



Commissioner for Children

Introduction

The Western Cape Commissioner for Children (WCCC) introduced her institution to the new Speaker, Honourable Daylin Mitchell, and Deputy Speaker, Honourable Beverly Schäfer, of the Western Cape Provincial Parliament (WCPP) on 23 February 2023. The main purpose of the meeting was to present the Commissioner for Children's Annual Report 2021/2 for tabling in Parliament.

The Commissioner was accompanied to this meeting, with the Speaker, by her (2) two full time staff members and (6) six Child Advisory Council Members and (1) one Mentor from the Child Government Monitors Forum. The Child Government Monitors Forum is an engagement platform initiated by the Commissioner, which operates mainly on WhatsApp. Children, especially those in far-flung communities, report to the Commissioner on their lived realities and bring child rights violations to her attention. This meeting is scheduled every Wednesday afternoon for (2) two hours from 5-7pm. The Advisory Council comprises of the (12) twelve most committed Child Government Monitors, and they provide advice on strategic decisions and operational matters when the Commissioner requires it. The Child Advisors meet with the Commissioner on WhatsApp every Monday from 5-6 pm, as the need arises. These Advisory Council members are also the key ambassadors for the office in meetings, conferences and when travel opportunities arise. They lead discussions on submissions into law, policy, and practice reform.

The Speaker and Deputy Speaker appreciated learning about the child participation strategies of the Commissioner's office and meeting the children first-hand. The children introduced themselves, told their stories of meeting the Commissioner and reflected on the impact of working with the Commissioner's office on their lives. At this engagement, the Speaker enquired whether they would be willing to give input into a proposal for a Youth Parliament concept.



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Method of engagement

The Youth Parliament proposal and a PowerPoint were shared with the Commissioner for Children on 12 April 2023. On 3 May 2023, 17 Child Government Monitors engaged their views on this Youth Parliament proposal. The proposal contained content describing the purpose, districts and regions in the province, Western Cape Youth Parliament Model, as well as awareness, nominations, and elections. Thereafter, the funding and process list is explicated.

The Commissioner engaged children on this Youth Parliament concept document on her special WhatsApp forum and asked the following questions:

1. When you hear the words 'Youth Parliament', what do you think it's about?
 - 1.1. What is the official age for youth in South Africa?
 - 1.2. How do you deal with such an age range in one institution?
2. Who should form part of the Provincial Youth Parliament?
3. How should these representatives be selected?
 - 3.1. How to ensure that representation is spread fairly across the province?
 - 3.2. Who must pick the representatives?
4. What should be their purpose/job?
5. How should they be able to link with and influence senior (Provincial) Parliament?

In this submission, the contributions of the children will be reflected. The Commissioner analyses inputs for themes. Authentic quotations from the children will be presented to substantiate the thematic analysis. Recommendations will also include the inputs from the Commissioner for Children.



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Analysis

The questions which guided the discussion have framed the identification of the following themes:

- Purpose of the Youth Parliament (including overlap between the legal definitions of children and youth)
- Representation on the Youth Parliament
- Impact of the Youth Parliament on governance

Purpose of Youth Parliament

The Child Government Monitors understand that the Constitution demarcates the Parliament as one of three branches of government (alongside the Judiciary and the Executive). They realise that there are three spheres of government – national, provincial, and local, all having a legislative branch. Children realise that the main roles of the legislature are oversight and law making. Therefore, in this context, they considered the purpose of a Western Cape Youth Parliament that does not have a Constitutional mandate. The children therefore propose that the Youth Parliament be a forum that:

- Consults children / youth
- Develops rules in partnership with children / youth
- Engages children / youth in problem-solving rights activism

The Child Government Monitors said:

"To fight for children rights" – Siphahle

*"We young people (under 18) making decisions on matters concerning them"-
John-Lee*

*"For voices to be heard and solve solutions (problems) that concern them"-
Imivuyo*

*"To speak on behalf of the youth, to tackle problems affecting children. To protect
children's rights." – Kristen*



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"To open a platform so that young children's problems can be heard and solutions to be found."- Iwiwe

