education, police, etc.) who work with children must know about and understand the African Children's Charter and the special provisions concerning their focus areas.
- All schools must include the African Children's Charter in the schoolwork of primary- and high- school learners. The government must ensure that every child in school gets a copy of the African Children's Charter.
- Media campaigns for television, news papers, radio and social media must be produced to raise awareness of the African Children's Charter, especially around national calendar days and special child-rights events.

 **“All professionals must be educated about the rights of the child ”**



National Children's Consultation meeting, May 2017

PART 3: **DEFINITION
OF THE CHILD**



3.1 AGE OF MAJORITY

While a child is defined (by the African Children's Charter, South African Constitution, and the Children's Act) as any person below 18 years of age, there are laws which give different ages of capacity for children. The Committee has previously recommended that the government harmonise the civil, customary, and common law meaning of "child".

The delegates stated that this is very confusing for children. "The law says a child can have sex and babies from the age of 16 years," one delegate pointed out, "but the law

also says that you can be married from the age of 12 or 14 years, and that you can have access to condoms at 12 years - this is confusing."

3.2 AGE OF MARRIAGE

The ACERWC has recommended that the government must ensure the effective implementation of Article 21 (2) of the Charter, which prohibits child marriage and sets the minimum age for all types of marriages at 18 years.

Delegates at the Provincial Children's Consultation in Delft stated that children should choose for themselves when the time is right for marriage and sexual intercourse.

They noted that "children must abstain from sex until they are ready and capable of taking responsibility" for the consequences.

3.3 AGE OF SEXUAL CONSENT

As stated in the Government's report, Section 15 of the Sexual Offence Act was amended to decriminalise consensual sexual acts between children involving a child who is 12 or older but under the age of 16, and a child in the same age group or up to the age of 17, provided the age difference between the two children is not more than two years.

Delegates at the Provincial Children's Consultation in Beaufort West raised concerns that "if children under the age of 16 are allowed to have sex, it would encourage more teenage pregnancy". However, they acknowledged that "some children will have sex and that it is part of the normal sexual

curiosity and development" that all children experience

The delegates welcomed the the Constitutional Court decision that decriminalised consensual sexual acts between children of certain ages.

3.1 RECOMMENDATIONS

- The delegates agreed that 18 years must remain the legal age of majority. That means that at 18, a person is no longer considered a child.
- Children who reach the age of majority who might still need assistance and are not capable of making decisions and looking after themselves, must be supported and protected.

3.2 RECOMMENDATIONS

- Delegates want more done to "stop girls being forced to marry old men" through the practice of 'ukuthwala' and other forced-marriage practices. They want the practice of forced marriage in any form to be banned.
- The South African government must implement the recommendation of the ACERWC and set the minimum age for marriage at 18. Some delegates recommend that the age of marriage and age of sexual consent should be the same.

3.3 RECOMMENDATIONS

- More awareness and education about the sexual rights of children and the age of sexual consent are needed in schools and among the general public.
- The age of sexual consent and age of marriage need to be the same. Children must be encouraged to stay in school, finish their schooling and only consider marriage once they are over 21 years.
- Adults must be stopped from having sex with children and teenagers.

3.4 RECOMMENDATIONS

- The government must ensure that the records of those convicted under this section of the law scrapped and they are removed from the National Sexual Offenders Register immediately.

3.5 RECOMMENDATIONS

- Delegates agreed that customary law must be brought in line with the Constitution of South Africa and the Children’s Act, and the standards set by the African Children’s Charter.

3.6 RECOMMENDATIONS

- Provide more street lighting and improved community safety for children, as well as educational, sport, recreational and cultural activities and opportunities for children and teenagers in local under-resourced communities.
- Shebeens should be monitored and those who sell alcohol to children or to ‘clients’ who buy alcohol for children should lose their licences.

3.7 RECOMMENDATIONS

- The government, communities and parents must make sure that children attend school up to matric.
- The government must ensure that every school has a learner support teacher and counsellor who can follow up with children and get them back into schools.
- The government must raise more awareness of child labour, which is practised in local communities.
- Child labour inspectors must be trained on how to identify and investigate child labour

3.4 AMENDMENT OF SECTION 15 AND 16 OF THE SEXUAL OFFENCES ACT

See comments above in section 3.3.

3.5 AGE OF IMPACTING ON CUSTOMARY LAW

Delegates raised concerns about customs and traditions that are “outdated” and violate the rights of children. They feel that parents, elders and communities must be educated in children’s rights and that children should not be forced to engage in cultural practices against their will.

3.6 AGE OF ALCOHOL AND GAMBLING

Delegates expressed concerns about how easy it is for children to get access to alcohol. They said that “shebeens in their communities do not monitor the age of the young people that go there”. Children as young as 10 and 12 years of age start drinking alcoholic drinks.

¹ Informal licensed drinking place in a township – Oxford Dictionary Expression

3.7 MINIMUM AGE OF CHILD LABOUR

The Government’s report does not address the issue of child labour that occurs every day in local communities. Delegates stated that there are many children in their communities who are “out of school and who are forced to earn an income to survive, or to help the family”. Most of these children work in spaza shops, on taxis, hawking, collecting scrap, and helping in backyard businesses in local communities.

Delegates noted that “there are children who stand at traffic intersections and at shopping malls who beg”. Others are sent door to door. Young and older children are begging on the streets.

The delegates also expects that children are selling sex for money and goods. This is discussed further in section 8.7 dealing with child sexual exploitation.

3.8 MINIMUM AGE FOR CONSENTING TO MEDICAL TREATMENT AND HEALTH CARE

The legal age of consent to medical treatment is 12 years (as long as the child has the maturity and mental capacity to understand the risks, benefits and social implications).

However, the 2012 Integrated School Health Policy (ISHP), which outlines a range of healthcare services to be delivered through schools, provides that learners under 18 need the written consent of their parent or caregiver, although those older than 14 may consent to their own treatment.

This violates the right of 12- and 13-year-olds to consent to medical treatment. Delegates said that it is very confusing that the ISHP is not in line with the laws pertaining to children. One delegate asked, “What if you have a bad injury at 12 and want to make a decision but you can’t, do you have to wait until 18?”

3.9 MINIMUM AGE OF CRIMINAL RESPONSIBILITY

There are concerns about the minimum age of criminal responsibility, which is 10 and the retention of the presumption that a child who is 10 years or older but under the age of 14 at the time of the commission of the crime, lacks criminal capacity unless the State proves otherwise.

South Africa’s minimum age of criminal responsibility is below internationally accepted standards. The United Nations Committee on the Rights of the Child recommends that the minimum age of criminal capacity should be at least 12 years.

There is great confusion about when a child can be held criminally responsible for committing an offence. Many children believe that the age is 14 years.

Delegates from the Western Cape and those at the National Children’s Consultation stated that the minimum age of criminal responsibility is too low.

