



ANNUAL REPORT

OF THE WESTERN CAPE COMMISSIONER
FOR CHILDREN

2021/2



Commissioner
for **Children**
OF THE WESTERN CAPE



ACKNOWLEDGEMENTS

The Child Government Monitors have become an invaluable part of WCCC. We thank these child human rights defenders for sharing so unselfishly their time and expertise on their experiences of childhood. We are grateful to each and every child who sent us a drawing, poster, letter, poem, WhatsApp, or social media message. You have shared with us your lived realities. This enables WCCC to advocate for the rights of children based on authentic expressions of the childhoods you experience.

The WCCC staff team have worked tirelessly to give expression to the vision of this office. Cameron Cyster led the Investigations team, providing a strategic focus. Tessa Goldschmidt is adept at managing the child participation models. Rofhiwa Ntlantsana has organised a strong basis for our case management and containment system. Samantha Morris continues to be the Commissioner's executive assistant going far beyond her assigned role. They are the engine room driving the success of the WCCC.



Celebrating
the 2nd year of
the WCCC



FOREWORD

The end of May 2022 heralds the completion of two years in office as Commissioner for Children. We have built significantly on the lessons we learned from our work in the first year.

Institution-building is a big responsibility. The Western Cape Commissioner for Children needs to grow into a credible human rights institution that focuses exclusively on child rights. WCCC is the second such institution in Africa. We have learned many lessons from our counterpart - the African pioneers - the Ombudsperson for Children in Mauritius, established in 2003. It will take resources and time to bring our office to an optimal level of functioning. At present, we do the best we can within our limitations of a small staff complement and temporary accommodation for the office. We aim to become more respected as an institution as time goes by.

Our **exceptional staff** has enabled the work of the office to expand and gain some momentum. We put much of our energies towards engagement directly with children as well

WCCC
TIMELINE

JUN 2021

1

1 JUNE 2021

Rofhiwa joined
superhero squad as a
CCO on contract

8

8 JUNE 2021

Meeting with former
WCED MEC Schafer



as developing a **complaints, enquiries, and investigations** mechanism. Addressing these elements of our mandate has been the focus of our operations thus far.

The **child human rights defenders** with whom we partner to do our work — inspire and guide us. The Child Government Monitors' forum has become a strategic lobby group for child rights, sharing their worldview and wisdom, both locally and internationally. It has been my privilege to be associated with them. They enrich our operations and our practice.

Our understanding of the **governance milieu** is growing. We have observed how our mandated government departments respond to our requests. It is important to continue to build strong relationships with departmental leaders to influence them to align their departmental mandates more strongly, to child rights realisation. As the effects of the COVID-19 pandemic abates, we meet with powerful adults in person and do many more service site visits. We understand more of actual service provision, especially in the childcare sector.

In our second year, we have benefitted from having an energetic staff complement (albeit insufficient) to:

- concretise our **child participation models** to show the value of children's involvement in governance;
- institutionalise engagements with government to **increase accountability**; and
- **share our work** widely to grow from the feedback received.

The Office of the Western Cape Commissioner for Children is a work in progress.

Christina Nomdo
Western Cape Commissioner for Children
October 2022



ABBREVIATIONS

ASD:	Assistant Director
CCO:	Children's Commissioner Officer
CCRW:	Community Child Rights Workshops
CGM:	Child Government Monitors
COE:	Cost of Employment
COVID-19:	Coronavirus Disease
CSG:	Child Support Grant
CYCC:	Child and Youth Care Centre
DCAS:	Department of Cultural Affairs and Sport
DD:	Deputy Director
DOHW:	Department of Health and Wellness
DSD:	Department of Social Development
DTPW:	Department of Transport and Public Works
ECD:	Early Childhood Development
GBH:	Grievous bodily harm
HOD:	Head of Department
MEC:	Member of Executive Committee
NSC:	National Senior Certificate
OCO:	Ombudsperson for Children in Mauritius
RCL:	Representative Council of Learners
Stats SA:	Statistics South Africa
ToR:	Terms of Reference
WCCC:	Western Cape Commissioner for Children
WCED:	Western Cape Education Department

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1 JULY 2021

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Investigations Branch

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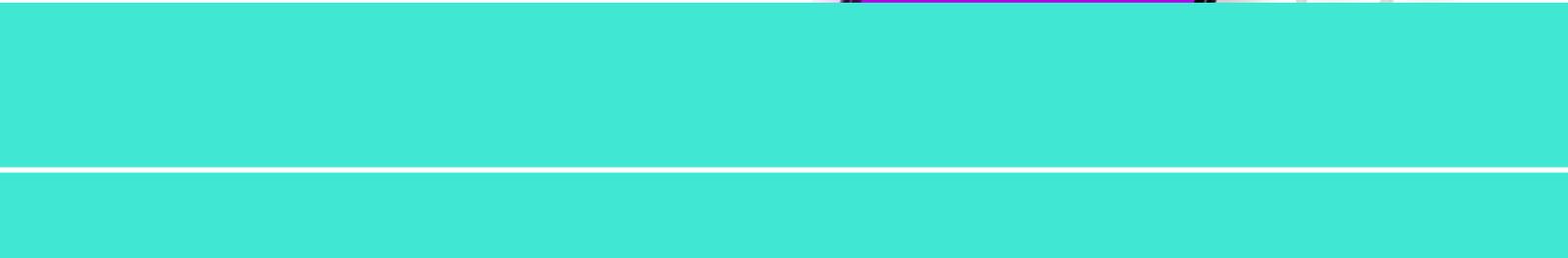
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A SITUATIONAL ANALYSIS OF CHILDREN IN THE WESTERN CAPE

This situational analysis begins tracking the performance of childhood indicators for the WCCC to determine evidence-based points of advocacy and strategic intervention going forward. Secondly, the aim is to track and monitor the data that exists about the character of childhoods in our province.

In this section, we will provide an overview of children's realities in the Western Cape; which will be illustrated through an analysis of indicators covering the areas of demographics and family make-up, childhood poverty, access to social assistance, access to early childhood development opportunities, access to education, children's health and wellness and their safety. Indicators are drawn from government departments, research agencies as well as academic institutions.

CHILDHOOD DEMOGRAPHICS AND FAMILY MAKE-UP

There are approximately 2.1 million children between the ages of 0-17 residing in the province, which makes up a third of the provincial population¹. When broken down into age and gender, table 1 below illustrates **a greater number of male than female children in the 5 - 17 years categories.**²

Table 1. 2022 child (age 0-17) population figures for the Western Cape

AGE	MALE	FEMALE	TOTAL
0-4	273 719	281 577	555 296
5-9	303 389	273 415	576 804
10-14	320 261	311 018	631 280
15-17	204 058	180 989	385 047

Source: General Household Survey (2022). Statistics South Africa. Analysis by Russell Wildeman, UNICEF

Many children in South Africa do not live consistently in the same household as their biological parents. The national share of children living with both parents decreased from 39% in 2002 to 34% in 2020³. In 2020, 25,6% of all children (535 000 children) live with their mothers but not with their fathers, whereas only 5,1% (106 000) of children lived in households where their fathers are present, and their mothers were absent. There is substantial provincial variation within these patterns. In the Western Cape, the share of children living with both parents is significantly higher than the national average, with around half of children residing

28

28 JULY 2021

Meeting with Bruce Adamson,
Commissioner for Children and
Young People in Scotland

with both parents (55%)⁴. While it is amongst the lowest in the country, the number of children in the Western Cape living with neither parent has increased since 2018, from 8% to 14,3% (an increase of 6,3 percentage points). This could partly be explained by the COVID-19 pandemic, which claimed the lives of many older adults in the last two years.

UNDERSTANDING THE PREVALENCE OF CHILDHOOD DEPRIVATION

Using the upper bound poverty line as a benchmark (R1 227 in 2019), it was estimated in 2020, that 954 000 children in the Western Cape (45,6%) live in households that are income poor⁵. This is a significant increase from 2018, when 461 000 children in the Western Cape (23,4%) were deemed income-poor⁶. Since the 2020 figures reflect the first year of COVID-19, this demonstrates the crippling effects that the pandemic has had on South African households.

As can be seen in Table 2, significant rises in unemployment can be observed from 2020 to 2022. In the Western Cape, official unemployment rates increased by more than 10 percentage points when comparing quarter 2 of 2022 (i.e. 27,5%) versus quarter 2 of 2020 (i.e. 16,6%).

Table 2. Official unemployment rates from 2020 – 2022

	APR-JUN 2020<?>	APR-JUN 2021<?>	APR-JUN 2022<?>
South Africa	23,3%	34,4%	33,9%
Western Cape	16,6%	25,8%	27,5%

Source: Stats SA (2021). Quarterly Labour Force Survey, Quarter 1: 2021

CHILDREN'S ACCESS TO SOCIAL ASSISTANCE

Nationally, the number of households that benefitted from at least one social grant increased sharply from 44% in 2018 to 52% in 2020¹⁰. The same upward trend can be seen for the Western Cape, where 36% of households benefitted from a social grant in 2018 and 45% of households received social grants in 2020¹¹. This shows that more and more households are becoming dependent on the state for assistance, making social grants one of the most important sources of income across the country and province, to alleviate poverty.

In terms of the child support grant (CSG), there was an overall decline in payments across the country in 2022, which decreased from approximately 13 million in 2021 to 12 915 740 in 2022 —representing an almost 80 000 drop. The most pronounced declines occurred in the Eastern Cape and Western Cape. As can be seen in table 3, there were 8 168 fewer payments in the Western Cape from 2021 (i.e. 1 055 491) to 2022 (i.e. 1 047 323)¹². Reasons for the decline are not necessarily clear; however, the decline in payments to infants may owe to birth registration delays due to the COVID-19 lockdown¹³.

Table 3. Active children per grant type in the Western Cape (2020-2022)

AGE COHORT	CARE DEPENDENCY GRANT			CHILD SUPPORT GRANT			FOSTER CARE GRANT		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Age 0-4	2 157	1 836	1 961	267 780	255 992	239 946	2 677	2 327	3 425
Age 5-11	7 139	6 963	6 959	453 560	450 997	440 343	12 0176	11 674	11 518
Age 12-17	7 281	7 311	7 700	327 496	348 502	367 034	15 411	15 664	15 971
TOTAL	16 577	16 137	16 602	1 048 836	1 055 491	1 047 323	30 264	29 665	30 914

Source: SASSA (2022), Active Children per Grant

According to Stats SA, access to all child support-related grants has been the lowest in the Western Cape since 2014 – and is consistently ranked as below the national average. As per a recent study conducted by UNICEF in 2022¹⁴, the following insights were found regarding patterns of exclusion in the Western Cape:

- Misunderstanding of eligibility criteria, i.e. individuals believing that being employed disqualifies them from the grant;
- Good quality health care facilities in the Western Cape motivate mothers to migrate to the province to deliver their children before moving back to their original provinces;
- Lack of documentation or misunderstanding of the required documentation;
- Some affluent households with incomes lower than the means test may find the grant not worthwhile, while others fear the stigma associated with receiving a social grant.