"They should raise concerns of issues that children face, a place where children can be heard and possibly understood by children". - Tara

"To represent the youth and to focus on matters that count. To stand for the youth and talk to those who can't talk for themselves."- Jenicton

"Fighting for the rights of children and for children to be recognised"- Lilitha

"Fighting for the rights of children" - Layla

From the above contributions, we note that rights activism is very important to these child human rights defenders. The experience of working with the office of the Commissioner for Children has framed the children's perspective of their role in the governance milieu. They believe with the proper support and capacity building children can be involved in governance fully. So, their views of the function of a Youth Parliament are based on this experience. They reflect the function of the Youth Parliament could be:

" The youth debating in parliament"- Isabella

"To focus on matters that concern them and do budget monitoring like we do."- John-Lee

"Fight for children's rights, monitoring on how children are taken care of in the province and also speak up for children who don't have the voice. And educating children on matters like budget monitoring and leadership skills."- Vimbai

The Child Government Monitors have been involved in training on leadership and budget monitoring recently in the Commissioner's office and they realise these are powerful skills for advocacy and activism. Many children also opined that the structure should be governed by the children / youth themselves with adult support when needed. They said that is must be a:

"Parliament that's (run) by the youth" – Siphahle

"A parliament (run) by the kids with the help of adults."- Kristen



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"A parliament for children that's (run) by children (under 18ish)"- Tara

"A parliament (run) by youth for the youth."- Liam

"Parliament for everyone"- Lilitha

"Rules set by children"- Imivuyo

"A parliament (run) by children only"- Vimbai

As noted from the above contributions, there was confusion about concepts like children and youth. Some children thought 'youth' meant teenagers from 12 - 17, others thought it means the same as the legal concept of 'children' 0 - 17years, and some had a broader conception ranging from teenagers to adults in their 30s. The Commissioner informed the group that legally in South Africa, youth is defined as 14 – 35-year-olds. The children were surprised that the range of ages were so broad.

This prompted the Commissioner to ask whether it is realistic, feasible, advisable to have individuals from this age range together and what it would mean for power dynamics in the group. As child human rights defenders it is understandable that they lobbied for children to have an independent structure from adults. Others pointed to the complications for power dynamics in the group, they articulated:

*"I still feel like that would be 'cheating' if we had the 'older generation' of youth"
- Vimbai*

"There should probably be a different age divisions? Because, I feel like the slightly older 'youth' may have different perspectives than the younger ones."- Kristen

In conclusion, the Commissioner notes that the Western Cape Youth Parliament does not have a Constitutional mandate. Therefore, the children articulate that it could be considered a consultation and debating forum deriving its mandate from the Speaker's office. The Youth Parliament was mooted as a developmental initiative where the young people are charged with clear governance/organising responsibilities (with adults in a supportive role). It was a grave concern that the legal age for youth was so broad and children worried about the unfair power dynamics in the group, proposing that children should have a separate structure and young people should have their own structure as



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the issues will differ considerably due to the different life phases. The next consideration was the representation on the Youth Parliament.

Representation on the Youth Parliament

The WCYP proposal considers the regions and districts in the province, making recommendations for the nomination, selection and/or election of representatives onto the structure. The children consulted considered age representation (as discussed above) and geographic location as important criteria for inclusion. They said:

"There should be representatives from like quite a few areas in the province"- Tara

"Every municipality must have a minimum of 3 members"- Ruan

"One representative per town can be taken to semi-finals and they can do leadership tests and activities and the best leader will win"- Liyanda

The number of representatives per area and candidates with strong leadership skills, were considered key criteria. They considered the process of selecting representatives, recommending:

"Picking people from different places and having Zoom calls to accommodate those who can't be there". - John-Lee

"Online applications (can be used)"- Layla

"They should be voted for by the youth since they will be their voice" – Isabella

"The individual executives within the Provincial Parliament as they will be working closely with those individuals within youth parliament for operational reasons." - Ayabongwa