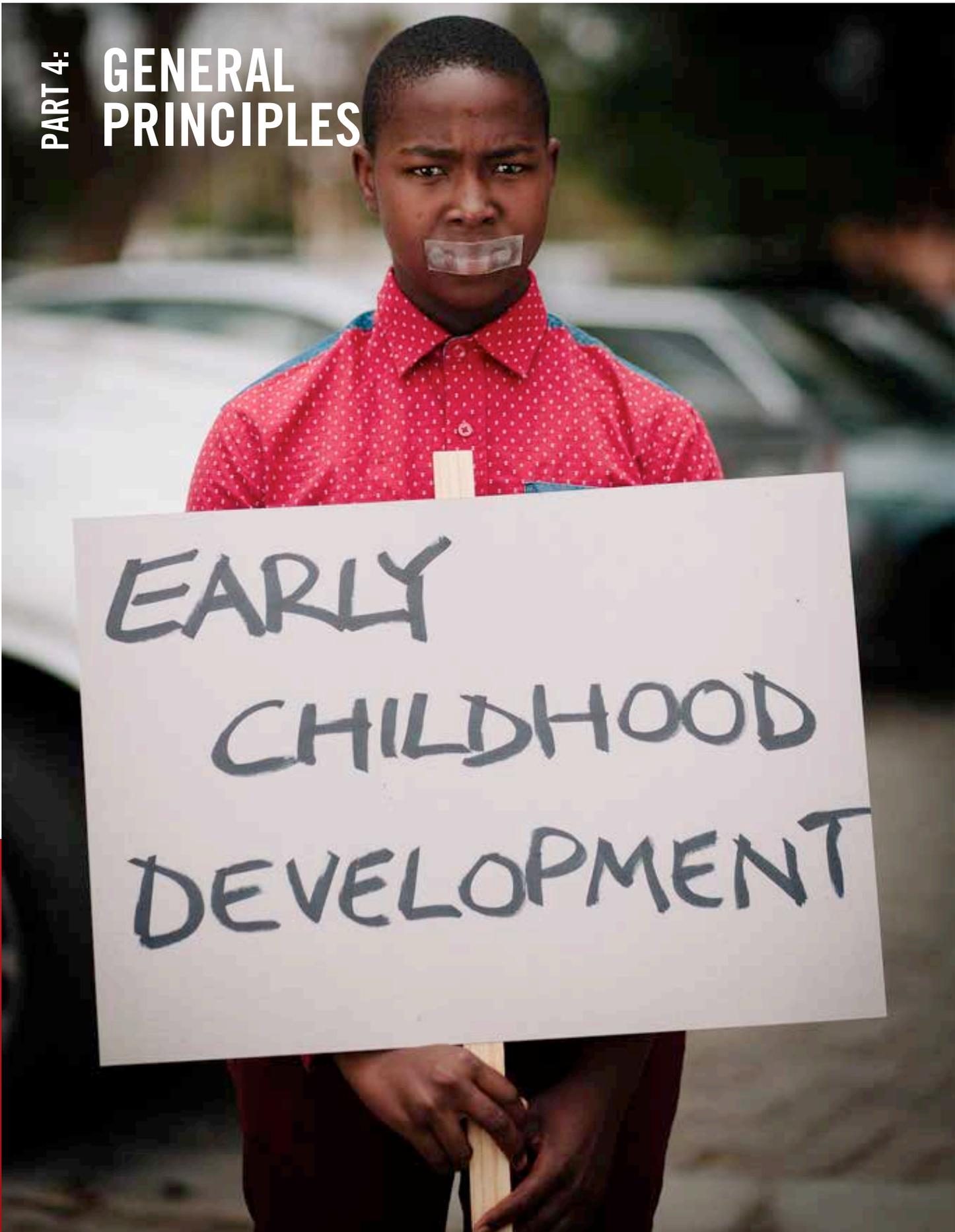
3.8 RECOMMENDATIONS

- The government must ensure that the Integrated School Health Policy does not discriminate and it must be brought in line with the laws pertaining to children.
- The government must make sure that children 12 years and older receive correct and suitable advice and counselling in their best interests concerning any medical care and treatment.
- Government must make sure that all health workers that work with or for children are aware of the rights of children and are properly trained and skilled to provide services to children and teenagers.
- Children who have been raped must be properly informed about their rights, services and treatment available to them. Those who become pregnant must be informed of the option of abortion.

3.9 RECOMMENDATIONS

- The South African government must raise the age of criminal responsibility to 12 years, in line with international standards.
- Government must ensure that all police know and understand the rights of children who are in conflict with the law and the procedures to follow.
- Government must create awareness that it is a crime to groom, encourage, use or force children to commit an act of violence or crime, and charge and prosecute those responsible.

PART 4: **GENERAL PRINCIPLES**



**EARLY
CHILDHOOD
DEVELOPMENT**

4.1 NON-DISCRIMINATION

The Committee has urged the South African government to improve the effective implementation of laws, policies, and practices through capacity building and training, to promote the equality of children in general, and of specific groups of children such as girls, children with disabilities, children from rural places, children in the street, child victims and witnesses of crime, and children from other marginalised groups.

When asked about times when they were treated differently, delegates in Beaufort West stated: “It has happened to me before. Kids at my school made fun of me because of the colour of my skin”; another said, “Yes, I was teased because of what happened in my past”. A delegates explained: “I was in a situation where I was harassed. When I went to school, the children looked at me and made fun of me. That ended up in me having a poor self-image and they wanted to break my self-esteem.”

Delegates from Delft said the following: “We are used to discrimination. It is how you take it personally. Some people discriminate – it is just the way they are. Some teachers make it difficult for pregnant learners, for example, if they didn’t do their homework.”

Delegates gave many examples of discrimination experienced by girls: “Girls

are judged, called names and teased because she wears short skirts and dresses”. One delegate said that “Discrimination is due to the environment. Adults discriminate against children they don’t like.”

Delegates agreed that, “Teachers who focus on the top students and neglect the slow and difficult students are discriminating against them”. Examples were how schools exclude certain children because of poverty, for not having a proper uniform, or on the basis of their parents’ social status, or for living in gang-infested areas.

Delegates explained that “street kids are discriminated against by the public, the community, the social workers, and the police and health workers”.

4.1.1 Girls

Delegates agreed that girls are treated differently from boys. Girls are more likely to drop out of school than boys and are less likely to be encouraged to achieve.

The delegates identified that girls are discriminated against when they menstruate. They are “treated like it’s a shame or sin to have your period”. Girls are teased and made fun of by their peers and teachers. Many teachers have no consideration “when you have to leave the classroom because you started to bleed” and force girls to sit down until class ends.

The delegates asked, “why are condoms free but girls have to pay for sanitary pads”?

The delegates agreed that girls face many challenges; such as “peer pressure and lack of privacy in home, schools and public places, and at clinics”. Delegates are very concerned about girls “being bullied by boys and taken advantage of by boys and men”, and the unfair treatment girls receive.

The delegates felt that gender discrimination remains a big problem in South Africa.

“The delegates asked, “why are condoms free but girls have to pay for sanitary pads”?”

4.1 RECOMMENDATIONS

- The government must make more effort to ensure that poor children are not discriminated against and marginalised due to inequality and lack of access to resources and opportunities.
- Government must ensure that its officials and workers do not discriminate against children in any way. They must put in place measures to check performance and consult with children.
- Principals and teachers must be properly trained and monitored on non-discrimination policies and practices for schools, work with learners, and not discriminate against poor learners.

4.1.1 RECOMMENDATIONS

- Government must ensure that all officials and workers dealing with children are trained and properly skilled in non-discrimination laws and policies relating to gender equality including empowerment of girls and women.
- Government must remove the obstacles that force girls out of school. Government must provide free sanitary pads to all girls at schools.
- “Boys and men must be educated to respect girls and women and treat them as equals.”

4.1.2 RECOMMENDATIONS

- *The government must make more resources available at schools, reduce class sizes, and provide adequate support materials and equipment to include disabled children.*
- *Government and communities must raise awareness of the needs of disabled children and provide local community support services and education, sport, recreation, and social and cultural opportunities for disabled children.*

4.1.3 RECOMMENDATIONS

- *The government and businesses must create more jobs and enable the creation of jobs and development in local communities.*
- *Government must ensure that all schools in poor areas are “providing learners with a nutritious healthy meal every day”. Alternative arrangements must be made during school closure.*
- *The government must “help and support local communities to develop food gardens to support community kitchens for children, teenagers and the elderly”.*
- *Government must ensure that its officials and “workers do not discriminate against poor children or treat them differently”.*

4.1.4 RECOMMENDATIONS

- *The government must create awareness of the rights of African and Asian foreigners and put into place programmes to fight against xenophobic attitudes and actions.*
- *There should be officials to check on xenophobia in schools.*

4.1.2 Disabled Children

Delegates raised the concern that “Disabled children are not included in public structures” and that “They are often ignored” and

neglected by government officials and workers. They noted that disabled children “are easy targets for bullies”.

4.1.3 Poverty affecting children

Most delegates are from poor families, communities and backgrounds. They all have first-hand experience of what it is like to grow up in poverty. Children in poor rural and urban areas experience hardships every day. For some, “Not having enough food to eat or not knowing when their next meal will be, is what they have to live with”.

in a stressed state.” One delegate explained that “poverty influences you in a negative way”. Another said that “Children who live in poverty have trust issues and end up having anger”.

The delegates noted that poverty impacts negatively on children, “traumatising children and creates a low self-esteem in them”. They say children become “anxious, and are always

Delegates further explained that poor children and teenagers are usually pushed aside and “lose friends because they can’t afford to do things that others do”. They agreed that “a person who has money will be treated fairly and a person who doesn’t have money will get poor attention” from service providers.

4.1.4 Treating foreigners differently

Delegates expressed concern that South Africans are treating African and Asian foreigners differently. They say that locals “blame foreigners for everything that goes wrong,

and for the behaviour of parents. One delegate stated that he “feels ashamed of what locals do to foreigners and what they believe in, as their mind-sets are discriminatory and xenophobic”.