CHILDREN'S ACCESS TO EARLY CHILDHOOD DEVELOPMENT PROGRAMMES

According to the National Early Childhood Development (ECD) Census, there are approximately 42 420 Early Learning Programmes (ELPs) serving 1 660 317 children across the country¹⁵. Whereas in the Western Cape, there are approximately 4 715 ELPs serving 184 686 children in the province. Of these programmes in the Western Cape, 34% are registered with the Department of Social Development, 4% are conditionally registered, 28% are in the process of registration, and 31% are not registered at all. In terms of ECD subsidies, only 21% of ELPs across the Western Cape receive funding from the DSD; which is the second lowest proportion compared to the rest of the country.

According to the General Household Surveys of 2017 and 2020, enrolment in early learning and care programmes in the Western Cape has dropped by almost half in three years. In 2017, 41% of children aged 0-4 in the Western Cape attended either grade R, pre-school, nursery school, creche, or an educare centre¹⁶. These figures dropped substantially in 2020, where only 22,5% of children aged 0-4 were reported to attend either grade R, pre-school, nursery school, creche or an educare centre; which represents an almost 50% drop in ELP enrolment figures¹⁷ – link to NIDS cram for lowering the enrollment in ELPs.



Workshop at Wittedrift High,
Bitou Municipality



Table 4. Educational profile of children aged 0-4 years old, 2017-2020

CARE ARRANGEMENT	2017		2020	
	SA	WC	SA	WC
Grade R, Pre-school, nursery school, crèche, educare centre	36,9	41,1	24,2	22,5
Day mother	5,0	5,6	6,1	12,1
At home with parent or guardian	50,2	44,0	58,9	49,6
At home with another adult	6,7	8,5	8,2	9,7
At somebody else's dwelling	0,9	0,5	1,9	6,2

Source: Statistics South Africa (2017;2020). General Household Surveys of 2017 and 2020.

CHILDREN'S ACCESS TO EDUCATION

Between 2016 and 2019, the Western Cape education system has made great strides in supporting a child's right to access education. This can be demonstrated by table 5 showing **increasing learner population figures, high rates of learner retention, increased rates of learners benefitting from the 'no-fee' policy, and high National Senior Certificate (NSC) pass rates during this time. However, from 2020 to 2021, one can start seeing the detrimental impacts of the COVID-19 lockdown, such as increased learner drop-outs and lower numbers of learners benefitting from the 'no-fee' policy.**

Table 5. Education access data between 2016-2021

YEAR	POPULATION	RETENTION GR 10-12	LEARNERS BENEFITTING FROM NO-FEE POLICY	NSC PASS RATE
2016	998925	67	58	86
2017	1020642	68	68	83
2018	1044596	67	58	82
2019	1063293	70	63	82
2020	1080651	68	59	79
2021	1098878	62	(not yet available)	81

Source: Western Cape Education Department Annual Performance Plan (2020/2021 – 2022/2023)

While high numbers of children are benefitting from their right to education access, the quality of education in the Western Cape has, however, straggled behind, which is on par with national performance rates. This can be demonstrated by low levels of literacy and mathematics outcomes for grade 3 and 9, and the low rates of bachelor passes in the NSC. Table 6 below shows these outcomes.

Table 6. Education outcomes data

YEAR	% OF GRADE 3 PASSING MATHS SYSTEMIC ASSESSMENTS	% OF GRADE 3 PASSING LANGUAGE SYSTEMIC ASSESSMENTS	% OF GRADE 9 PASSING MATHS SYSTEMIC ASSESSMENTS	% OF GRADE 9 PASSING LANGUAGE SYSTEMIC ASSESSMENTS	BACHELOR PASS RATE
2016	58	43	24	55	40
2017	59	47	22	53	38
2018	56	46	23	53	42
2019	58	45	23	54	44
2020	n/a	n/a	n/a	n/a	44
2021	56	45	22	50	45

Source: Source: Western Cape Education Department Annual Performance Plan (2020/2021 – 2022/2023)

26

26 AUGUST 2021
Meeting with DSD HOD
Dr Macdonald

27

27 AUGUST 2021
Meeting with Lt Gen Patekile,
Police Commissioner



3

3 SEPTEMBER 2021

Meeting with Sally Holland,
Children's Commissioner
of Wales

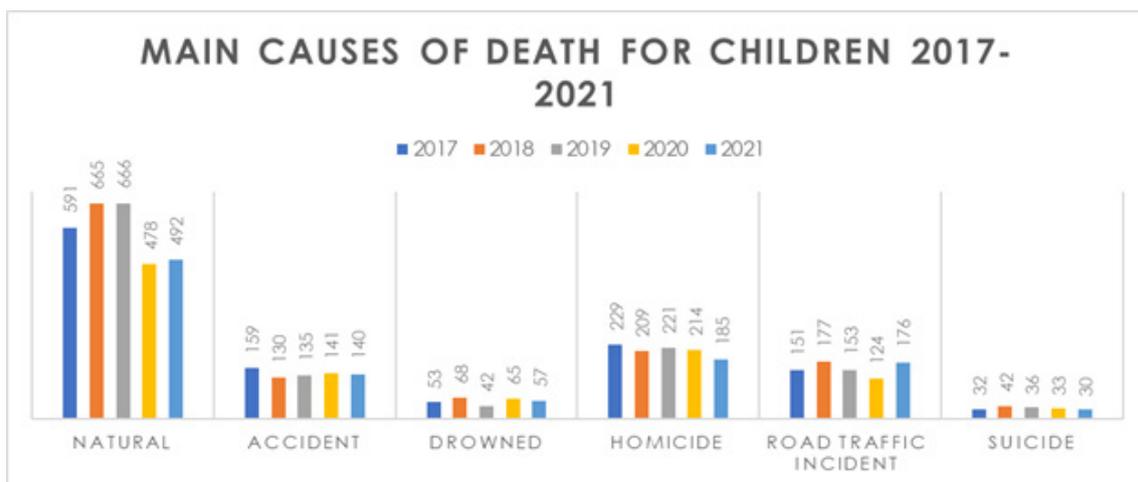
CHILDREN'S STATE OF HEALTH AND WELLNESS

When trying to understand the status of child health, key indicators include: infant (children under one years old) and child (children aged one to five) mortality rates. **Between 2009 and 2016, the overall mortality rate for children between one and five decreased by 38%**¹⁸. This reduction was due to declines in deaths in almost all categories, with the biggest declines in number of deaths due to HIV/AIDS (76%), diarrhoea (71%) and malnutrition (69%). Similarly, **the number of newborn deaths (infants aged 0-27 days) decreased by 29% from 2009 to 2016**. Deaths due to most causes decreased by 30%, but deaths due to severe infection dropped by 48%. **In the Western Cape, General Household Survey data demonstrates that 13% of children (i.e. 271 000) live in homes with reported hunger, which is 4 percentage points lower than the levels of reported child hunger in 2002 (i.e. 17%)**¹⁹. Specifically, this indicator demonstrates the amount of children living in households where children are reported to go hungry 'sometimes', 'often' or 'always'. Child malnutrition and stunting are causes for concern as they affect wellbeing outcomes.

CHILD SAFETY

According to the child death data received from the Western Cape Department of Health and Wellness (DOHW), child deaths can be analysed across six (6) main indicators across all age groups, which include: natural causes, accidents, drowning, homicide, road traffic incidents and suicide. **The analysis shows that between 1291 and 1597 child deaths occurred annually since 2017 —the highest amounts of deaths occurred in 2018, which mainly owes to a stark increase in natural deaths. When looking into the causes of death, figure 1 shows that children most commonly die due to natural causes.** The most recorded natural causes of death include cardiac malfunction, gastroenteritis, meningitis, respiratory failure, and septicemia. **In terms of age groups, natural causes of death are mostly linked to much younger children, aged 0 - 5, as they are most likely to succumb to health complications early in life.**

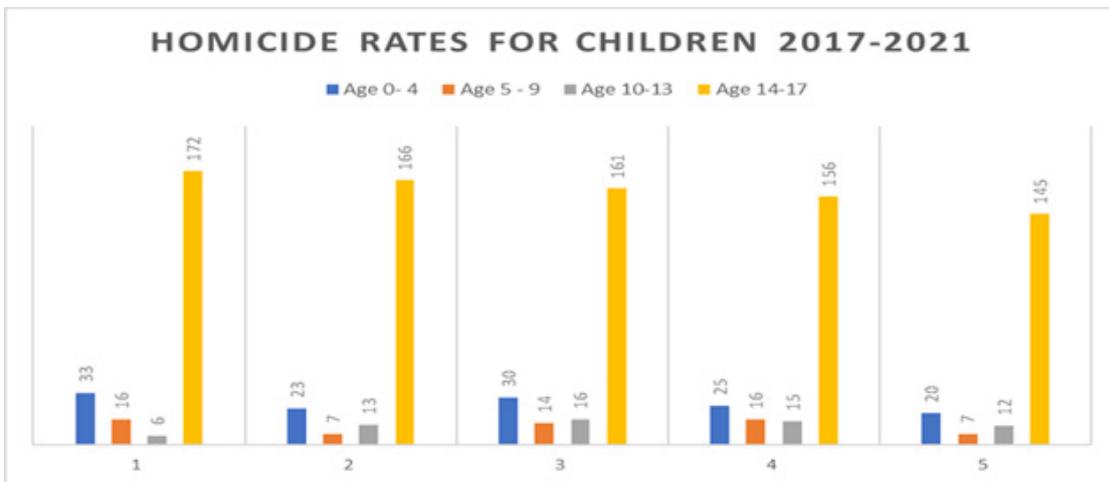
Figure 1. Causes of death for children between 2017 and 2021.



Source: Data supplied by the Western Cape Department of Health and Wellness (2022).