Children remind us that we can reach youth in far flung areas by using social media or virtual meeting platforms. They added that the representatives should be active and positive societal change makers. Children expressed:

"Active citizen / youth activists."- Liam



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"Youth that is active at schools or the community, they can make presentation and campaigns on what believe in and what they feel our country lacks. NO EMPTY PROMISES!!" - Liyanda

The children emphasised extensive publicity of this opportunity. They recommended:

"Spread the word through social media and by posters"- Jenicton

"We can have a rep from every school/ ward and then have them do some form of a presentation."- Isabella

"Maybe then, they can involve MP for education to get reps from schools to do interviews" - Liam

"Send out a provincial application to every school and try to indicate to schools that they should give them forms in hands and the school should scan it back to the person in charge of choosing" – Iviwe

"By campaigning, advertising and word of mouth."- Ayabongwa

The children believe this is a great opportunity which should be available to all youth in the province. Therefore, it is important that there are special ways to communicate with them. Some recommend using the media and others suggest working through schools for younger eligible candidates.

In conclusion, clear criteria such as age, geographic location, leadership skills, change makers - for representation were considered important elements of fairness for inclusion into the Youth Parliament. The process for selection was also deliberated upon. The Commissioner clarified that she was not involved in this Youth Parliament, because the children thought she would play a role in selection. Lastly, the children feel strongly that many strategies should be used to make all eligible youth aware of this opportunity and the selection process should also be rigorous.

The Commissioner wishes to clarify whether the structure would only include citizens, as non-citizens experience many challenges in our province. The Commissioner would also recommend a more broadly conceptualised consultation process before establishing the Youth Parliament to garner broad buy-in for the concept. This strategy will also make implementation easier if many are aware of the idea and are keen to make it successful in the implementation phase. Due consideration would need to be given to party politics.



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Impact of the Youth Parliament on governance

Children and youth participation rights are recognised in international law and should be substantive in nature. Even though the Western Cape Youth Parliament currently has no legislated authority, it should not be a tokenistic intervention. There was a strong feeling amongst the children consulted that the Youth Parliament should be taken seriously by the senior Provincial Parliament. Children noted:

"They should work alongside the minister to be an advisor almost"-Isabella

"They should have dates and times set like how we do our annual reports. They should have maybe monthly reports on what they have achieved and what they done to the senior Parliament."- Vimbai

"I think there should be an executive from Youth Parliament that will be a part of senior Parliament." – Liyanda

The children believe that there should be a very clear role of the Youth Parliament in governance decisions in the province.

The Commissioner also notes with concern the elements of the proposed model that merely assigns community development work to potential Youth Parliamentarians. There is a danger in delegating unsupervised community work. In the Commissioner's experience, borne out by recent experiences in the Cape Town Junior City Council, children require lots of support to execute community initiatives. Children also tend to initiate self-healing initiatives, for example, support groups for rape when they have no expertise to manage these interventions.

Conclusion

The Child Government Monitors in the office of the Commissioner for Children would like to endorse the concept of a Youth Parliament if it is a consultative and developmental forum for children and youth to participate in governance decision-making.



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Participating Child Government Monitors:

Ande Melane, 17 years old, Gugulethu

Ayabongwa Matiso, 17 years old, Beaufort West

Favour Ndirin, 17 years old, Summerville Estate, Kuilsriver

Isabella Dawood, 16 years old, Newfields

Iviwe Mfanta, 17 years, Gugulethu

Jenicton Julies, 16 years old, Vredendal

John-Lee Plaatjies, 15 years old, Kuilsriver

Layla Devajee, 14 years old, Strandfontein

Liam Rhoda, 17 years old, Lavendar Hill

Litha Ndikolo, 17 years old, Strand

Lilitha Kopolo – 14 years old, Eerste River

Liyanda Sokuyeka, 17 years old, Kwanokuthula

Ruan Klaase, 15 years old, Rietpoort

Rushaan Abdol, 15 years old, Worcester

Siphahle Dlakana, 13 years old, Bayview

Tara Hendricks, 14 years old, Ottery

Vimbai Watambwa, 17 years old, Plumstead