4.2 THE BEST INTERESTS OF THE CHILD

In any action concerning a child, the child's best interests must be given priority and consideration. This includes family and community settings, and in court proceedings.

The Committee has recommended that the Government undertakes further appropriate steps to respect and to promote the principle of the best interests of the child, not only in law, but also in practice, and in all settings including in family and community settings.

Delegates were asked if they felt that adults and authorities take the best interests of children seriously. Delegates from Delft said, *"We don't agree. We are not taken seriously. When parents go through divorce, they don't consider the wellbeing of the child and the authorities just decide where children should stay, which is wrong."*

Another delegate stated that *"some adults only care about their own children and not the*

wellbeing of other children". Delegates agreed that adults don't *"take the right of children to be heard seriously"*.

Delegates stated that *"children are non-voters but does not mean they should not be taken into consideration when making decisions"*. They felt strongly that children should be consulted and that their voices should be heard.

They expressed concern about the courts that *"allow alleged offenders out on bail and offenders on early parole, without considering the best interests of child victims and the safety and best interests of any other children"*.

**Adults don't
"take the right
of children to be
heard seriously"**

4.2 RECOMMENDATIONS

- The government must ensure that all government officials and workers implement policy in the best interests of children at all levels of government.
- Courts and magistrates must consider the best interests of child victims and witnesses during the court proceedings and when considering bail and sentencing.
- Correctional Services must ensure that children's best interests are taken into consideration when granting early parole, parole and release of offenders.
- Victims of sexual assault and rape must be able to report the crime to an officer of the same sex and to be examined by a medical doctor or district surgeon of the same sex.
- Awareness and education on the 'best interests of children' to parents and communities.

4.3 RECOMMENDATIONS

- More support programmes are needed in every community for young mothers to empower them with regards to child development, health and nutrition.
- Child nutrition and health monitoring should be done regularly and include checks at crèches and schools, and home visits.
- “Abuse of social support grants by parents, loan sharks and those targeting the elderly, making them go into debt, should be prevented.” Regular, effective monitoring of children’s development, safety and wellbeing by social and community workers must be undertaken.
- “More local jobs should be provided for parents, including young mothers”, and unemployed fathers must be put on job programmes. “It must be compulsory for fathers to support their children.”

4.3.1 RECOMMENDATIONS

- Mothers must be encouraged to breast feed their children and “take their children to the local clinics to get baby food and so that the child can be monitored”.
- Teenage and young mothers and fathers in local communities must be supported by learning about parenting, child health nutrition and development, as well as about monitoring a child’s health and development.
- There must be shelters for teenage mothers who are homeless.
- Feeding schemes must be developed as job creation opportunities for mothers and fathers who are out of work.
- Effective sexual and reproductive health and educational rights programmes for teenagers at schools and in communities are needed to reduce unwanted pregnancies

4.3 LIFE, SURVIVAL AND DEVELOPMENT

Malnutrition is a serious problem in South Africa: the 2016 Community Survey found that 20 percent of households had run out of money to buy food in the previous 12 months. Over 60 percent of children in South Africa live in poverty. The government gives financial support (like social grants) to families to help them meet basic costs, like feeding and caring for a children.

The Committee has made recommendations that the Government takes various measures to protect children from violence that affects their right to life, survival and development; to reduce child mortality and malnutrition through effective deworming campaigns and supplying nutritional supplements, among other things; and to address road accidents by setting in place rigorous safety standards on drivers as a way of protecting children’s right to life.

Delegates noted that many parents and communities are struggling to care for children. They expressed concern that “our lives are at risk due to poverty, abuse and violence and lack of services and opportunities”. They agreed that parents are the main

caregivers but that “many fathers do not care for and support their children and mothers are usually alone in caring for children”.

Delegates are concerned by the high incidence of child deaths. They explained that “Every day and every weekend there is a young child buried in our communities”. This is because of illness, malnutrition, and crime - many are raped and killed. Some are shot and killed during gang fights.

Alcohol and drug abuse by parents have a negative impact on the life, survival and development of children. Some parents “use the social grants they get for their children to buy cigarettes, alcohol and drugs for themselves and their drug friends”.

4.3.1 Malnutrition

Many communities and schools have feeding schemes for children, which help to prevent malnutrition. Children who are dependent on school-feeding schemes usually do not access the feeding schemes when they on school holidays.

Many children lack a balanced, nutritious diet, especially older children who do not access food from the feeding schemes. These children are usually left to fend for themselves as their “mothers are not working or are earning very little, and their fathers are not contributing.”

Older children also feel “ashamed to let their peers know that they get food from the feeding schemes, and would rather stay hungry and not go to collect the food”.

One delegate explained that “Sometimes I don’t know when I am going to eat, or what I am going to eat”.

The delegates felt strongly that “having babies far too early and not having support from fathers to pay for the care of their children” also impact on children’s survival.

“Sometimes I don’t know when I am going to eat, and what I am going to eat”

4.3.2 Substance Abuse

This is a big problem. Many drugs are easily available and are cheap. Children use and abuse drugs for many reasons. Because of *“curiosity and experimenting, bullying and peer pressure, stress and family neglect, poverty, and community and social influence”*. And because of poverty: *“Substance abuse can be caused by poverty. Learners are hungry. Young kids are hungry. Poverty can push them to do things they didn’t want to do.”*

Children are often used by parents and other adults in their neighbourhoods to buy alcohol and even drugs. There are also gangsters who target children and give them alcohol or drugs to groom them. Drugs are also used to force children into sexual exploitation.

“Substance abuse can be caused by poverty. Learners are hungry. Young kids are hungry”

4.4 RESPECT FOR THE VIEWS OF THE CHILD - CHILD PARTICIPATION

The delegates declared their right to express their views and opinions in matters that affect them, and said that their views should be taken seriously, and should be given importance and consideration.

The Committee has recommended that the government take all the necessary measures to keep a record of cases in which children were victims and witnesses and to assure children’s rights to express their opinion freely in all matters that affect them.

Many of the delegates had participated in programmes and activities where they felt that their views had been respected and taken into account.

The child participation projects include *“the SCSA; Equal Education; Nelson Mandela Children’s Parliament; Molo Songololo Child Advocacy Groups, Brighter Beginnings; drama and sports clubs; etc.”* The delegates stated that the experience gave them *“purpose, a voice and makes us feel empowered and heard”*.

Delegates also reported that in some of the activities they felt that bullied into agreeing or saying certain things by facilitators. They noted that parents and *“adults generally do not consider the views of children, or ask children what they think, want or need. Adults usually make all the decisions without considering how children feel.”*

Children not being consulted and being left out can lead to *“a break in trust, being pushed aside and a lack of belonging”*. Children can feel isolated and some even *“end up committing suicide”*. Delegates reported that young people *“feel like they are not being taken seriously at the clinics and hospitals. The nurses and doctors label them and insult them, instead of listening to them and helping them”*.

4.3.2 RECOMMENDATIONS

- *There should be more community activities for children and more educational, sports, recreational and cultural opportunities for children, especially in poor and drug-infested areas.*
- *School and community drug prevention and counselling programmes, managed and provided by skilled and trained community members, should be provided.*
- *Effective and appropriate life-skills and educational programmes are necessary to prevent drug use and abuse amongst teenagers.*
- *There should be effective safety measures and bullying and violence prevention activities at schools.*

4.4 RECOMMENDATIONS

- *The government must raise more awareness of children’s right to be heard and make sure that all government officials and workers respect the views of children and take them into account.*
- *Government must ensure that schools, principals and teachers are aware of the child’s right to express him or herself, and for children’s views to be heard and taken seriously. They must develop frameworks and programmes to realise these in a practical way.*
- *Parents must be informed and educated about respecting children and their views and opinions.*
- *Children must be informed and educated about taking responsibility to express themselves, and on how to make themselves heard.*

PART 5: **CIVIL RIGHTS
AND FREEDOMS**



5.1 CHILDREN'S CIVIL RIGHTS AND FREEDOMS

The government's report lists the relevant sections of the Constitution regarding the freedoms of expression, thought, conscience and religion, association, peaceful assembly and protection of privacy. However, details relating specifically to children and any progress or difficulties with advancing children's rights in these areas are not expanded upon.

The Committee has also urged the government to take all the necessary measures to ensure that asylum-seeking, migrant, and refugee children are not discriminated against and to avoid unnecessary barriers to accessing basic education, healthcare, child protection services, and birth registration services.

Children who are not registered at birth do not have birth certificates and have not been registered as South African citizens.