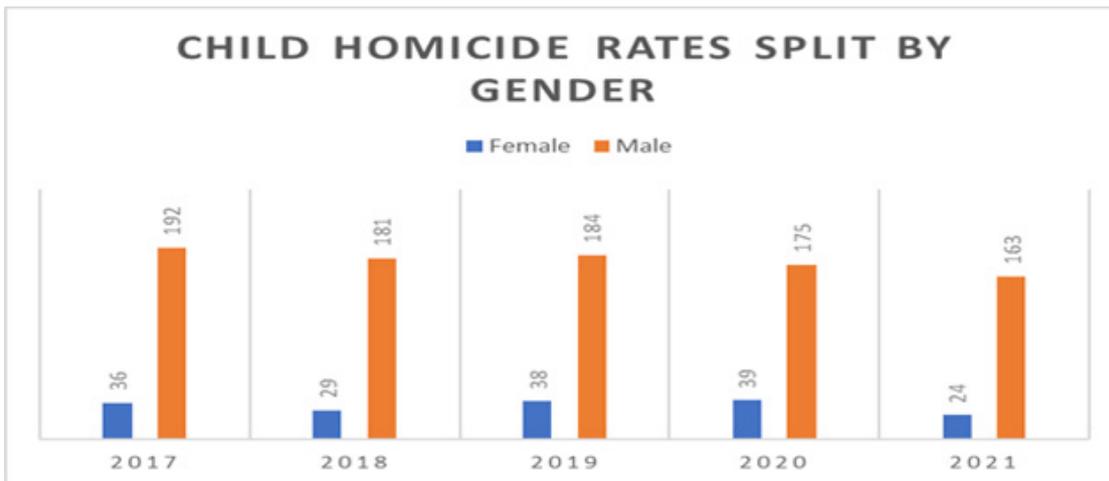
As is denoted by figure 2, the second most common form of death amongst children is homicide, which shows that 1058 children have been murdered in the Western Cape since 2017. When looking at the homicide rates over the past five years, there is an incremental decrease each year. There is a drop in child murders from 229 in 2017 to 185 in 2021. When stratifying child homicide rates with age and gender, there is a clear pattern of victimisation. As can be seen in figures 2 and 3, most murders are committed against boys aged 14-17. As noted by the Children’s Institute, murders amongst male teenagers tend to occur in the context of interpersonal violence outside of the home; which are particularly prevalent in gang-infested communities across the province²⁰⁻²¹.

Figure 2. Homicide rates for children 2017-2021



Source: Data supplied by the Western Cape Department of Health and Wellness (2022).

Figure 3. Homicide rates for children according to gender



Source: Data supplied by the Western Cape Department of Health and Wellness (2022).

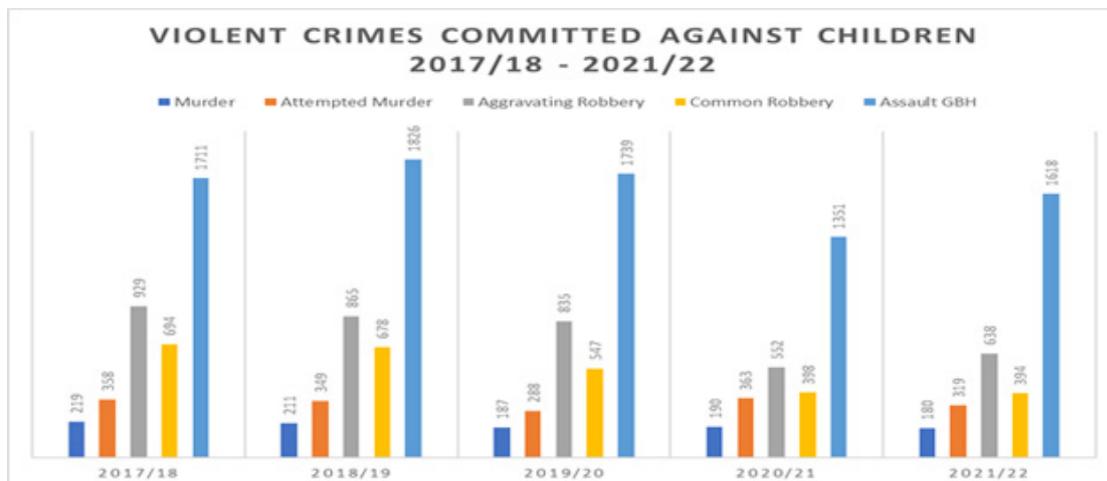
Figure 4 provides an overview of violent crime statistics for children collected over the past five years, covering the categories of murder, attempted murder, robbery (aggravated²² and common²³), assault with an attempt to do grievous bodily harm (GBH), and rape. **The latter categories i.e. assault GBH and rape, are the most common forms of violence inflicted against children. The number of reported cases of assault and GBH fluctuate from 1711 in 2017/18 to 1618 in 2021/22. Whereas for rape, figure 5 shows that the number of reported cases remain relatively stable at an average rate of 1600 cases reported per year.**

Other important insights include:

- **Both categories of robbery are declining steadily each year**, which could simply owe to underreporting; especially during the 2020-2022 lockdown periods.
- **Child murder rates have declined steadily each year since 2017/18**, dropping from 219 cases in 2017/18 to 180 cases in 2021/22. Attempted murder, however, dropped from 358 cases in 2017/18 to 288 cases in 2019/20, and started steadily increasing after that.

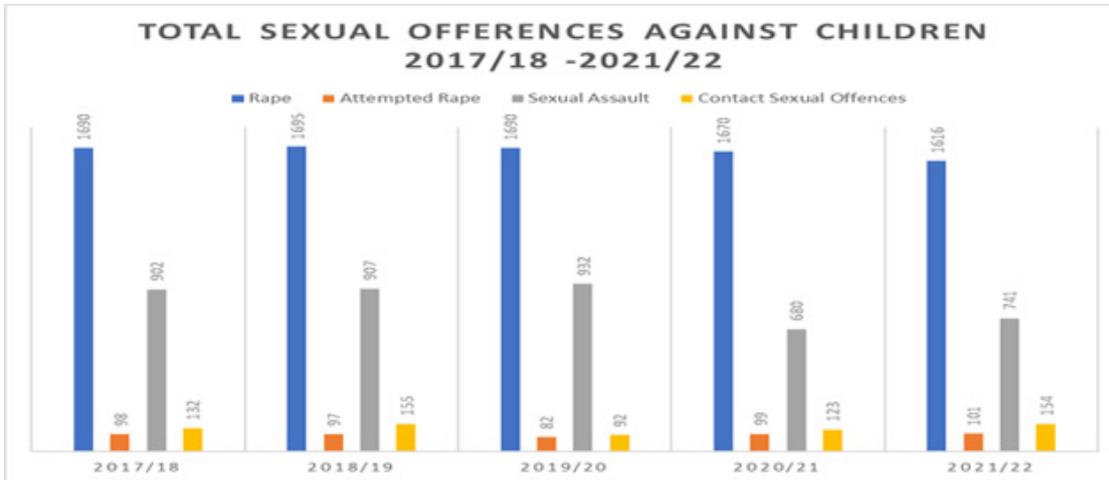
When considering the data based on age category, exposure to each category of violent crime increases with age; which shows that older children are most often affected by violence. **This is especially common amongst the 14-17-year-old age group, who fall victim to the majority of all violent crimes; especially murder, assault, and rape.**

Figure 4. Violent crimes committed against children 2017/18 – 2021/22



Source: South African Police Services (2022).

Figure 5. Total sexual offences committed against children from 2017/18-2021/21



Source: South African Police Services (2022).

CONCLUDING REMARKS

We are beginning to see how life for children has become harder over the last 5 years. This can be seen across many categories, such as more children living with neither of their biological parents. The doubling of childhood poverty since 2018 and an increase in unemployment shows that more children are in a precarious state. Consequently, a higher number of households are becoming dependent on state grants, resources, and support from the State. The extent and quality of state support will be continuously monitored through orientation visits to communities and service centres, and even more systemically, when the Monitoring and Awareness branch of the WCCC is set up.

In terms of early learning and care, access to such programmes has dropped by almost half, which will hinder the developmental capacity of the next generation of children. We remain positive that the ECD mandate shift to the Western Cape Department of Education will bring new opportunities for the strengthening of the sector. This will be a key area to observe while the department integrates the new function into its system.

New access to child safety indicators shows that children are becoming increasingly affected by violence as they grow up. Teenagers aged 14 -17 bear the brunt of violent crime victimisation, as is depicted by homicide rates and violent crime statistics. While the WCCC has no oversight mandate over the police or the Department of Police Oversight and Community Safety; we do have a vested interest in violence prevention programmes and strategies implemented across all four social sector Departments. As part of the WCCC’s advocacy agenda, we will track the spread and resourcing of violence prevention programmes, which will be helpful to understand where service delivery gaps exist.

1 **1 OCTOBER 2021**
Meeting with Rita Venkatasawmy, Ombudsperson for Children in Mauritius

5 **5 OCTOBER 2021**
Hessequa Municipality Community Child Rights Workshops Report released

6 **6 OCTOBER 2021**
Commenced UK strategic litigation project

VISION
Re-imagine
and remake
childhoods

GOALS



Investigate

Complaints about government services and make recommendations



Educate

Everyone on the laws, programmes and projects for children



Lobby

Key decision makers on laws, policies and practices affecting children



Advise

Government on improvements to realise child rights



Monitor

The impact of government services, policies and laws on children and points out negative impacts



Recommend

A clear course of action to change law, policy and practice that negatively affects children



Child participation

Children should know about and be involved in the work of the Commissioner for Children and be able to inform the Commissioner of their perspectives of their rights, needs, and interests.



Research

Policy or practice developments that affect child rights



MISSION #LITTLEVOICESMUSTCOUNT #KLEINSTEMMETJIESMOETSAAKMAAK #AMAZWIAMANCINCIMAKAVAKALE



11 11 OCTOBER 2021
Moved to Waldorf Building
(temporary accommodation)

PROGRESS TOWARDS BUILDING THE WCCC'S MANDATE

The mandate of the Commissioner for Children is explained in the powers and duties as described in the law which created the office –Western Cape Act 2 of 2019. The main powers and duties are Investigation, Monitoring, Research, Education, Lobbying, Advice, and Recommendations as well as Child Participation. This section first provides an overview of the institution-building process. The aim is to have two functional branches: Investigations and Advice, as well as, Monitoring and Awareness which will need to be revised in an organisational development process. The research function will be performed by both branches and child participation cuts across all areas of functioning. As a result of the aforementioned powers and duties, the Commissioner will, from time to time, provide advice and recommendations to government departments or organisations.



The WCCC delegation meeting his excellency Prithvirajsing Roopun, President of the Republic of Mauritius



INSTITUTION-BUILDING

On 1 June 2022, the office of the Western Cape Commissioner for Children (WCCC) turned two years old. This is a pioneering institution as it is the first independent ombud for Children in the history of South Africa. This office is the second of its kind on the African continent; the Mauritian Ombudsperson for Children was established in 2003. The 1998 Western Cape Constitution creates the WCCC office in chapter 9, which is traditionally the space for creating institutions to protect human rights and democracy. The Western Cape Commissioner for Children Act 2 of 2019 was assented to by the Premier on 29 March 2012. The WCCC is mandated to protect and promote the rights, needs and interests of children in the Western Cape.

