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BUILDING A NEW SOUTH AFRICA

YOUTH AND THE PROTECTION OF THE CHILD

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BUILDING A NEW SOUTH AFRICA
THE SITUATION OF CHILDREN

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Historical Perspective

The situation of children in South Africa has been bedeviled by apartheid, with children of the oppressed and underprivileged masses suffering the worst deprivation and neglect.

Because of the fragmentation of service delivery under this system, the impact of service and charitable organisations has been negligible when one takes into account the harmful policies of apartheid.

Focus on South African children internationally, began to sharpen after 16 June 1976 when school children in Soweto were mowed down by instruments of the South African regime during a protest against using Afrikaans as a medium of instruction and apartheid education. The protest led to high-handedness and further repressions. This forced many youth regarded as leaders of the protest into exile and others into prison.

During the eighties, reports of children's repression in South Africa were sent to the outside world and UNICEF published "Children on the Frontline". The harrowing experiences of children under the apartheid repression and the cruelty and brutality unleashed on children under the State of Emergency were highlighted.

This situation led to the memorable international conference held in Harare in 1987 to begin to address the issues around children. During this time, the UN Commission on Human Rights was in the process of drafting a Convention of the Rights of the Child.

Other conferences were held in Lusaka and Amsterdam (Malilongwe Conference) during 1989, to among other things, further examine the situation of children in South Africa and in exile, in the light of the UN Convention on the Rights of the Child. Recommendations adopted at these conferences included :

- * A democratic South Africa should up-hold the rights of the children and therefore ratify the United Nations Convention on the rights of the child.
- * A future constitution should protect the rights of the child.
- * State policy should include affirmative action for promoting the rights of the child.
- * Research be undertaken in various areas that affect the child.
- * Special consideration should be given to the child in the struggle.

- * State policy should ensure that parents and guardians are in a position to care for their children.
- * Parents should be educated on the rights of the children to free expression and privacy.
- * Children should be protected against all forms of exploitation.
- * There is a need to constantly monitor children's rights issues and the implementation of children's policies.

Other recommendations were specific to areas such as child health, homelessness (street children), militarisation and children, repression and children, education and children.

In a bid to explore how UNICEF could respond to expressed concerns of children and women in South Africa, a study tour of UNICEF assisted projects in Kenya, Tanzania and Zambia was arranged. All this happened through the continued process of consultation between UNICEF and leaders such as Mama Sisulu and Sr. Bernard.

On 13-15 April 1990, Mrs Albertina Sisulu and Sr. Bernard Ncube convened, under the auspices of the United National Children's Fund (UNICEF), a consultative conference in Gaborone, Botswana. The conference was attended by 45 delegates from various South

African anti-apartheid and professional organisations as well as the ANC of South Africa. The objects of the conference included:

1. To receive feedback from the study tour of UNICEF assisted projects and lessons learned.
2. To discuss and develop proposals for advocacy and social mobilisation activities focused on the Convention of the Rights of the Child.
3. To develop a better understanding of the situation of children by :
 - 3.1 Exploring tools that are needed to understand better the situation of children in South Africa.
 - 3.2 Determining whether or not an analysis of the crisis situation of women and children is needed for improved data availability.
 - 3.3 Determining the resources necessary to conduct a situation analysis referred to in 3.2 above.
 - 3.4 Making recommendations with regard to continuing the work of previous conferences and workshops in support of children in South Africa.

At this consultative conference, the ANC's paper "The Future Belongs to our Children", outlined 8 areas in which South

Africa's children most urgently require a programme of repair and restitution. These areas are :

The trauma of repression; the destruction of the family, street children, criminalisation of children, education for liberation, child labour, health and a restitution programme. It proposed that "The Rights of Children" must be given formal protection in law." A ministerial post at cabinet level in a new South African government was also proposed. The conference noted the concentration of resources in urban areas and moved for provision in rural areas in which the majority of the population still stay.

A programme of action to meet the needs of South African refugee children under the auspices of the South African liberation movements and assistance for victims of apartheid in South Africa was adopted by the conference.

The structure proposed was the formation of the National Committee for Children's Rights (NCCR), now known as the National Children's Rights Committee (NCRC), to remove confusion that arose when the National Repatriation Committee was formed and named the NCCR.