Children who are not registered at birth do not have birth certificates and have not been registered as South African citizens. This can mean that they face barriers in going to school or accessing healthcare and other services. Asylum seeking, migrant and refugee children often face such barriers.

Delegates stated that the rights to freedom of expression, thought, conscience, religion, association and assembly are often compromised because *"our parents and teachers decide when and how we express ourselves"*.

They noted that when they do express their views and thoughts freely they are seen to be *"rude, disobedient, full of it and too big for your shoes"*.

One delegate explained *"when you speak your mind, express your views when asked by a teacher or principal to do so, they often don't like what you say and don't respect your views"*.

Another stated that parents and teachers usually *"force children to join clubs and groups that they think are good for the children ... You are told you must go to church, play soccer or netball, etc."*

5.2 PRIVACY AND CONFIDENTIALITY

Lack of privacy and confidentiality is a big challenge for children, especially teenagers. Many children *"live in overcrowded homes sharing beds and rooms with other family members and attend schools with over 40 children in a classroom"*.

Delegates felt that *"Parents, and sometimes teachers, don't believe that children need privacy. Parents become suspicious when you want to be alone, have your own private things, and even when you write in your diary. They think "you are up to something"*.

They stated that social workers, teachers and police do not respect children's confidentiality. *"They tell your parents and even speak about you to members of the community. It is unprofessional. Now everyone*

knows your business".

They raised concern about the mistrust many teenagers have regarding health professionals at sexual health clinics.

Delegates noted that sexual and reproductive health rights, education and services for teenagers are important, but raised concerns about the mistrust many teenagers have regarding health professionals at sexual health clinics.

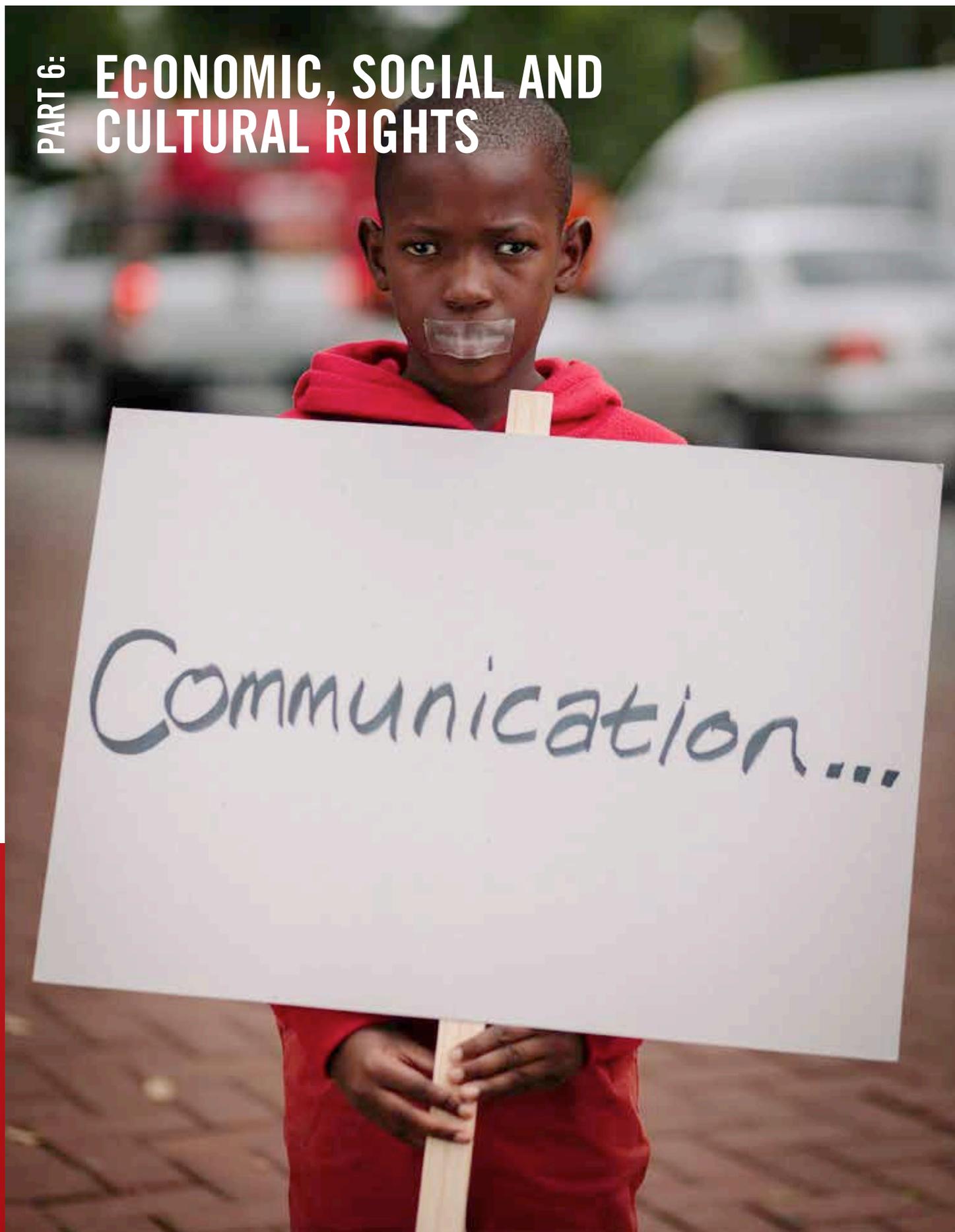
5.1 RECOMMENDATIONS

- The government must ensure that all government officials and workers are trained and properly skilled to work with children and are able to help children enjoy their civil rights and freedoms – freedom of expression, association and participation.
- There is a need for information and education *"for parents and community members on how to listen to children and on respecting the views of children"*.

5.2 RECOMMENDATIONS

- The Government must ensure that all government officials and workers respect the privacy and confidentiality of children, and provide opportunities for children to enjoy these rights.
- Children in places of safety must have their needs for privacy and confidentiality considered.
- Parents and caregivers must be educated on why children's privacy and confidentiality are important and how it can boost children's moral and confidence.

PART 6: ECONOMIC, SOCIAL AND CULTURAL RIGHTS



6.1 RIGHT TO EDUCATION

Education is vital. The South African government report stated that it is ensuring access to high-quality teaching and the provision of support materials.

Delegates agreed that, although some schools are doing well and have resources and get good pass rates, many schools “are struggling, where teachers are not coping and where very little education is happening”.

Delegates confirmed that most schools in poor rural and urban areas are not doing well. “The teaching and learning is not of a good quality in many of our poor schools.” They said that in their schools there are “a lack of qualified teachers, books, libraries, stationery and lack of variety of subjects”. Many schools do not have computer labs or science labs.

Transport to and from school is also a big challenge. Those living far from school have to travel long distances to and from school.

Delegates said that many “schools are overcrowded; teachers mistreat children; there is lots of racism in the schools; teacher absenteeism and a lack of extra-curricular activities at school”.

Delegates stated that it looks if the Government is prioritising previously white

schools and schools that are well resourced as they “have not seen an improvement in the quality of education in our schools”, except that some received a new school hall.

They noted that over 50 percent of children don’t complete their schooling and raised concern about the high dropout rate. They agreed that there are many “children out of school and who roam around and do nothing, using drugs and become gangsters”.

“Teachers are not supported,” delegates maintained. “Many lack the willingness and the passion to teach and are not equipped or know how to use creative teaching methods and techniques”. Delegates also reported that many teachers are not assessed on their teaching performance in the classroom, though some reported that teachers at schools which get extra support and workshops to improve their teaching are more creative, supportive and work well with learners.

“Many schools are struggling, where teachers are not coping and where very little education is happening”



6.1 RECOMMENDATIONS

- Teachers and learners need smaller classrooms. There must not be more than 30 learners in a classroom. Classrooms that are broken and damaged must be fixed.
- Teachers must be monitored and it must be ensured that they are registered and screened and fit to work with children.
- Teachers who are alleged to have committed, or who have been found guilty of committing, sexual offences or corporal punishment against a learner must be suspended immediately.
- Teachers must be monitored and evaluated on their teaching method and techniques. They must be educated and trained in the new child law framework, as well as how to carry out alternative discipline.
- Teachers must be supported and motivated to refresh their passion and commitment for teaching.