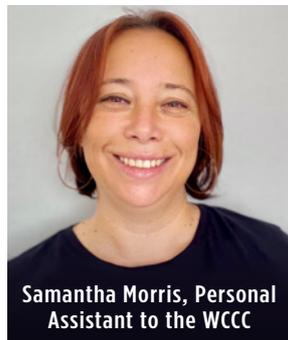
LESSONS FROM THE WCCC'S STUDY VISIT TO THE MAURITIAN OMBUDSPERSON FOR CHILDREN

The Commissioner and her Head of Branch: Investigations and Advice, conducted a study visit to the Ombudsperson for Children in Mauritius (OCO). The OCO was established in 2003 as the first ever Children's Ombudsperson in Africa serving a population of 1.266 million people and a child population of 272 000. The Western Cape Commissioner for Children's office (WCCC) is the second independent child rights institution of its kind on the continent, established in 2020 servicing a provincial population of 7 million people and a child population of approximately 2 million. Thus far, these institutions are the only two Children's Ombudspersons institutions on the African continent. Therefore, it was important to build this strategic bi-lateral relationship to strengthen the promotion of child rights in Mauritius and South Africa and encourage other African countries to institutionalise an Ombud / Commissioner for Children. The WCCC builds strategic relationships with Children's Commissioners / Ombuds across the globe.

The study visit to the OCO yielded many lessons for institution-building of the WCCC. To be a truly independent institution, the WCCC must be separated administratively from its current placing at the Department of the Premier and must have its own Accounting Officer. While the OCO is a National Human Rights Institution, the WCCC is a provincial mechanism. The scope of the WCCC is more limited as it only focusses on the oversight of social sector departments. The staffing structure of the OCO developed organically as the work of the Ombud progressed, while the structure of the WCCC was designed prior to operationalisation – the office may need to grow organically in future. Frequent exchanges between the two offices could be structured to optimise cross-pollination and learning.



**Tessa Goldschmidt,
Children's Commissioner
Officer**



**Samantha Morris, Personal
Assistant to the WCCC**



**Rofhiwa Ntlantsana,
Children's Commissioner
Officer**



**Cameron Cyster, Deputy
Director**

AN UPDATE ON STAFFING

The appointment of expertly qualified, passionate, and committed staff made progress possible in the second year of office. The staffing structure was pre-determined before the commencement of the WCCC institution. There was a hold-up of several months (that required parliamentary intervention with the national government) to get the staffing structure approved. This resulted in the Commissioner being the sole staff member of the office for the first eight (8) months of her term. In the interim, the Commissioner was supported administratively by a staff member on loan from the Department of the Premier.

The first branch to be established was geared at managing investigations. The first Children's Commissioner Officer (CCO), a Research Psychologist, was able to support the Commissioner with direct work with children.

The second CCO, a Social Worker, was able to manage the intake and recording process of all individual complaints and enquiries. The Head of Branch, an Organisational Psychologist, immediately created systems and standard operating procedures for the Investigations processes. All staff in this branch also created policies, for example, a child safeguarding empowerment policy and an investigations policy, which was internationally and locally benchmarked. The appointment of an Assistant Director to this branch is underway.

The Commissioner, on the advice of Parliament, presented a bid to Treasury before the 2022/23 financial year to bring the office to critical mass capacity. Treasury provided

WCCC ORGANOGRAM

OFFICE OF THE WESTERN CAPE COMMISSIONER FOR CHILDREN

PURPOSE:

To support the Commissioner for Children in the execution of its responsibilities.

FUNCTIONS:

1. Monitor and investigate the wellbeing of children in the Western Cape and report thereon.
2. Promote and create awareness and advice on the rights of children and the role of the Western Cape Commissioner for Children in this regard.
3. Provide administrative support services.

1 Director (SL 13)
1 Personal Assistant (SL 7)

SUBDIRECTORATE MONITORING AND INVESTIGATIONS

PURPOSE:

To monitor and investigate the well-being of children in the Western Cape and report thereon.

FUNCTIONS:

1. Monitor the level of service delivery to children within the Province.
2. Initiate investigations and enquiries into allegations of service delivery efficiencies to children.
3. Submit reports to the Western Cape Provincial Parliament and other institutions where applicable.

1 Deputy Director (SL 11)
2 Assistant Director (SL 9)
2 Children's Commissioner Officer (SL 8)

SUBDIRECTORATE AWARENESS AND ADVICE

PURPOSE:

To promote and create awareness and advice on the rights of children and the role of the Western Cape Commissioner for Children in this regard.

FUNCTIONS:

1. Create awareness and an understanding of the Western Cape Commissioner for Children's functions.
2. Provide information and advice on children's rights and access to services.
3. Initiate and conduct research with regard to policies and legislation pertaining to children.
4. Render support in the lobbying of members of the national or provincial parliament and other bodies related to the interests of children.

1 Deputy Director (SL 11)
1 Assistant Director (SL 9)
1 Children's Commissioner Officer (SL 8)

SECTION ADMINISTRATIVE SUPPORT

PURPOSE:

To provide administrative support services.

FUNCTIONS:

1. Render support services with regard to:
 - a. General administrative and office support
 - b. Financial and supply chain administration
 - c. Secretariat services
 - d. Registry and messenger services
 - e. Logistical services e.g. accommodation and transport.

1 Administrative Support Officer (SL 7)
1 Personal Assistant (SL 7)
(for utilisation by the Western Cape Commissioner for Children)

11

11 NOVEMBER 2021

Presented updates to WC Parliament Standing Committee

R1 million extra for Compensation of Employment in 2022/23 and R2 million extra from 2023/24, Year 2 of the Medium-Term Expenditure Framework. In the third year of office, the Commissioner will start capacitating the Monitoring and Awareness branch to enable more people to engage with the office. The Commissioner will recruit a Head of Branch: Monitoring and Awareness and a CCO. This will bring the staff capacity in the office to seven (7), including the Commissioner. The initial structure of the office, determined prior to the official commencement, is depicted below. The main lesson learned is good staff makes all the difference but stretched capacities can lead to early burnout.

Key frameworks developed include:

- Strategic plan
- Theory of change
- Planning, monitoring, evaluation, and learning framework
- Enquiries and complaints standard operating procedure
- Investigations framework
- Child safeguarding and empowerment framework

PHYSICAL OFFICE OF THE WCCC

The office of the Commissioner for Children should not be a typical government building. From the start of her term of office, the Commissioner envisioned a child-friendly, fantasy house for the WCCC. Three million rand was set aside in the first financial year for the accommodation of the Office of the WCCC. When the Commissioner pitched the idea to the Director-General (DG), he expedited links with the Department of Transport and Public Works (DTPW) to find a suitable building. The Commissioner is not empowered in law to own property and needs to be accommodated in existing government infrastructure.

DTPW obliged by identifying and showing the Commissioner (and a Child Government Monitor) several options for permanent accommodation. A few suitable houses were identified, and the Commissioner settled on a specific property in 2020. However, complications with tenancy agreements meant that the Commissioner was unable to take occupancy of the identified building. An alternative office site will need to be identified. On the positive side, DTPW has agreed to invest in a property to bring it up to a good standard of maintenance. Therefore, the Commissioner will be able to use the monies set aside in the WCCC budget for child-friendly refurbishment. The main lesson learnt is that creating the ideal (non-traditional) permanent office for WCCC is challenging.

ESTABLISHING STRATEGIC RELATIONSHIPS WITH MANDATE DEPARTMENTS

The mandate of the WCCC requires developing spheres of influence and accountability in the Departments of Health and Wellness, Social Development, and Education as well as Cultural Affairs and Sports. Productive relationships with the heads of these departments are key to achieving a synergy of purpose. The Commissioner has established good working relationships with all heads of these departments and their political principals.

16

16 NOVEMBER 2021

Meeting with Koulla Yiasouma,
Children's Commissioner of
Northern Ireland

A direct line of communication with a Head of Department is an important indicator of the importance placed on the work of the Commissioner. The Commissioner (and more recently also the Head of the Investigations Branch in her office) communicate with the Heads of Departments and receive a response on the same day. Enquiries or complaints are directed to the departmental heads (or their designates for this purpose).

The departmental responses to the queries of the Commissioner vary. All departments designate a person or team who investigates the issue raised by the WCCC and the designated staff or Head of Department responds to the Commissioner. Despite the Department of Social Development receiving the bulk of these queries, the response to the Commissioner is swift. The number of queries about the child protection system has also resulted in the Commissioner deciding on an own motion inquiry into the 'State of Care in Households and Institutions in the province.

It is concerning that we continue to receive reports of corporal punishment and other practices which violate children's right to dignity in schools. The Western Cape Department of Education takes these matters seriously and have designated a senior official to initiate the proper consequence procedure. We are working to nuance the working relationship with this department as the other issues raised are very complex and require coordinated responses.

The Commissioner has received very few formal adult complaints and enquiries to escalate to the Departments of Health and Wellness as well as Cultural Affairs and Sport in the second year.

The Commissioner regularly publishes reports which contain enquiries and complaints from children. Children also make recommendations for service improvement. Departments



22

22 NOVEMBER 2021

Visit to Horizon Secure Care
Child and Youth Care

25

25 NOVEMBER 2021

Visit to Huis Vredelus
Secure Care Child and Youth
Care Centre

receive these reports and are requested to provide responses. The response quality to these reports which contain children's inputs into governance is variable. Some departments provide detailed, useful feedback and others provide a list of services that they are mandated to deliver. The Commissioner will encourage departments to view their responses to these reports as an important means of citizen engagement.

The Commissioner has also developed working relationships with:

- The South African Human Rights Commission
- The Gender Commission
- The Western Cape Police Ombudsman
- The Provincial Commissioner of Police
- The National Prosecuting Authority
- Department of Justice
- South African Social Security Agency (SASSA)



The WCCC at NACCW,
Murraysburg



The WCCC in conversation with DSD officials in Prince Albert



STRATEGIC PARTNERSHIPS IN THE CHILDREN'S SECTOR

We are grateful to partners in civil society and government for engaging the office to enhance its functioning since its inception. The Commissioner remains well-connected to professional WhatsApp groups in the child rights sector and engages often with organisations to keep abreast of developments in the sector. The Commissioner has continued to engage with organisations in the sector listening to their needs and concerns.

