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Commissioner for Children

For Attention: The Chairperson

African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

Copied to: The Secretariat (ACERWC)

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Dear Honourable Joseph Ndayisenga

Follow-up submission from the Child Government Monitors in the Office of the Western Cape Commissioner for Children (WCCC) to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

Thank you for permitting two (2) Child Government Monitors in the office of the WCCC, Solakha Noyi and Ruan Klaase (both 15 years old), to present at the 40th Ordinary Session of the ACERWC on 28 November 2022, as part of the CSO Complementary Report on the Periodic Report of the Republic of South Africa.

Solakha said: "It's an amazing honour and privilege to be here as a teenager and to actually be listened to. To have people in such great places to listen to my views and to them into consideration. As well as the rest of the team at home, our fellow monitors, and mentors, thank you very much for this opportunity.

Ruan said: "I am very happy to speak to the committee members and to the chair, thank you for listening to me."

After listening to the questions posed by the ACERWC, they requested an opportunity to discuss the questions raised with their fellow Child Government Monitors and revert to the committee with the responses. Please find attached responses to salient issues they have chosen to focus on.

We hope their input will be valuable to the process.

Sincerely

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Western Cape Commissioner for Children

1 February 2023

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Introduction

Two Child Government Monitors were given an opportunity to share their lived realities in South Africa with the ACERWC at the 40th Ordinary Session in November 2023. They primarily advocated to the committee to recommend to the government of the Republic of South Africa to establish a National Ombudsperson / Commissioner for Children. The children highlighted the positive value of working with the Western Cape Commissioner for Children, a new governance Human Rights Institution, created on 1 June 2020.

The children listened to the feedback and questions from the ACERWC and requested permission to confer with fellow Child Government Monitor and revert with responses. The main topics the children focused on, for response, are:

- Decline of child rights prioritisation
- Addressing child poverty and marginalisation
- Determinants of child killings

This submission will draw on typical quotations from Child Government Monitors generated in their weekly WhatsApp group chat with the Commissioner. They reassert their request that the ACERWC ask the South African government to show commitment to child rights realisation by amending the Constitution to create a National Human Rights Institution, an Ombudsperson or Commissioner for Children.

Decline of child rights prioritisation

The African National Congress is the ruling political party in South Africa since President Mandela became the first democratically elected leader in 1994. Children comment on their prioritisation of child rights in the democratic era.

Vimbai (16 years old) said: "After President Mandela's time, children's rights prioritisation declined."

Johnlee (15 years old) adds: "...prioritisation of our rights has gone down over the years by government."

The Child Government Monitors agree that President Mandela set an excellent example for prioritising child rights. However, his party, the African National Congress, who is still the ruling



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party in South Africa has not upheld this commitment and instead children experience rights regression. The children call for a children's champion at the highest level of governance – a National Ombudsperson / Commissioner for Children, who they believe would ensure child rights prioritisation in governance.

Addressing child poverty and marginalisation

There are special sections in the South African Constitution that articulates socio-economic rights and emphasises child rights. However, levels of child poverty have increased since 2019, mostly owing to the COVID-19 pandemic.¹ The Child Government Monitors recognise several categories of vulnerable children.

Solakha said: "All children that are exposed to violence and are neglected by their parents and do not have guardians."

Saadiq (17 years old) shared: "The most vulnerable children are those whose parents abuse drugs and homeless children."

Johnlee feels: "Children in rural or lower-class communities" are vulnerable to the effects of poverty.

Vimbai also considers: "Homeless children, children in care facilities and disabled children" to be vulnerable categories of children.

There are many categories of children who may be living in impoverished conditions or marginal circumstances. The children share their opinions about the efficacy of poverty reduction interventions by the government.

Taliep (16 years old) opined: "In some cases it (poverty) is a result of historical issues, but mostly a new phenomenon. Government is not really doing anything about the situation."

Ayabongwa (17 years old) adds that government interventions include: "statements and slightly increasing 'shut-up grants', without follow-up or monitoring and supervision."

Liyanda (16 years old) said: "I think nutrition at schools is their way of trying."

Child Government Monitors note that there are many categories of vulnerable children who may suffer from living in poverty and on the margins of society. They recognise programmes

¹ Tomlinson M, Kleintjes S & Lake L (2022) South African Child Gauge 2021/2022. Cape Town: Children's Institute, University of Cape Town.



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like the Child Support Grant and the School Feeding Scheme as direct child poverty alleviation strategies by government. However, they feel that government is not doing enough to address the child poverty crisis. The children call for more government interventions that are well-targeted, monitored and evaluated for efficacy.

Determinants of child killings

Child death statistics from the Western Cape province indicates that homicide is the second most common cause of death in the region. Violence against children is a big concern for child human rights defenders. They share their opinions about whether the determinants of child killing are historical or due to more contemporary concerns.

Saadiq believed: "Child killings happened when the Apartheid government ruled, but for political issues. In the democracy, they are killing our children for gangsterism and drugs."

Vimbai adds: "Children are basically killed for anything now, be it rituals, to shut them up if abused and some just for fun; which is sad. What is the government doing about it? Absolutely nothing besides holding meetings to discuss safety protocols but not acting on it."

Ayabongwa recommended: "The government could at least present a plan of action regarding prevention of these child killings."

Child Government Monitors note that in the past politics motivated the killing of children whereas today there are a range of factors that indicate society does not value the lives and safety of children. They call on the government to invest more resources for programmes to prevent violence against children and child killings.

Conclusion

The Child Government Monitors note that children's lived realities do not reflect a progressive realisation of children's rights in democratic South Africa. They would like the government to initiate and invest in many more meaningful interventions to address child poverty, marginalisation and violence against children. Above all, they call for the ACERWC to recommend the government establishes a National Ombudsperson / Commissioner for Children.