6.2 RECOMMENDATIONS

- *Effective sexual and reproductive health and rights programmes must be introduced in primary and high schools.*
- *It must be ensured that school nurses and learner support workers are knowledgeable in teenage sexual and reproductive health rights and have the skills to engage with children, and that they are screened and monitored and have appropriate resources to inform and educate teenagers.*
- *Ensure that learners have ease of access to free sexual and reproductive health products such as sanitary pads, condoms as well as related information.*

6.3 RECOMMENDATIONS

- *Government must ensure that no children in schools are not subjected to corporal punishment.*
- *The government must raise awareness about the law, that it is illegal to practise corporal punishment in schools and institutions.*
- *The government must implement programmes and support teachers to properly manage classrooms, teaching and disciplinary measures.*
- *Teachers and learners need to know and understand what alternative disciplinary measures are in place and how to administer these, and how to deal with unruly and bad behaviour.*
- *Learner-friendly measures must be put in place at schools to report cases of corporal punishment.*

6.2 PREGNANT LEARNERS

The government stated in its report that it continues to guarantee access to education for pregnant girls. However, this seems not to be so for most pregnant learners.

Most pregnant learners are forced out of school. They are “made to feel ashamed and disgraced by the family and school”. Some schools have programmes in place to allow pregnant learners to continue with their studies and write their exams.

Many schools and communities, however, do not have support programmes in place for these girls “to be able to deal with their

pregnancies, their circumstances and the futures of their babies”.

Girls who become pregnant are often abandoned by the boys or men who impregnate them. Once they hear the girl is pregnant they disappear. Also, families and communities “put pressure on the boys and men, even rapists, to pay damages” as compensation.

Most pregnant learners are “made to feel ashamed and disgraced by the family and school”

6.3 CORPORAL PUNISHMENT – IN SCHOOLS

This remains a big problem. Delegates reported that corporal punishment is still practiced in many schools - more so in primary schools than in high schools. They reported that “teachers are frustrated with teaching and the low pass rate of learners,” and that “teachers are stressed and then they hit children”.

In some cases parents still expect teachers to hit their children to discipline them. Several delegates indicated that they know of parents who “asked the principals to hit their

children”. All delegates agreed that corporal punishment harm children and that it must be stopped.

6.4 INCLUSIVE EDUCATION

Delegates reported that their schools do not make provision for children with disabilities or special needs, or for “children who are in the slow classes”; meaning children with learning difficulties.

The delegates are concerned that many “children are excluded from enjoying their rights to education due to government policies, and principals and governing bodies who limit children’s access to schooling”. They have concerns about the following groups of children:

Physically disabled children – although “some attend special schools there are many children who do not attend any school” because there is not enough schools.

Blind and sight-impaired children – some delegates stated that “children who are blind or who cannot see properly must be included” in normal schools.

Deaf and hearing-impaired children – delegates supported the proposal that “sign

language must be taught in all schools” so that deaf and hearing-impaired children can attend normal schools.

Displaced children – they are usually children displaced by poverty, natural disasters, violence or family conflict and schools do not want to accept them.

Children with albinism – delegates reported that these children usually drop out of school and do not get the support they need.

Refugee and migrant children – delegates reported that schools do not want to accept these children. Their parents and caregivers struggle to get them into school.



“The government must train teachers to teach and work with children with special needs in ordinary schools”

6.4 RECOMMENDATIONS

- The government must make more resources available for special schools for those children who are unable to attend the ordinary schools in local communities.
- The government must make resources available to equip ordinary schools to accommodate physically disabled children, children who need assistance, blind and sight-impaired children, deaf and hearing-impaired children, children with albinism, and children with special needs.
- The government must train teachers to teach and work with children with special needs in ordinary schools.
- Government must ensure that no child will be denied access to education due to the child’s status, family circumstances or for not having a birth certificate or other necessary documentation.
- Refugee children and migrant children must not be turned away from ordinary schools because of a lack of documents, or their status.

“We are not allowed to play outside - you never know when you’ll have to run when a bullet comes flying past your ear”

6.5 RECOMMENDATIONS

- Government, local municipalities and communities must make communities safe for children.
- More age-appropriate play and recreation facilities are needed for children, with special consideration for teenagers too.
- The government and communities must make communities safe for children.
- Government should encourage the provision of cultural, artistic, recreational and leisure activities for children in schools and in communities.

6.5 LEISURE, RECREATION AND CULTURAL RIGHTS

South Africa is made up of diverse groups of people with different cultures, traditions, languages, religions and beliefs. Play, recreation, taking part in cultural activities and learning about our cultures, heritage and those of others, are important for children and their development.

Many children grow up not knowing or understanding their own cultures or traditions. Schools often suppress children from practising and expressing their cultures and traditions. Others live in areas where violence and gang fights prevent them from accessing activities and facilities.

Children love to play and take part in sport. Unfortunately, many children live in areas where it may be dangerous to play sport at home. “We are not allowed to play outside,” one delegate said. “You never know when you’ll have to run when a bullet comes flying past your ear”.

Another delegated said that she is “only allowed to play outside on Saturday and Sunday

when the adults are home”. Many agreed that it is “far too dangerous to play outside with all the child abuse and abductions”.

Delegates generally agreed that most schools and communities in their areas do not provide adequately for them to enjoy the right to play and have leisure time, and that many spaces and facilities for teenagers are inadequate, unsafe or badly vandalised.

The delegates all agreed that they do not learn enough about their own cultures or that of others from their parents, schools or community because “everybody is busy trying to survive”.

6.6 HEALTH AND WELFARE

The government must ensure that children have the health care and medical assistance they need, and that sexual and reproductive health services are provided. The Committee has recommended that the government address child mortality, morbidity and stillbirths.

Many children and parents use the clinics and hospitals in the local communities, districts and provinces. Delegates expressed concern that “you have to walk a long while to get to the clinic and then you have to wait a long while before you see someone”.

Delegates could not understand why people must “stand in queues for a long while and wait for up to four hours just to receive their medication”. They also felt that some health professionals have attitude and behavioural problems and do not treat patients properly.

Teenagers mainly access clinics for their sexual and reproductive health needs. One delegate stated that “Some staff at the hospital are very rude towards us. They don’t believe us, it’s like they want to put words in our mouths. Some don’t even encourage us - they just judge us because of our skin colour”.

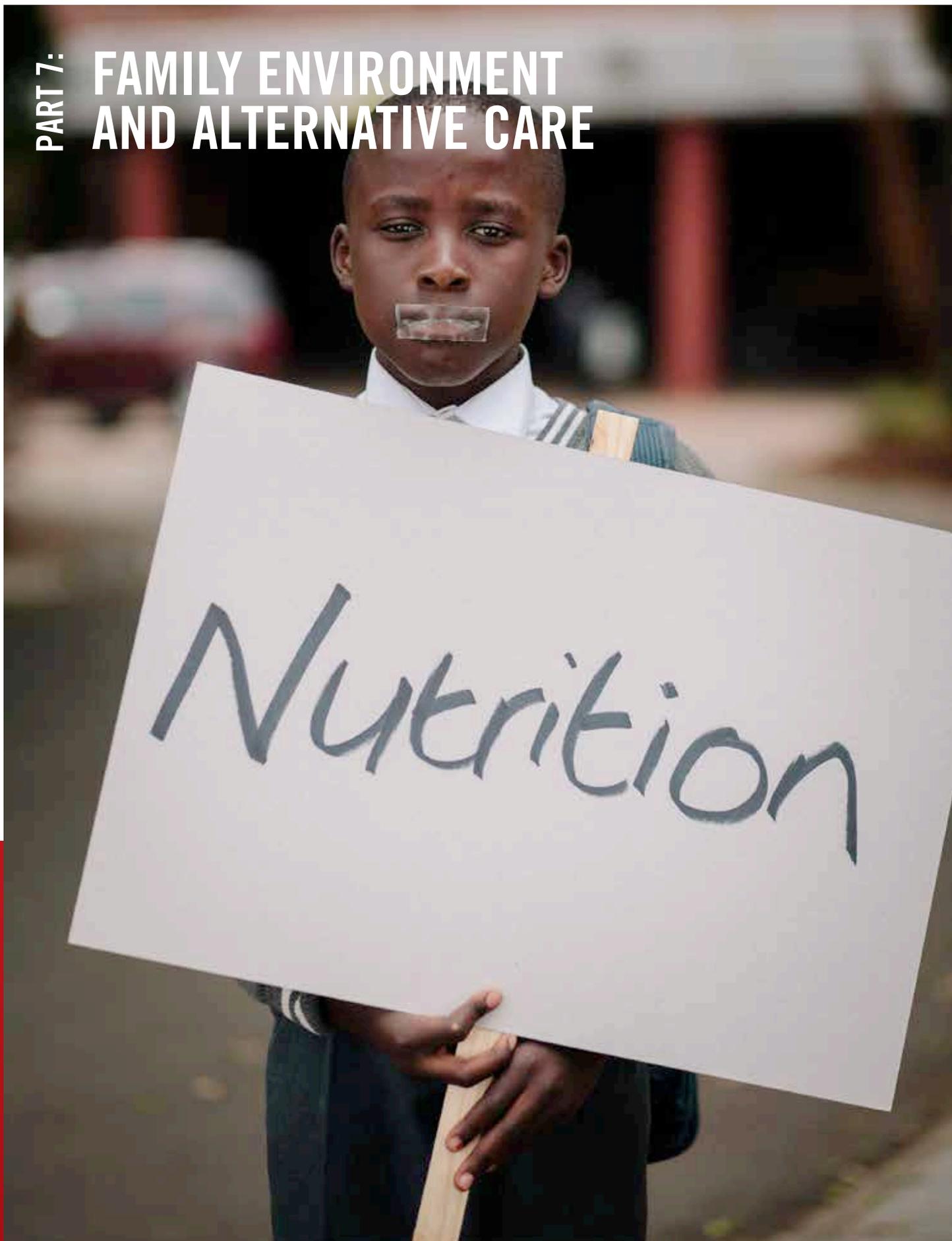
Another delegate stated that “young people have the right to go to the clinic or hospital to get more information on their bodies. Most are too scared to go because of what people will say, or they will find out about it – there is a stigma”.