ORGANISATIONS THE COMMISSIONER ENGAGED WITH IN 2021/22

- Enlighten Education Trust
- Equal Education Law Centre
- Friends Day Centre
- Molo Songololo
- Year Beyond
- Maths Moms
- Klop Magazine
- RX Radio
- Centre for Child Law
- Media Monitoring Afrlca
- Heavenly Promise
- Impact Law for Social Justice
- Badisa
- Child Welfare South Africa
- ACVV
- Inceba Trust
- Children's Institute
- Trauma Centre
- The Character Company
- Fikelela Aids Project
- Child Protection Collaborative
- Western Cape Forum for Intellectual Disability
- 9 Miles Project
- Bridge SA
- Prince Albert Community Trust
- Black Sash Trust
- MD Consulting
- Serenity Wellbeing
- University of the Western Cape
- University of Cape Town
- Pestalozzi Trust
- Ukhokhelo Lolutsha
- Philisa Abafazi Bethu
- Chrysalis Academy
- Holy Cross CYCC
- Yizani Drop-In Centre
- Huis Susan La Poorta

OPERATIONAL PERFORMANCE

A planning, monitoring, evaluation and learning framework was developed early in the second year of office. Each of the mandate powers and duties was plotted and intermediate outcomes, outcome indicators, and output indicators were framed for each functional area. This section will present WCCC thinking on how to track outputs and outcomes for the proposed Investigations and Advice branch and our work in child participation and engagements. We share reflections on progress to date. The framing ideas for the proposed Monitoring and Awareness branch are also presented at the end of the section, albeit that this branch has not yet been operationalised.

INVESTIGATIONS AND ADVICE

Establishing the Investigations and Advice Branch

The WCCC is committed to a child-friendly enquiries, complaints, and investigations mechanism. We reach out to children directly in the places they live to gather their views on service delivery and the fulfilment of their rights. Community Child Rights Workshops, Children's Consultations, and the Child Government Monitors forum are the key ways in which we listen directly to the needs and interests of children. Adult citizens engage the Commissioner about their concerns about child rights violations via traditional communication methods such as email, telephone, WhatsApp, Twitter, and Facebook messenger. Children also sometimes use these methods, but by far the more effective means to hear what they say is direct engagement. Before staff joined, the Commissioner noted that direct engagements with children and service complaints took up most of her time.

The Commissioner prioritised the staffing of the Investigations branch in her office. The first Children's Commissioner Officer, Tessa Goldschmidt, supported her work directly with children. She is a Research Psychologist and joined the team on 1 February 2021. With Tessa on board, the Commissioner could engage more children directly to understand their lived realities. On 1 June 2021, a second Children's Commissioner Officer joined the team on a contract basis. As a qualified Social Worker, Rofhiwa Ntlantsana, could provide much-needed psycho-social support and referrals for children with who we engaged directly. She was also suitably qualified to manage the service complaints as most cases came from the child protection system. Rofhiwa terminated her contract at the end of April 2022 to take up an advancement position in another department. When the Deputy Director of the Investigations Branch, Cameron Cyster came on board on 1 July 2021 to head the branch, the team started taking shape. Cameron employed his skills as an Organisational Psychologist to bring systems and standard operating procedures to the office functioning.

CLARIFYING THE SCOPE OF THE WCCC'S COMPLAINTS MECHANISM

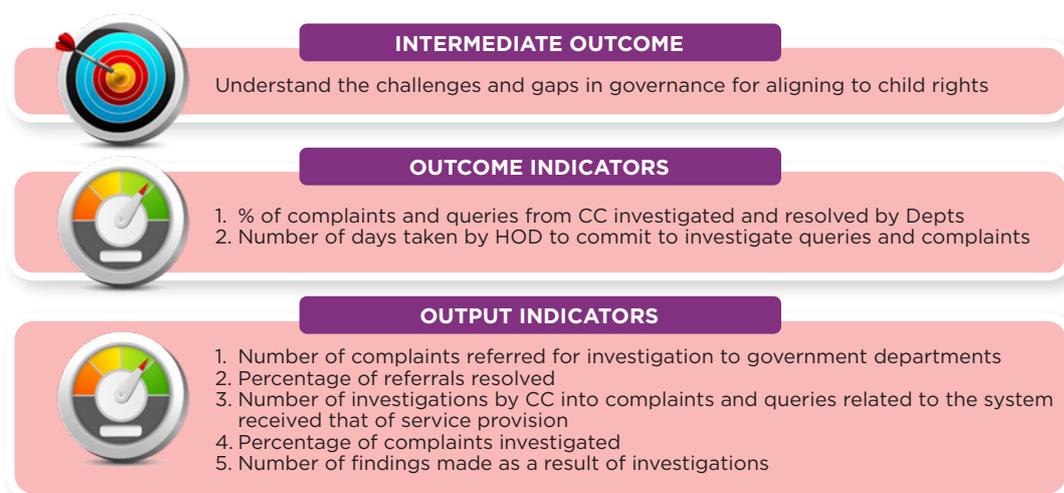
The WCCC's oversight parameters extend to the Western Cape Departments of Cultural Affairs and Sport, Health, Education, and Social Development. The WCCC can also "advise any person or organ of state, whose policies and practices pertaining to children, have been monitored, investigated or researched by the Commissioner"²⁴. The WCCC adopts a strategic approach to investigations, complaints, and enquiries. This involves strategic, systemic, and systematic interventions into child rights gaps and challenges.

According to Section 8 (2) of the Western Cape Commissioner for Child Act, the WCCC is empowered to resolve complaints and enquiries that are linked to provincial government. If a complaint is linked to a provincial government service, the WCCC adopts a referral approach to resolve the complaint. This involves consultation with the relevant Head of Department and/or their designated officials to understand the best course of action. Usually, a department will employ its internal systems to investigate and resolve a matter. This is important because each department has its own complaints resolution and disciplinary procedures.

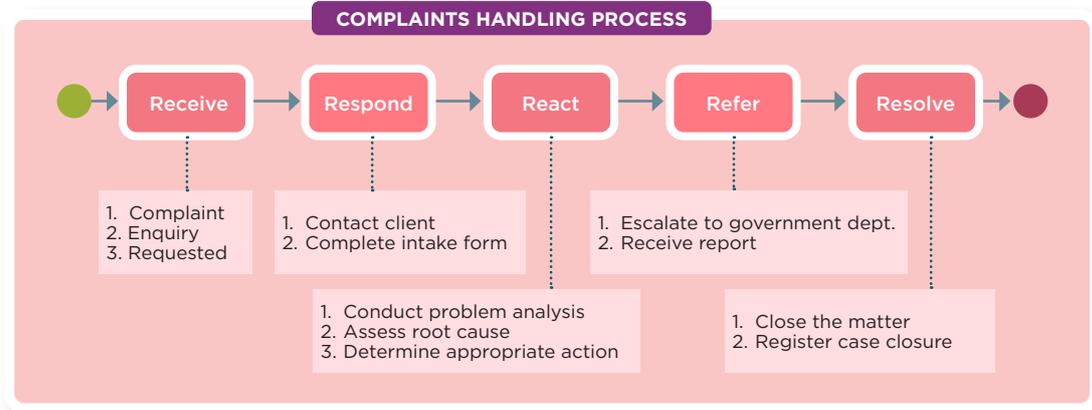
There are limitations to the powers of the Commissioner for Children. The Commissioner may not carry out an investigation if it duplicates the work of an organ of state as noted in section 8 (4) of Act 2 of 2019. Nor can the Commissioner interfere with the findings of a court or a tribunal.

Therefore, initially, the Commissioner considers trends of incoming complaints and enquiries, inputs from Community Child Rights Workshops and/or Child Consultations, as well as monitoring visits. The trends below reflect on incoming complaints and enquiries received by the Commission via the office's communication channels. However, it does not enumerate the children's inputs from Community Child Rights Workshops or Consultations. Further analysis of this data will be needed by the Monitoring and Awareness Branch.

The intermediate outcome for the investigations and monitoring powers of the Commissioner is to understand the challenges and gaps in governance for aligning to child rights.



The diagram below demonstrates the WCCC’s initial complaints handling process:



TRENDS OVER THE PAST YEAR

Between June 2021 and May 2022, a total of 137 complaints and enquiries were received from citizens across the Western Cape. When compared to the 50 cases received in 2020/21, there is a 174% increase in caseload; thus representing an almost tripling of incoming casework. Like last year, most cases (41%) are linked to the Department of Social Development (DSD); whereas 23% are linked to the Western Cape Education Department (WCED). Below is a breakdown of cases per provincial department:

41% of enquiries/complaints were linked to the DSD. The nature of enquiries/complaints is further explained below:

- 49 were children and families-related cases.
- 1 was a development and research-related case.
- 1 was a case linked to the Administration of the Department, and
- 5 were linked to social welfare services.

When zooming into the cases linked to Children and Families, cases include child protection matters, CYCC resourcing constraints, appealing the decision of a Social Worker or the Department, information or advice regarding someone else’s child, custody issues, and matters of adoption or foster care. Whereas, social welfare cases are linked to social grants.

In terms of case outcomes for DSD, the following can be reported:

- 95% of cases have been resolved; which is a 4-percentage point increase compared to 2020/21; where 91% of DSD cases were resolved. This reveals a high case resolution rate for DSD when comparing it to the 2020/21 year.
- 3% of cases are still in progress (i.e. the case was still active or being investigated). This is down by 3 percentage points compared to 2020/21; where 6.3% were still in progress at the time of writing the annual report.

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- 1 was a development and research-related case.
- 1 was a case linked to the Administration of the Department, and
- 5 were linked to social welfare services.

In terms of case outcomes for DSD, the following can be reported:

- 95% cases resolved; a 4-percentage point increase compared to 2020/21; 91% DSD cases resolved – high case resolution rate compared to 2020/21.
- 3% cases in progress – down by 3 percentage points compared to 2020/21; 6.3% in progress at time of writing.
- 2% cases undetermined – down by 1 percentage point compared to 2020/21; 3.1% undetermined at time of writing.

23%

of enquiries/complaints to the office were linked to the WCED. The nature of enquiries/complaints is further explained below:

- 24 cases were related to public ordinary schools;
- 3 cases were related to independent schools; and
- 1 case was related to public special school education.

In terms of case outcomes for the WCED, the following can be reported:

- 66% resolved; 1 percentage point higher than 2020/21; 65% resolved – relatively steady rate of case resolution for the WCED.
- 25% cases in progress; 4 percentage points lower than 2020/21; 29% in progress at the time of writing – WCED case resolution rates picking up slightly faster than previous year.
- 9% cases undetermined; 3 percentage points higher than 2020/21; 6% of cases undetermined. Slightly higher amount of clients are providing incomplete or inadequate information.

A total of 11 enquiries/complaints were also received outside of the provincial total, which were linked to government entities outside of the Western Cape Commissioner for Children's oversight powers. These were still reported to the relevant entities, and are illustrated below:

2 cases

were linked to the Department of Justice.

