



**Commissioner
for Children**

3 December 2021

For attention: Ms Lindiwe Ntsabo
The Committee Secretary
Portfolio Committee on Social Development

By email: childrens-amendment-bill@parliament.gov.za
Intsabo@parliament.gov.za

Dear Madam

Child Human Rights Defenders and the Western Cape Commissioner for Children submission on law reform

I, Christina Nomdo, the Western Cape Commissioner for Children tender this submission on the Children's Amendment Bill B18-2020 (hereinafter the Amendment Bill), in partnership with Child Human Rights Defenders.

On 1 June 2020, when I commenced my tenure as the Commissioner for Commissioner, I established an engagement forum directly with children to enable them to participate in governance. The engagement is facilitated primarily via online methods such as WhatsApp chat, Email and Facebook messenger and includes children in urban and rural areas as well as children living with their parents and those in state care. As a result, children have been able to discuss the matters they believe to be most important when reforming the Children's Amendment Bill.



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This submission sets out the main issues the Child Human Rights Defenders want to address to make sure that we have fit and proper individuals holding public office at any level of government, who must work in partnership with and in the best interests of children. Specifically, our discussions centred on the recent case regarding the re-election of Kannaland Mayor, Jeffrey Donson. We urge the committee to speak out strongly in public on this matter.

As this is a very sensitive matter, that may place children at risk of harm if they are identified, the Child Human Rights Defenders are willing to engage with the committee privately on this matter in the new year, 2022. I will act as a liaison between the Portfolio Committee of Social Development and the Child Human Rights Defenders.

I can be contacted via Email: childrens.commissioner@wccc.gov.za and WhatsApp: 083 776 7067.

Sincerely

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Commissioner for Children

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Introduction

The Western Cape Commissioner for Children and child human rights defenders consulted by her office wish to bring a serious matter to the attention of the Portfolio Committee on Social Development who are the custodians of the Children's Amendment Bill. We believe that we must use this opportunity in the law reform processes to make sure that we have fit and proper individuals holding public office at any level, who must work with and in the best interests of children. We appeal to the committee to ensure that the sections of this law are tightened to protect and promote the rights of children.

How can a convicted child rapist be a Mayor?

Disbelief, disgust and concern were the responses children engaging with the Children's Commissioner when they heard the news that a child rapist has been elected the Mayor in the Western Cape Municipality of Kannaland. The Commissioner notes 'I was outraged at this news! Only adults have the right to vote and they need to exercise that vote responsibly in the best interests of children who are a large part of society, but cannot vote.' The Commissioner has deliberately changed the names of child human rights defenders profiled in this statement to protect their identities as we worry that they may face harm if identified. Moegamat stated: *"How is it possible that a rapist and a fraudster can be allowed into positions where they can run a whole municipality. Was the information on the candidates not revealed to the public during the time of elections or are people just blindly following a rapist and a fraudster? Who in their right mind would follow a grown man who started a relationship with a 15 year old and not just an ordinary man the mayor of your municipality?!!!"*. Busi has lost her faith in these adult voters: *"They are hypocrites to me. Because they say something and act differently. I'm very but sad and disappointed about this because we are supposed to feel safe in these adults hands, but I guess not."*



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The child human rights defenders say everyone needs more voter education. Ntsikelelo opines: *"it's futile to put people to vote who do not understand what they voting for... people been lacking skills, lacking knowledge and lacking wisdom to decipher which of these parties are saying what people want to hear instead of speaking facts... voting for a person that has done something as disgusting as this is a sign people are misled a lot. The youth should be given an opportunity to vote but people should be more informed to find out what is going on. South Africa needs a lot of work"*. Along with the Commissioner for Children, these children are lobbying for voting age to start at 16 years. Khaleesi says: *"And this is why children should have more say cause at least we can help each other out."*

The children expressed their disappointment in the adults that had a hand in this - judges, voters and political party leaders. Busi says: *"If the adults and politicians really cared about children and state that they doing this for children, then their actions really do speak louder than words. Because they are basically allowing this man to continue his wrong doings and they continue to cover up for him"*. *"(Political parties) should be doing background checks. Looking for criminal records. They need to do the most to make sure these are the perfect candidates for the job"* says Ettienne. The Commissioner is aghast: *"The child protection and sex offender registers should be checked when individuals apply to be candidates for a party. Political parties should absolutely forbid child rapists to be candidates. If there are coalitions, other parties should reject outright these candidates that show up on the registers if they have any integrity and commitment to child protection and combatting gender based violence. This has not happened in Kannaland. Children's rights have been trampled on."*



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Ettiienne, Khaleesi and Busi set a list of criteria they would use to evaluate election candidates:

"-Someone that takes action and doesn't just sit back and watch everything crumble.

-Someone that takes the voice of everyone seriously no matter (what) age.

-Someone that actually shows us what a leader should be doing.

-Someone with a good education or at least good morals and values and someone that the majority trust, and has as a clean record.

-(Someone) who will actually do what he/she promised to do and not go back on his/her word after getting the position and also have the best interest for children at heart."

The Commissioner for Children's asks: *"where does this leave us now? Is talk about commitment to child rights and combatting gender based violence just lip service from those in power? This is not just a news story for those of us in the children's rights sector, this is the measure of our society, and it is unacceptable!"*

ENDS