“Some staff at the hospital are very rude towards us. They don’t believe us, it’s like they want to put words in our mouths”

6.6 RECOMMENDATIONS

- The government must ensure that all clinics and hospitals adopt a plan and take steps that can prevent people from having to spend the whole day at hospitals.
- The government must ensure that all municipalities and communities have effective sexual and reproductive health education and services designed for teenagers.
- The government must ensure that there are properly trained health professionals, and that their conduct and attitudes are child-friendly, teen-friendly and patient-friendly.

PART 7: FAMILY ENVIRONMENT
AND ALTERNATIVE CARE



7.1 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

In its report, the government emphasised the importance of strengthening families and mentioned issues such as absent fathers, teenage pregnancy, substance and drug abuse, violence against girls and women and HIV and AIDS. The government did not give any information on certain vulnerable groups, as required by the Committee's reporting guidelines.

The Committee expressed its concern that information on family environments and alternative care measures – which are critical for the development and monitoring of laws, policies and programmes – are not adequate.

Delegates stated that most children live in homes with only a mother. *“Many children grow up without their father. Some fathers have died, some are in jail, some have disappeared and many simply abandoned their children and are not supporting them.”*

Delegates identified *“poverty, financial crisis, unemployment and loss of jobs”* as the biggest

challenges families are facing. Others stated that men (fathers) who abandon their children, and who do not support their children financially, are the biggest challenges for families.

Another group of delegates identified alcohol and drug abuse, violence against women, domestic violence, child abuse and sexual violence in families, and HIV and AIDS as key challenges for families. Some also felt that *“teenage pregnancy is another challenge, with young women having two or three babies before reaching 21 years of age”*.

“Some fathers have died, some are in jail, some have disappeared and many simply abandoned their children and are not supporting them”

7.1 RECOMMENDATIONS

- The government must ensure programmes and take steps to inform and educate boys and men about parental responsibilities and gender relations, and ensure that men contribute financially towards supporting their children.
- Boys and men must be taught about birth control and safe-sex practices and the consequences of unprotected sex and unplanned pregnancies.
- Single parents must be supported and have access to support services for parents and their children.
- Children in need of alternative care must have their best interests considered and must be integrated into alternative families and community life.

PART 8: PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS



“We live in **fear** all the time”

8.1 PROTECTING CHILDREN

South Africa has high levels of violence. Children are vulnerable and at risk of physical and sexual abuse in schools, in communities and at home, from high levels of gang activities, social violence, interpersonal and domestic violence.

Several delegates reported being “exposed to violence almost every day, at home, at schools, on the streets, in public transport, on the way to school, at school, in public places”. One delegate said, “We are so used to it, it is almost like normal. We just hope it doesn’t happen to us.”

Every week there are media reports of children raped and killed. Children are

also shot and killed during gang violence. Delegates stressed that “we live in fear all the time”.

Violence at schools happens every day and many incidents have been captured on cell phone cameras and distributed on the internet.

8.2 CHILDREN WHO ARE VICTIMS

It is not known how many children experience abuse, violence and crime in South Africa. Many children do not report it. One delegate explained that they “usually keep what happened to them to themselves instead of telling someone”.

Although boys are victims as well, victims of many of the most gruesome recent cases of rape and murder have been girls, some just a few months old. In many cases the offenders are men who knew the children, who lived in the same house or who are the stepfather, boyfriend or even father.

Despite various programmes and services for children, many children who are victims of crime do not get the support they need. One delegate explained that “a boy in my class was bullied and stabbed and was badly affected by it, he did not receive any counselling. The person who stabbed him did it again because nobody did anything the first time”.

“A boy in my class was **bullied and stabbed** and was badly affected by it. **He did not receive any counselling”**

8.1 RECOMMENDATIONS

- Government must act at the highest level to coordinate child protection across government and civil society.
- More resources must be made available to implement child protection programmes to increase safety for children in poor communities and schools who are exposed to violence.
- Implement effective community child-safety and policing forums, with adequate resources and local support in the communities where children are most vulnerable.
- Ensure there are effective reporting and protection measures for those who report crimes and violence against children.

8.2 RECOMMENDATIONS

- Government must provide more resources, more trained and skilled social workers, police and magistrates to work on cases concerning children.
- More victim support services are needed especially in poor rural and urban areas where these services are lacking; and support to NGOs and community organisations that provide support services to children.

8.3 RECOMMENDATIONS

- The government must raise awareness, promote and put into place safety and protection measures for children with disabilities and for those with special needs.
- Children with disabilities and those with special needs must be properly monitored to ensure their safety and protection in homes and local communities.
- Special measures to protect children with disabilities and those with special needs during investigations and trials must be put into place.

8.4 RECOMMENDATIONS

- Government must provide adequate support and services to prevent the abuse and exploitation of children.
- Investigate and establish the extent of child exploitation practices and take practical steps to prevent and combat them.

8.5 RECOMMENDATIONS

- The government must prevent and combat “gang – related armed conflict”. Educators and learners must be assured of proper security in gang areas, and school violence related to gang conflict must be combated and prevented.

8.3 CHILDREN WITH DISABILITIES

The African Children’s Charter states that every child who is mentally or physically disabled has the right to special measures of protection, in keeping with his or her needs, and under conditions which ensure his or her dignity, and promotes his or her self-reliance and active participation in the community.

Delegates stated that children with disabilities and special needs must be treated fairly and with respect. Unfortunately, this

is often not so. Disabled children and those with special needs are vulnerable to abuse, exploitation, crime and violence.

8.4 CHILDREN IN SITUATIONS OF ECONOMIC EXPLOITATION AND ABUSE

Child labour is illegal in South Africa. Many children, however, work in informal settings. They work for small back-yard businesses, “for their families, for an uncle or auntie, or even for themselves”. They are used to collect scrap, as hawkers, to help with do-it-yourself building operations, to work in people’s homes, etc.

It is unclear if there are still children working on farms in South Africa, or in the mines. Children who are homeless and working on the streets are still common. There are

also children who beg and who are used in begging operations at road intersections and major shopping and economic hubs. Children are also victims of sexual exploitation.

8.5 CHILDREN IN ARMED CONFLICT – GANG VIOLENCE

The government report states that there is no armed conflict in South Africa. However, ongoing gang-related violence is causing massive destruction to families in communities on the Cape Flats in Cape Town and elsewhere in South Africa. Children, some just a few months old, are stabbed, shot and killed.

The government report does not address gangs and the gang violence, which has created a situation of armed conflict in local communities, threatening the lives of children. “Almost every week we hear of children killed in gang violence.”

In affected area, gang violence occurs on school premises. Rival gangs rob and stab each other on school premises, learners and educators are killed, and learners are forced to join gangs for their own survival.

“Almost every week we hear of children killed in gang violence”

8.6 CHILDREN WHO ARE REFUGEES, SEEKING ASYLUM, AND WHO ARE DISPLACED

The Committee noted that reported community xenophobia is a serious concern that needs effective legislative, administrative, and other appropriate response. The Committee is also concerned by reports that refugee children have trouble accessing basic services due to stringent requirements for documents, and wants the government remove inessential document requirements.