3 cases

were linked to the Department of Home Affairs (2 of those cases were related to citizen affairs and 1 was related to immigration affairs).

3 cases

were linked to South African Police services (2 of those cases were related to visible policing and 1 was related to detective services).

1 case

was linked to the Gauteng Department of Social Development.

1 case

was linked to the Limpopo Department of Social Development.

- 2% of cases are undetermined (meaning there was no information on record to follow-up on the enquiry/complaint). This is down by 1 percentage point compared to 2020/21 where 3.1% were undetermined at the time of writing the annual report.

23% of enquiries/complaints to the office were linked to the WCED. The nature of enquiries/complaints is further explained below:

- 24 cases were related to public ordinary schools;
- 3 cases were related to independent schools; and
- 1 case was related to public special school education.

Cases linked to public ordinary schools were predominantly linked to learner wellbeing, corporal punishment, and maltreatment of learners by educators, school infrastructure as well as learners seeking guidance about their school experience.

In terms of case outcomes for the WCED, the following can be reported:

- 66% of cases were resolved; which is 1 percentage point higher than 2020/21; where 65% of cases were resolved. This shows a relatively steady rate of case resolution for the WCED.
- 25% of cases are still in progress, which is 4 percentage points lower than 2020/21, where 29% were still in progress at the time of writing the annual report. This shows that WCED case resolution rates seems to be picking up slightly faster than the previous year.
- 9% of cases are undetermined; which is 3 percentage points higher than 2020/21, where 6% of cases were undetermined. This means that a slightly higher amount of clients are providing incomplete or inadequate information to back up their case.

4% of enquiries/complaints were linked to the DCAS, which were all related to recreation development and sport development. A 100% case resolution rate can be reported for DCAS. The key difference between the 2021/22 and 2020/21 year was that only case was reported for DCAS; which was undetermined. These were enquiries about sport and recreation resources and opportunities.

3% of cases/enquiries were linked to the DoHW, which were all related to district health services. These cases mostly revolved around people's experience of the public health system and an enquiry about the planned closure of a clinic. A 100% case resolution rate can be reported for the department. This is an improvement compared to 2020/21 because zero cases were received for the department.

A total of 11 enquiries/complaints were also received outside of the provincial total, which were linked to government entities outside of the Western Cape Commissioner for Children's oversight powers. These were still reported to the relevant entities, and are illustrated below:

- 2 cases were linked to the Department of Justice.
- 3 cases were linked to the Department of Home Affairs (2 of those cases were related to citizen affairs and 1 was related to immigration affairs)
- 3 cases were linked to South African Police services (2 of those cases were related to visible policing and 1 was related to detective services).

- 1 case was linked to the Gauteng Department of Social Development
- 1 case was linked to the Limpopo Department of Social Development

OWN-MOTION INQUIRIES

The WCCC's approach to investigations is two-fold. Besides the complaints' mechanism, the WCCC is also empowered to conduct own-motion inquiries. In this context, an own-motion inquiry can be described as an in-depth investigation into a systemic issue of the Commissioner's own choosing. Thus, an own-motion inquiry is vastly different to complaints resolution, as it seeks to understand the root of systemic problems and proposed recommendations to shift the system. The methods used to conduct an own-motion inquiry is also different to complaints resolution, as a range of qualitative and quantitative research methods are employed. This includes document review, surveys, in-depth interviews, focus groups, and field observations. For the 2020 - 2025 term of office of the Commissioner, one of the WCCC's own-motion inquiries involves an investigation into the alternative care system. Specifically, the aim of the inquiry would be to understand the factors that drive children into alternative care, protective factors that buffer a child's entry into alternative care, and the ethos of care that is implemented across the system. For this inquiry, the WCCC will partner with a research institution to conduct the research. Processes are currently underway to contract with a suitable service provider.

COMPARISON OF THE WCCC AND OCO'S INVESTIGATIONS SYSTEMS

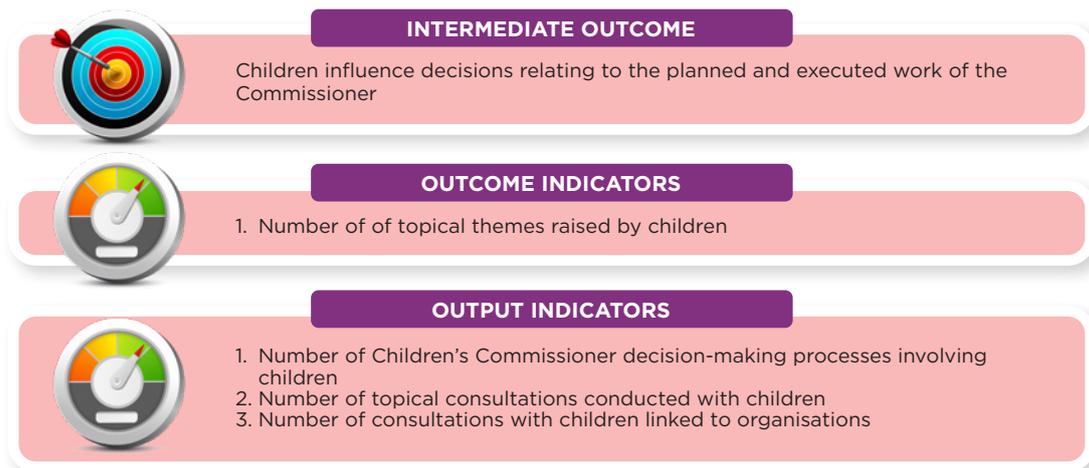
The main aim of the study visit was to learn of the OCO's investigations policy and practice. Both the OCO and WCCC provide the public with multiple channels through which they may file complaints, and both institutions allow for child-friendly complaints mechanisms. The infrastructure required by the OCO to conduct investigations includes two registrars and five investigators in consultation with the Ombudsperson on a meticulously minuted paper-based system initiated when a complainant formalises the complaint in person. Whereas the WCCC investigation branch consists of four persons, only two of whom have been appointed thus far. Enquiries, complaints, and requests come mostly through the Commissioner. The complaints system is electronic using excel databases stored on an office SharePoint. The WCCC will invest in a comprehensive information management system in the next financial year. The approaches to resolving complaints have many similarities but the differences result from the unique scope of work of each institution. Own-motion inquiries, which seek to understand the root of a systemic problem and make recommendations to shift the system, are undertaken by both institutions. The OCO recently completed a systemic review of child-related services in Residence Anoska locality. Using similar social science research methods, the WCCC will undertake a systemic review of the parental and alternative care system for children in the province.

CHILD PARTICIPATION AND ENGAGEMENT

Since the inception of the office, the WCCC has been committed to working in partnership with children — as Child Human Rights Defenders. To promote and protect children’s rights, it is important to understand the daily realities that children face. We, therefore, believe that working directly with children is key in effectively executing the mandate of the office. The three child participation models include working regularly with a group of Child Government Monitors; engaging children on specific topics using Consultations, and working directly with children in their communities using Community Child Rights Workshops. Each of these models will be described in detail below.

This work was operationally positioned as part of the Investigations and Advice Branch (to optimise management resources) but will move to the Monitoring and Awareness Branch when a Head of Branch has been appointed.

The intermediate outcomes envisaged for the child participation work is that children influence decisions relating to the planned and executed work of the Commissioner and for the Commissioner to understand the rights, needs, and interests directly of children in the province (see below).



3 **3 FEBRUARY 2022**
Meeting with Oswald Reddy,
Western Cape Police Ombudsman



Child Government Monitors at the Strategic Planning Camp

MODEL 1: CHILD GOVERNMENT MONITORS

The Child Government Monitors (CGM) forum consists of a group of children living in the Western Cape who share their lived realities with the Commissioner. The table below depicts the number of children working directly with the Commissioner since its inception.

Table 7: Number of Child Government Monitors per year

YEAR	NUMBER OF CHILDREN
2020	38
2021	63
2022	68

In the second year of office, the Commissioner and CCOs connected formally with the CGMs weekly on a Wednesday evening via WhatsApp. In these sessions, CGMs received information pertaining to their rights, governance, self-care, as well as opportunities to be involved in operational matters (such as staff interviews), formulate submissions for law reform, and to present these submissions to governance institutions.

Highlights reported by Child Government Monitors include:

- Presenting their submission for the Children's Amendment Bill at National Parliament in a special closed hearing session for children and vulnerable youth.
- Formulating and making a submission to Western Cape Provincial Parliament on the suitability of public representatives.
- CGMs participated in the WCCC's strategic planning and provided inputs on improvements in operations and procedures.



*History is no mystery
A day good
What my throat, bottling the thousands of voices
Finally exited and my soul free.
Still captured which statement capture
The MPs gave a Friday evening
No one really does.*

*I was filled
By pouring out what was given to me
Monitors of govt children of high I speak
Delivered like a heart beats*

*I have never encountered such a day
Parilment like no other
History much joyous
Childrens amendment bill*

*Mended my worries n pain.
Children and youth
Paving the way*

*Parliament is my house now
Coz I was made to feel right home
Greetings to the house at large
My name is of a child
Sitting in parliament With an adult crowd
Was finally being heard n listened to from
the childs mouth*

*Greetings to the house at large My name kid
a child
History is no mystery
We did it
N it was a blast*

*Parilment is house come have a cup of tea
and talk about us*

LEFT: Children’s Amendment Bill key messages.
ABOVE: A poem by Lukhanyo Sonyamba inspired by participation in the Children’s Amendment Bill Hearings

Child Government Monitors have made submissions to various institutions including the United Nations and the Western Cape Provincial Parliament. Their advocacy work as a group of children active in governance has been profiled in the media and has received international attention.

MODEL 2: COMMUNITY CHILD RIGHTS WORKSHOPS

Community Child Rights Workshops (CCRW) started in the West Coast Municipal District in 2020 and Hessequa Municipality in early 2021. In 2021/22, the team worked closely with local government officials to arrange meetings with stakeholders and schedule CCRW in Bitou, Prince Albert, and Beaufort West municipalities.

All workshops conducted with children followed a standard method of obtaining children’s perceptions of their community’s safety, their dreams and worries, as well as their recommendations for improvement of services for the departments within the Commissioner’s mandate. Workshops were only adapted to meet the developmental level of children when workshops comprised of a broad age range and in situations where children present with different learning styles.



18 18 FEBRUARY 2022
Meeting with Cultural Affairs and Sport HOD, Mr Redman

The table below shows an overview of the areas visited as well as the number of children the Commissioner engaged directly.

Table 8: Community Child Rights Workshops conducted in 2021/22

MUNICIPALITY	COMMUNITIES ENGAGED	NUMBER OF CHILDREN REACHED DIRECTLY
George	George Plettenberg Bay	144
Bitou	Kwanokuthula Wittedrift Craggs Pine trees New Horizon Kranshoek	
Prince Albert	Prince Albert Leeu Gamka Merweville Prince Albert Road Klaarstroom Seekoegat	116
Beaufort West	Beaufort West Murraysburg	382
Cape Metro	Atlantis Delft Blikkiesdorp	27

Recommendations for government departments emanating from children in Bitou Municipality:

In Bitou municipality, the Commissioner traversed 1339 km to conduct Community Child Rights Workshops with 144 children at three (3) Child and Youth Care Centres and three high schools and engage with key role players at two clinics and one Mass Opportunity Development Programme at a primary school and met with other important service providers.

Children's recommendations include:

- Education: Children indicated subject choices required more attention, the need for catch-up support, protection from bullies, and corporal punishment exercised by teachers.
- Social Development: Children wish for mental health support from DSD and for it to intervene more speedily when parents are abusing substances.
- Health: More outreach at schools focusing on child and adolescent health is needed and improving emergency services response times should be explored.
- Cultural Affairs and Sport: Support the development of community-based dance or music clubs, provide more sports fields, and improve the safety of current available sports fields.

22

22 FEBRUARY 2022

Meeting with Elina Pekkarinen,
Ombudsperson for Children
in Finland

25

25-27 FEBRUARY 2022

Strategic Planning Camp
with Child Government
Monitors in Worcester

Recommendations to government departments emanating from children in Prince Albert Municipality:

The five-day journey in Prince Albert Municipality stretched just over 1540 km. Community Child Rights Workshops were conducted with 116 children at seven (7) schools, one organisation, and discussions with stakeholders were conducted with the Health and Social Development departments.

Children’s recommendations include:

- Social Development: Interventions linked to reducing caregiver’s alcohol abuse and child maltreatment.
- Health: Clinical staff should improve their conduct and treat service users with respect, and that health service outreach, in the form of home visits, should be implemented.
- Education: Negative teacher conduct must be addressed.
- Cultural Affairs and Sport: Need for sports infrastructure and different sports codes at schools.



Beaufort West Municipality and City of Cape Town:

The Commissioner travelled 1441 km to conduct Community Child Rights Workshops with 382 children in Beaufort West and Murraysburg. At the time of this report, the journey of the Commissioner’s engagements in the Beaufort West Municipality and within the Cape Town Metro was still being documented.



4 MARCH 2022
Meeting with WCED HOD,
Mr Walters

The table below provides comparative information for the three rural municipalities visited by the Commissioner for Children:

Table 9: Socio-economic indicators of the municipalities visited:

		MUNICIPALITIES		
		BITOU	PRINCE ALBERT	BEAUFORT WEST
Socio-economic Indicators	Population			
	• General population	59 157	14 271	51 080
	• Child population	18 647	4 638	18 589
	Housing			
	• No. of households	19 074	4 182	14 935
• Informal dwellings (%)	21.9%	0.2%	0.3%	
Income	Estimated average annual household income (Rands)	R 29 400	R 29 400	R29 400
Youth Poverty	Multidimensionally poor youth (%)	36%	38%	36%
Education	• Matric/matric equivalent achieved by youth aged 20-24 (%)	38 %	41 %	36%
	• Youth aged 16-17 years completed Grade 9 (%)	73 %	70 %	71%

Source: Wazimap (Community Survey 2016); Youth Explorer (Stats SA 2011)

Findings, observations, and lessons learnt from all municipalities are documented in official reports which are tabled in Parliament and sent to the Head of Departments for their responses to findings. The next financial year will be focused on returning to the municipalities visited in 2021/22 to provide the mandate government departments' feedback to the issues and concerns raised in the reports published by the WCCC.

MODEL 3: CONSULTATIONS WITH CHILDREN

In year one of the office, consultations with children focused on "Learning in COVID times". After attending an online Representative Council of Learners (RCL) engagement of the Metro East Education District of the Cape, learners from two schools requested that the Commissioner visit their school. With this request, consultations on the efficacy of RCLs were initiated by the Commissioner. Child Government Monitors provided input into the questions developed for this consultation. The focus of this consultation is on whether the voices of the RCL are listened to and the quality of the relationship between the RCL and the school management. In 2021/22, the Commissioner engaged with 123 learners across 10 schools in four municipalities. The table below provides information on the RCL committees consulted.

Table 10: RCL Consultations

MUNICIPALITY	SCHOOL	NUMBER OF CHILDREN DIRECTLY ENGAGED
Cape Metro	Jan Kriel (12) Soneike (6) Western Cape Sport School	27
Bitou	Murray High (13)	13
Prince Albert	Zwartberg High Leeu-Gamka Primer	19
Beaufort West	Mandlenkosi Beaufort West Secondary Murraysburg High Sentraal	64

Preliminary findings of these consultations show that some learners feel that some educators and the school governing bodies take their views and requests into consideration, while others feel unheard. The full report of this consultation will be published in the 2022/23 after the Commissioner has consulted with learners in Hessequa and Matzikama Municipalities.

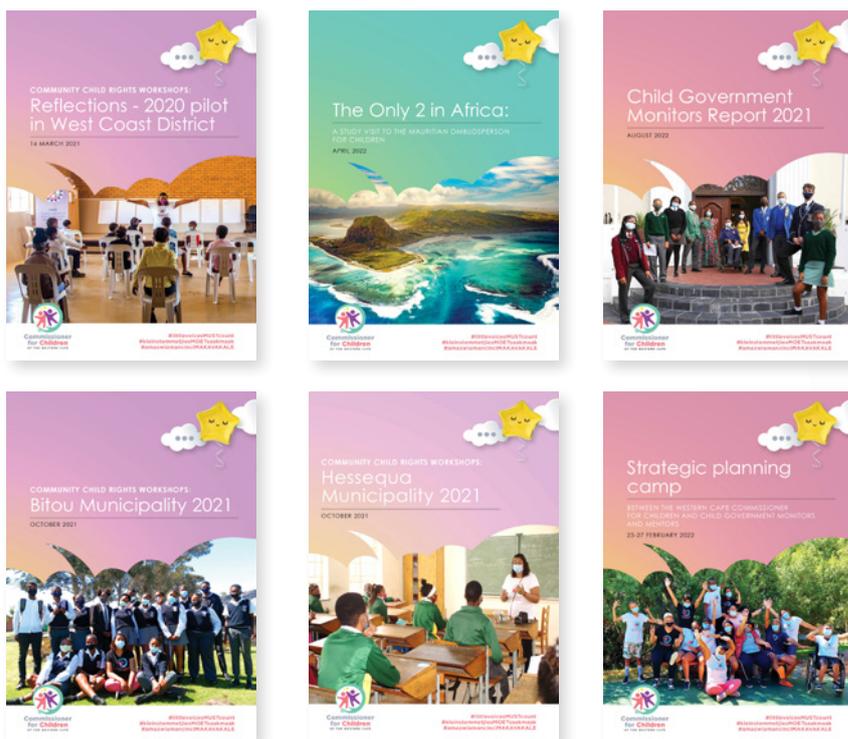
CONCLUSION

The Commissioner for Children will commence a fourth child participation model next year – children monitoring public budgets to align with child rights. Training camps will be organised with our Child Government Monitors and Mentors are to build capacity in this area.

Time and again, the WCCC is reminded through their child participation models that society has a long way to go in the fulfilment of children’s participation rights in South Africa. The WCCC remains committed to making children’s voices count in the highest levels of governance.



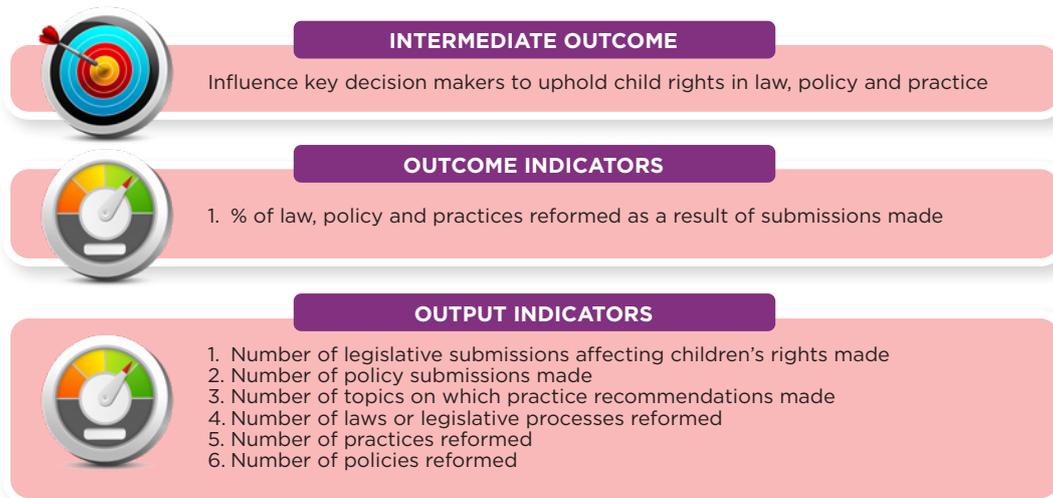
The Commissioner and RCL at Jan Kriel School



Publications in the 2nd Year

LOBBYING

When Child Human Rights Defenders or the Commissioner for Children can influence top governance decision-makers to align more strongly to child rights realisation, lobbying success is achieved. The intermediate outcome for lobbying is to influence key decision makers to uphold child rights in law, policy, and practice. Mostly, the Commissioner works with children to conduct lobbying activities.



23 **23 MARCH 2022**
Presented at Western Cape Provincial Parliament
Thetha Nathi in Paarl

In 2020, Child Human Rights Defenders were able to:

- Make submissions to the Commissioner for Children using writing or creative/ performing arts;
- Be involved in the operations of the Office of the Commissioner for Children and shape its development;
- Make a submission to the African Peer Review Mechanism on the potential of high schools as a youth development vehicle;
- Inform the List of Issues Prior to Reporting for the United Nations Committee on the Rights of the Child;
- Make a written and oral submission on the Children's Amendment Bill in a closed session in National Parliament;
- Present on webinars and advocate in the media on various child rights issues; and
- Initiate a campaign to #CanceltheRewrite of matric examination papers.