Delegates from Beaufort West thought that the “Government has to support the children who are not from South Africa because when the children die in Beaufort West, then the children’s parents will sue the Government of

Beaufort West because they will say that it’s their fault that their children die because the children were sick and the doctors didn’t want to help the children because they didn’t have birth certificates”.

8.7 CHILDREN IN SITUATIONS OF SEXUAL EXPLOITATION

Child sexual exploitation is an increasing problem in South Africa. Although the government has adopted laws, policies and programmes to address sexual exploitation it remains a major challenge for the police, organisations, communities and families.

Delegates noted that children are sexually exploited in many different ways. “There are those who are sexually abused and then eventually prostituted by people they know. In some cases this is done by the children’s own parents or someone known to the child”.

They also stated that children prostitute themselves for money to support themselves and others (family members). There are also those who are used by pimps, brothels and gangs as prostitutes.

Delegates further noted that most cases of sexual exploitation of children happen right

under our noses. It happens in children’s own homes, outside the house, around the corner, at the neighbours, at school, behind the shop, in shebeens, in public places; etc. In these situations “children have been targeted and groomed to provide sexual favours in exchange for something”.

There are also reports of “men who ask for sexual images and other sexual favours from children via social media in exchange for airtime”. It has also become a “statement” amongst teenagers and young adults to acquire a “blesser”, someone who buy you things in exchange for sex.

8.6 RECOMMENDATIONS

- Government must make sure that refugee children and those seeking asylum and those who are without documentation have access to health, education, social, legal and other services as needed and have access to health, education, social, legal and other services as needed.
- Government must promote the rights and protection of refugees, asylum-seeking, undocumented and migrant children, and must fight xenophobia.

8.7 RECOMMENDATIONS

- Create more awareness about sexual exploitation of children in local communities and of the relevant law in this regard.
- Create awareness of “cybersex” crimes against children, the dangers of child pornography and children’s exposure to pornography and related dangers for children on the Internet and social media.
- Research, investigate, charge and prosecute those who target children for sexual exploitation.

8.8 RECOMMENDATIONS

- *Drug dealers must be investigated, arrested, charged and sentenced and their drugs confiscated.*
- *There must be drug awareness and education campaigns suitable for teenagers.*
- *Drug counselling and rehabilitation programmes must be put into place and provide more recreational, cultural and educational activities for teenagers in poor local communities.*

8.9 RECOMMENDATIONS

- *More information and data are needed to know the extent of the abduction, trafficking and sale of children. Government must ensure that proper research is done.*
- *Raise awareness and educate communities on the sale, trafficking and abduction of children, and undertake interventions to prevent and combat them.*
- *Government must improve its capacity and expertise to investigate, charge and prosecute offenders.*
- *Increase support and assistance to victims and their families.*

8.8 CHILDREN IN SITUATIONS OF DRUG ABUSE

Drugs are a major problem in South Africa, and a major problem among the country’s children. Many children use and abuse drugs. They are easy available and some learners even take them to school, and use or sell them there. Drug abuse is most prevalent in poor urban areas.

Many children live in homes where there are individuals who use and abuse drugs, even parents. In some cases the children use drugs as a direct result of their home situation. Every year hundreds of learners are expelled from schools for using drugs or the alleged selling of drugs.

Selling drugs is a money-making operation in many local communities. Sometimes this is linked to gangs. Many children are recruited to sell drugs or get involved in selling drugs to make money.

8.9 CHILDREN IN SITUATIONS OF SALE, TRAFFICKING AND ABDUCTION

Child abduction and disappearance is a public concern in South Africa, with cases of trafficking in children for sexual purposes and labour exploitation widely reported. In

one instance in 2017, 49 underage children were rescued after being trafficked from villages in North West Province to work as seasonal farm-workers.

“Children are vulnerable to sexual abuse and exploitation on the streets”

8.10 CHILDREN IN STREET SITUATIONS

Many children leave home because of poor home circumstances. Children on the streets are most vulnerable and at risk of being abused and exploited, but get very little sympathy from the public, social workers or the police. "They are seen as a nuisance and disturbance."

Delegates state that "street children usually complain about police and security guards that harass them, pick them up, beat them up and drop them in local communities". There are also reports of members of the public who beat up street children.

Children who beg or who sell goods to the public are also vulnerable, and many are controlled by adults who take their earnings and abuse them.



National Children's Consultation meeting, May 2017

8.10 RECOMMENDATIONS

- The police, social workers and community workers must be trained and skilled to look out for children on the streets, and work with children by following set rules for removing children from the street.
- Security companies must be prevented from harassing and abusing street children. They must be investigated, charged and prosecuted when they beat up children, pick them up and dump them.
- More intervention is needed to prevent children leaving their homes and seek a life on the streets. Community support programmes for children in difficulty must be established.

PART 9: HARMFUL PRACTICES



Clean
water
AND
sanitation

9 HARMFUL PRACTICES

The Committee wants the government to take all the necessary measures to combat the practice of “ukuthwala”, which subjects girls to forced marriages, and to address the issue of mutilation and death of boys due to botched circumcisions. In addition, the Committee recommended that the Government bans the virginity testing of children.

Delegates expressed their worry that every year, hundreds of Xhosa teenage boys are hospitalised because of dehydration, infection and other complications with circumcisions carried out by bogus and illegal initiation schools. Many boys had their penises mutilated and damaged; others had to have penis amputations, and hundreds have died.

Another serious concern raised was the issue of virginity testing. Delegates feel that this must be stopped. They believe that virginity testing is violating the girl child’s rights to bodily integrity and her sexual and reproductive health and rights.

“Girls who have intercourse, sexual penetration, are marginalised, branded and shamed”. Some of these girls might have been “abused or

raped by someone and will experience secondary abuse because of the first violation”.

Cases of murder of children and removal of their organs and body parts for purposes of “muti” or “witchcraft” have been reported. There are also fears that children with albinism are targeted by those who engage in “muti” or “witchcraft”.

“Virginity testing must be stopped”



National Children’s Consultation meeting, May 2017

9 RECOMMENDATIONS

- Government must ensure that all “initiation schools and practitioners are properly trained and equipped to perform circumcisions and to take teenage boys through their initiation safely”.
- The government must investigate, charge, arrest and prosecute those who run bogus and illegal operations that result in mutilation and the death of initiates.
- Awareness and education about safe, clean and painless circumcisions and about sexual and reproductive health rights must be targeted in communities that practise circumcision.
- The government and communities must guarantee that there will be no more mutilations and deaths in traditional Xhosa and other circumcisions.
- Boys and young men “must be made aware of the risk of not checking out the status of the initiation school and the people who perform the circumcision”.

10.1 CHILD JUSTICE

The Committee has expressed its concern about a number of issues surrounding child justice in South Africa, including a lack of information about the implementation of the Child Justice Act and the low number of police officers and others who work for and with children, who have been trained on the Child Justice Act.

There is a great lack of awareness amongst children about the Child Justice Act and the rights of children when they are in conflict with the law.

Delegates expressed concern about children being held in police cells. Delegates were not aware if there are children being held in prisons.

One delegate stated that he knew of a child, a person under 18 years of age, who was in “jail for almost a week before he appeared in court”. The delegate wanted to know if keeping a child locked up like that is allowed.

Delegates expressed concern about children being held in police cells



National Children’s Consultation meeting, May 2017

10.1 RECOMMENDATIONS

- Government must ensure that all government officials and workers know and understand the Child Justice Act and the rights of the child in conflict with the law – those who work with children must be trained and properly skilled to work with children.
- Children and teenagers need more awareness and education about the Child Justice Act and the rights of the child in conflict with the law.
- There must be effective monitoring of children who are arrested, charged and in detention centres.
- Effective diversion and rehabilitation programmes must be implemented to ensure that children do not re-offend and are rehabilitated.
- “Those who committed sexual offences must engage in educational programmes on gender-based violence and sensitivity”.

PART 10: **CHILD
JUSTICE**



**PART 11: RESPONSIBILITIES
OF CHILDREN**



...doesn't have
to be a
PROTEST

11 RESPONSIBILITIES OF CHILDREN

Government reported that it has established a schools-based crime prevention programme which shows children the harm caused to others by crime. Further crime awareness campaigns address issues such as bullying, cyber bullying, substance use and drug abuse, dangerous weapons, sexual offences, xenophobia, occult-related crimes, gangsterism and the need to report all forms of child abuse. The Government also launched a programme to teach learners about human rights and responsibilities.