Children's Amendment Bill Hearing



The WCCC at the Children's Amendment Bill Hearing

In 2021, the children working with the Commissioner were able to:

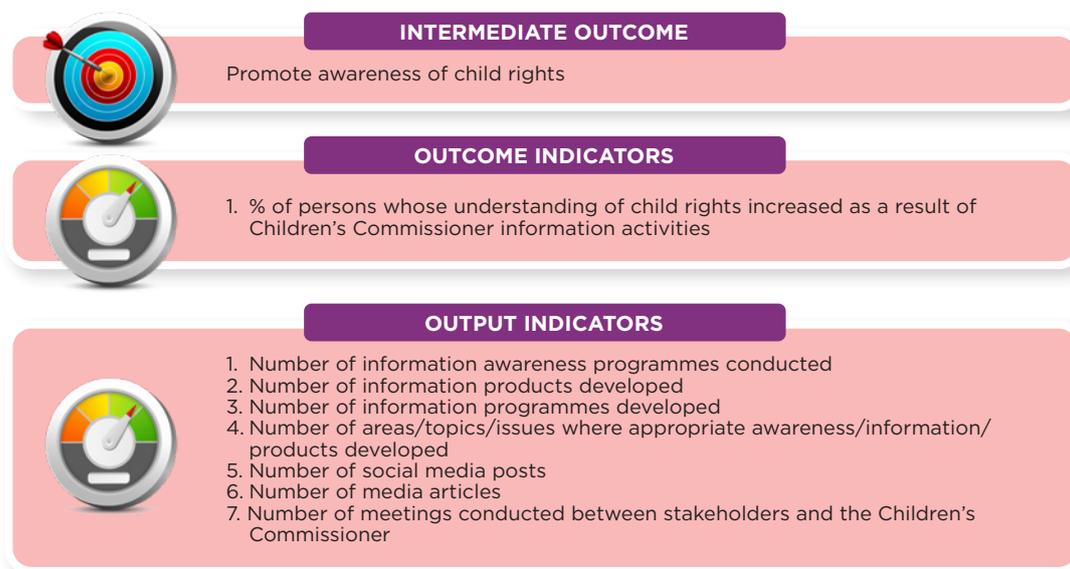
- Have 12 Child Government Monitors promoted to being on the Advisory Council of the Commissioner;
- Inform a strategic litigation resource developed in the United Kingdom for lawyers;
- Start a regular Rx Radio show called "Conversations with the Commissioner";
- Be involved in book launches on sexual and reproductive health rights;
- Participate in a research study on child rights realisation in South Africa by reflecting on their daily realities;
- Share their position statements in print, radio, and social media; and
- Accompany the Commissioner to present the first Annual Report in Provincial Parliament.

In 2022, key highlights for children were to:

- Be involved in the strategic planning of the office;
- Meet Parliamentarians and government officials as well as the Western Cape Police Ombudsman; and
- Advocacy in the media.

MONITORING AND AWARENESS

In the first two years of the Office of the Commissioner for Children, monitoring and awareness activities have been spearheaded by the Commissioner. Orientation visits were conducted to service sites whenever the Commissioner conducted Community Child Rights Workshops in a municipality or when she was invited to visit an organisation. A more rigorous monitoring framework will be developed once the Head of Branch for Monitoring and Awareness is appointed. The intermediate outcome for the Commissioner's awareness power and duty is to promote awareness of child rights.



The Commissioner also spent much of her first year developing the brand identity of the Commissioner for Children with children from across South Africa. This included: logo, mission hashtags, mandate posters, banners, a Facebook page and Twitter handle. The first CCO was instrumental in developing the content of the website. Children are encouraging expansion into other social media avenues; this will become possible with more staff. The Commissioner has also been the main spokesperson for the office in relation to media requests. The reach and impact of her work in the media will be analysed when a communications specialist joins the team. The intermediate outcome in relation to the Commissioner's awareness raising power and duty is to promote the awareness of child rights.

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10-15 APRIL 2022

Visit to the Office of the
Ombudsperson for Children
in Mauritius

Table 11: Social media posts

SOCIAL MEDIA PLATFORM	YEAR 1	YEAR 2
Facebook	113	63
Twitter	178	88

In addition to creating awareness of the work of the WCCC on social media, Child Government Monitors are often featured in articles and radio interviews.

- **Apartheid laws created the misery that SA’s children and their caregivers find themselves in.** Written by Neziswa Titi IOL — Jaylin Badenhorst was quoted, on 2 June 2021.
- Zubair Ryklief and Keren Davids were interviewed on RX Radio and Voice of the Cape Radio about child protection week, on 4 June 2021.
- Brandi Ryland profiled the need for more policies and budgets for mental health services in schools to Premier Alan Winde on Maties Radio, on 16 June 2021.
- **Year 1 of the WC Children’s Commissioner: What Christina Nomdo’s found so far.** Written by Lauren Isaacs EWN news, featuring Lukhanyo Sonyamba, on 21 June 2021.
- Mwilu Matondo and Vimbai Watambwa poke about the work they do with the Commissioner when interviewed by Saadiq on RX Radio, on 26 June 2021.
- **Preparing youth to be active citizens** —Press release in Ons Kontrei –Ruan Klaase was profiled, on 23 July 2021.
- **Teens pooh —pooh antivax rumours as they boost rollout numbers** by Claire Keeton, Sunday Times – Brandi Ryland, Solakha Noyi, and Zubair Ryklief were quoted, on 13 October 2021.
- **Media release: Childline South Africa stands united with Civil society and children in their condemnation of the appointment of convicted sex offender as Kannaland Mayor,** on 19 November 2021.

OUR THEORY OF CHANGE

Children are the present not the future

Outcomes

little voices must count

Understand issues affecting the rights, needs and interests of children in the province

Promote awareness of child rights

Influence key decision makers to uphold child rights in law, policy and practice

Impact
Active child participation by influencing decision making that has a direct impact on children's lived experience

Mission
#littlevoicesMUSTcount
#kleinstemmetjiesMOETsaakmaak
#amazwiamancinciMAKAVAKALE

Understand the challenges and gaps in governance for aligning to child rights

Advise on aligning law, policy and practice to child rights realisation

Understand the impact of government laws, policy and services on children

Vision
Reimagining and remaking childhoods

Children influence decisions relating to the planned and executed work of the commissioner



FIVE-YEAR PLAN

Y2

- **Institution Building:**
Accommodated in two temporary offices, recruited contract CCO and DD, Cost of Employment increased
- **Investigations:**
Developed case tracking tool, developed case management system, developed investigations approach, compared systems with Mauritian Ombud, Develop own-motion inquiry Terms of Reference (TOR)
- **Monitoring:**
Orientation visits to service centers, commence CYCC monitoring visits,
- **Child Participation:**
CGM 2021 report, Bitou CCRW, Prince Albert CCRW, Beaufort West CCRW

Y1

- **Institution Building:**
Viewing buildings, Recruit 1 CCO
- **Investigations:**
WCCC received and referred cases, interns research investigations methods
- **Monitoring:**
Brand development, MTBPS submission
- **Child Participation:**
Develop three child participation models, publish CGM reflection report, Matzikama and West Coast Report, Learning in COVID times infographic report, Hessequa CCRW

Y3

- **Institution Building:**
Identify permanent office, recruit 2 CCO, 1 ASD, 1 DD
- **Investigations:**
Stakeholders consultation for feedback on system, systems lessons with other commissions and ombuds, developing specifications for information management system, Appoint service provider for Y3
- **Monitoring:**
Establish branch, developing monitoring approaches
- **Child Participation:**
CCRW reports for Bitou, Prince Albert and Beaufort West, Community Feedback sessions, Develop Budget Monitoring Child Participation Model, Finalise RCL consultation in Hessequa, CGM report 2022

Y4

- **Institution Building:**
Design child-friendly office, motivate for additional staff (Director)
- **Investigations:**
Develop information management system, conduct own-motion enquiry
- **Monitoring:**
Develop and pilot monitoring systems and tools
- **Child Participation:**
RCL Report in Y4, CGM 2022 report, ID new communities (overberg, winelands, metro) for CCRWs

Y5

- **Institution Building:**
Launch office building, Appoint additional staff (director)
- **Investigations:**
Findings of own-motion enquiry
- **Monitoring:**
Stakeholder consultation for feedback, Yr 5 handover strategy
- **Child Participation:**
CCRW reports for Overberg, Cape Winelands, and Cape Town Metropolitan, CGM 2023 report, handover strategy



FINANCES

The WCCC was provided with a budget of R5 million per year for the first three years of operations from 2020/21 to 2022/23. An additional amount of R3 million was allocated for the establishment of an office in the first financial year.

In the first financial year, the Commissioner worked alone for 8 months and was joined by the first staff member on 1 February 2021. Therefore, spending in the first year totalled R1.4 million. The main expenditure in the first year related to branding and Community Child Rights Workshops. The permanent office was not yet established in the first year and the balance of unspent funds was requested for rollover.

In the second financial year, the budget of the office was R9.8 million, adjusted to R5.8 million. Two more staff members joined the office (one on contract). The main activities included Community Child Rights Workshops, strategic planning with Child Government Monitors and publications. The spending for the second financial year totalled R3.3 million. The balance of unspent funds was requested for rollover.

In the third financial year, commencing 1 April 2022, the WCCC budget is R10.4 million due to rollovers.

Table 12: Budget allocation and spending

YEAR	2020/21	2021/22
Main budget allocation	R8 000 000	R9 800 000
Adjusted budget	R1 825 000	R5 800 000
Total spending	R1 413 000	R3 342 000
Rollover requested	R 412 000	R2 458 000
Details of spending		
Compensation of Employees	R1 327 000	R2 956 000
Goods and Services	R 86 000	R 386 000
Total spending	R1 413 000	R3 342 000

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13 MAY 2022

Visit to Bonnytown
Secure Care Child and Youth
Care Centre

NEXT STEPS

Institution building is an incremental process. We have received approval to hire more staff next year and hope to move forward with our goal of procuring permanent accommodation for the Office of the Commissioner for Children.

Strengthening our work directly with children is key. Our **three child participation models** – Child Government Monitors, Community Child Rights Workshops, Childrens Consultations, and Children involved in Public Budget Monitoring – will continue to form the core of our work. When we meet children where they live, we are also able to monitor service delivery. A productive feedback loop between children and government as well as others who serve their needs will be facilitated using our reports which contain advice and recommendations. We will commence our **fourth child participation model** called Government Budget and Advocacy, where the aim is to make recommendations for government budgets to align with a child rights approach.

Our system for managing **enquires, complaints, and requests for investigations** will be fine-tuned with children, civil society, and government role players. The WCCC will invest in a comprehensive information management system in the next financial year. We will initiate an own motion inquiry –baseline research into the state of care in our province.

WCCC will continue to **educate** the public on child rights via mainstream and social media. Lobbying will include engagement with all levels of decision makers in the world, even at the level of the United Nations and the African Union – **#littlevoicesMUSTcount, #kleinstemmetjiesMOETsaakmaak, #amazwiamanciciMAKAVAKALE.**



WCCC, Child Government Monitor, and Child Government Monitor Mentor



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#amazwiamancinciMAKAVAKALE



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