“There is a big misunderstanding when adults talk about responsibilities of children and what children actually think their responsibilities are.”

Adults usually think that the responsibilities of children are *“to be always good, to listen to them, be kind and to do as told and stay out of trouble, not to smoke cigarettes, drink alcohol or take drugs”*, and *“girls must not have sex and fall pregnant”*.

Another delegate stated that *“sometimes the adults, parents, teachers and politicians want a specific result. Some even say what they want you to say or do”*.

Children learn to take responsibilities as they interact and engage with peers and adults. They need to be competent and have life-skills according to their age and ability; and encouraged to learn new skills and be empowered.

A delegate stated that for him being responsible means to *“be informed and empowered, to have confidence and feel good about what I am doing, to have pride in myself and take care of me and respect other people”*. Another delegate explained that *“when you don’t have information you will make decisions and take actions that are not good”*.

“Do not force children to take on adult responsibilities”



11 RECOMMENDATIONS

- Empower children and teenagers with life-skills and teach them through role-modelling how to take responsibility and to make informed and positive decisions.
- Support children and allow children to participate freely, without forcing ‘political’ agendas on them.
- Ensure that schools adopt a child participation approach and involve learners in the decision making, planning and management of activities and teaching at schools.
- Do not force children to take on adult responsibilities - allow them to take responsibilities that are appropriate for their age and capacity.

PART 12: ANNEXURES

ANNEXURE 1: DELEGATES AT THE NATIONAL CHILDREN’S CONSULTATION WORKSHOP

EASTERN CAPE DELEGATES	GAUTENG DELEGATES	NORTH WEST DELEGATES CSOs
1. Lethab Macam	34. Constance Mbiti	69. Goitsemodimo Maboka
2. Sinelizwi Peter	35. Mathapelo Sontlaba	70. Tebogo Monchwe
3. Siphokazi Lufundo	36. Sinokuthaba Nube	71. Bonolo Leballo
4. Athenkosi Macam	37. Kim Baloyi	72. Tshekedi Ndlove
5. Mbatl Meelu	38. Casimoro Sithole	73. Tsholofelo Mophuthing
6. Siyavuga Ntsila	39. Kgotofalo Marutha	74. Cliff Chinosengwa
7. Inathi Nake	40. Gugu Magagula	75. Abuti Senengwe
8. Zozibini Potelwa	41. Ester Ebondo	76. Kamogelo Chaka
9. Lisakhanya Matwangana	42. Witness Mhlanga	77. Tsholofelo Milake
10. Ithandile Banzana	43. Naniwe Bila	78. Kelebogile Thokwana
11. Fikiswa Masiso	44. Kgomotso Papo	79. Kgomotso Nkosi
12. Pinkie Tsosane	45. Nyiko Makumbila	80. Maite Maake
13. Bontle Mofokeng	46. Vukosi Maswanganyi	81. Khulani Matema
14. Dikeledi Motaung	47. Angelina Ngobeni	82. Gaisa Kosa
15. Mamosebetsi Miya	48. Whitney Mbuyi	83. Royalty Mpungwa
16. Mokete Mohlekwa	49. Seboga Kgeledi	84. Patrick Bishi
17. Kelebogile Mogongoa	50. Siyanda Molotse	85. Mahlatse Mailuta
18. Thembelihle Gabuza	51. Zenedine Basson	86. Gotse Morudu
19. Kananelo Makate	52. Gibbs Hlabangane	87. Pabalelo Makhapola
20. Clayton Dzichagurwa	53. Hlulukani Mafa	88. Thabiso Mutobvu
21. Manase Nikelo	54. Beauty Nherera	89. Ramphele Mawelewele
22. Mike Pitikoe	55. Maning – A – Africa Kgeledi	90. Khulani Mafema
	56. Grace Mahlalela	91. Pamela Tsebenhlane
23. Sphehile Zulu	57. Sphehile Ndlangamandla	92. Boitshupo Montjane
24. Nothile Khumalo	58. Shepherd Lukhele	93. Lerato Sithole
25. Smangalis Kunene	59. Thabiso Maseko	94. Rose Sebetse
26. Fanele Zule	60. Buyile Precious Nkosi	95. Boitumelo Matabane
27. Sthembile Zumgu	61. Sam Magagula	96. Pretty Chiweta
28. Sphehile Masondo	62. Dumsane Nhlabathi	97. Sindane Ngobeni
29. Ntuthuko Memela	63. Kenneth Nhlengethwa	98. Betty Munering
30. Mayeki Pityi	64. Siyabanga Khumalo	99. Winnie Mackoho
31. Philasande Khoza	65. Siboniso Lukwele	100. Matasha Jonas
32. Sakhile Zwane	66. Zweiqkhe Msibi	101. Wiube Banda
33. Sanelisiwe Zulu	67. Siphokazi Ndlangamandla	
	68. Sihle Nkosi	
WESTERN CAPE DELEGATES		
102. Simamkele Kondle	105. Sibahle Dumapi	
103. Chloe Johnson	106. Ashleigh Jacobs	
104. Amkele Ndaba	107. Ameer Koopman	

ANNEXURE 2: FACILITATORS AND CHAPERONES OF CHILDREN'S CONSULTATION WORKSHOP

GAUTENG		LIMPOPO		KWAZULU - NATAL	
1. Bavamile Bele		9. Lesedi Mabela		17. Simbongele Ngwenya	
2. Seemola Lebo Thelele		10. Wanga Mulaudzi		18. Nomahomba Mdluli	
3. Annah Banda		11. Phathutshedzo Nekhavhambe		19. Goitsemodimo Maboka	
4. Bontle Lekgoalui		12. Mamahloli Masipa		20. Tebogo Monchwe	
5. John Paarmen		13. Constance Mbiti		21. Bonolo Leballo	
6. Tsietsi Mokhele		14. Mathapelo Sontlaba			
7. Charity Nsah		15. Sinokuthaba Nube			
8. Kgomotso Papo		16. Kim Baloyi			
EASTERN CAPE		NORTH WEST		NORTHERN CAPE	
1. Tembakazi Somfongo		1. Karabo Mziako		1. Ntebogeng Segaoane	
		2. Julia Bogatsu			
FREE STATE		MPUMALANGA		WESTERN CAPE	
1. Kekeletso Moabi		1. Steve Engelbrecht		1. Ronnie Ngalo	

ANNEXURE 3: THE CHILDREN'S COMPLEMENTARY REPORT DRAFTING GROUP

No.	Name	Age	Province	Organisation
1	Ithandile Banzana	15	Eastern Cape	Umtata Child Centre
2	Athenkosi Macam	12		Abuse Resource
3	Nothile Khumalo	15	KwaZulu-Natal	KwaZulu Region
4	Sphesihle Masondo	15		Christian Council
5	Abuti Senengwe	18	North West	SOS Children's Villages
6	Kelebogile Thokwana	16		Rustenburg
7	Betty Munering	18	Limpopo	Save the Children
8	Boitshepo William Molepo	14		
9	Gibbs Hlabangane	17	Gauteng	Kids Haven
10	Esther Ebondo	17		
11	Kim Baloyi	15	Gauteng	KwaBhekilanga High School, Alexander
12	Kgotso Falomarutha	17		
13	Dikeledi Motaung	15	Free State	Save the Children
14	Clyton Dzichuguruwa	15		
15	Amkele Andile Ntokazii	17	Western Cape	Molo Songololo
16	Ashleigh Kyle Jacobs	17		
17	Kenneth Nhlengethwa	17	Mpumalanga	Save the Children
18	Thabiso Maseko	17		

ANNEXURE 4: PARTNER ORGANISATIONS AND LEAD FACILITATORS



LEAD ORGANISATION

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HEAR
OUR
VOICES

“WE HOPE OUR VOICES WILL BE HEARD AND CONSIDERED”

The South African Children’s Complementary Report to the African Committee of Experts on the Rights and Welfare of the Child, 2017 is directed to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in response to South Africa’s Second Country Report to the ACERWC regarding the implementation of the African Charter on the Rights and Welfare of the Child.

Save the Children South Africa (SCSA) in collaboration with Nelson Mandela Children’s Fund (NMCF) and Molo Songololo held a National Children’s Consultation Workshop on the 27th to 28th May 2017 in Hatfield, Pretoria. The primary purpose of the workshop was to facilitate children’s discussion, support and guide them to write and produce a Children’s Complementary Report to the ACERWC.

In total, one hundred and seven children from all nine provinces of the country attended the workshop.



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