The objectives of the NCRC included :

1. To launch a nationwide campaign for the protection and promotion of children's rights.

2. To commission research on the crisis situation of children in South Africa.
3. To provide training to persons who are involved with the situation of children.
4. To co-ordinate the efforts of different organisations involved with the situation of children.
5. To advocate for the rights of children in South Africa.
6. To inculcate a children's rights awareness based on international norms.
7. To promote publications on children's rights.
8. To undertake broad analyses of the situation of children and women in South Africa.
9. To publish the results of the Situation Analysis.
10. To liaise with and exchange experiences with friendly non-governmental organisations (NGOs) in South Africa and UNICEF assisted projects in other parts of Africa and elsewhere. taking into account UN resolutions on sanctions against South Africa.

11. To provide direct assistance to community based NGOs involved with the situation of children.
12. To launch a nationwide campaign for children's rights on 1 June each year, which is the International Children's Day.

Much has happened since April 1990 to attempt to address the situation of children. The challenge has been and will continue to be, how to involve the many South Africans who work in the children's rights area without causing feelings of "losing control or ownership" of their programmes.

Some Progress Made

After the Gaborone Consultative meeting, delegates were mandated to organise report back meetings to their respective constituencies. The participatory and consultative nature of these constituencies provided a spring board for activities in some areas while in other there were serious problems.

As a result, 1990 saw only one major activity i.e. campaigns on 1 June by a number of regions in South Africa. The structure of the NCRC was still in question in some quarters especially due to lack of clarity in regions and some sectors as to what the role and mandate of the NCRC is and what UNICEF is and does.

By 1991, the NCRC had established regional structures which consist of volunteers to carry the mandate of Gaborone Consultative Conference. One project co-ordinator supported by

UNICEF, was employed to facilitate the NCRC programme which was under the management of the Institute for Contextual Theology (ICT). At regional level, various children's rights campaigns were organised from time to time with emphasis placed on important dates on the South African calendar.

By the middle of 1991, researchers were commissioned to undertake the Situation Analysis on children and women in South Africa. It was envisaged that this process will be as participatory as possible and UNICEF had provided training on the Situation Analysis in April of 1991 to a group of South Africans participating in the NCRC structure for this purpose.

The Situation Analysis was to be completed by the middle of 1992. However, due to difficulties experienced by the NCRC as an organisation and some researchers, this was not to be. A decision was taken at the October 1992 meeting to re-schedule the completion of the report because by that time not all sectoral research reports were available.

In January 1993, the NCRC commissioned Dr Leila Patel to synthesize the report and it is her aim to finalise the document by June 1993. The report will be shared with all South Africans committed to the improvement of the life of children and women.

The purpose of undertaking the Situation Analysis is to provide appropriate information for the development of a National

Programme of Action for South Africa through prioritisation of needs of children and women, how and by whom these will be met. Because South Africa is still under the control of an apartheid regime, this information will initially serve to lobby for support of programmes for women and children within the country and internationally, it will also serve to develop a shadow NPA which, like NPAs presented at the OAU Dakar Conference in November 1992, will ensure that the future government has a basis from which to operate where issues of children are concerned.

CAMPAIGNS

As stated earlier, initial campaigns of the NCRC were around children's rights International Day. However, because some regions (notably the Western Cape and Natal), already had mobilized around these issues before the formation of the NCRC, their activities were more organised.

NCRC activities which relate to the UN Convention on the rights of the child with UNICEF support, are as follows :

1. The simplification of the Convention by a team of legal experts from different parts of South Africa was started during 1992. A final workshop was held at the end of the year and a report will be submitted to the NCRC. It is the NCRC's intention to distribute the simplified version to all regions in South Africa with the aim of having the simplified text translated to relevant languages. This will facilitate the education of the masses about the

rights of children. Note has also been taken of the problems that the illiterate people will have in getting access to information, and plans will be worked out as to how to use communicative ideas to reach them are underway.

2. One of the NCRC co-ordinators and two regional members received training with UNICEF support on how to train others on the UN Convention in October 1992. The three will be animators in the process of educating first the NCRC regional structures and then the rest of the population.

3. "FACTS FOR LIFE" BOOKLET

The process of transforming "Facts For Life" for South Africa started in 1992. So far three regions in Natal worked together to develop a Zulu version and also took into account health issues appropriate to that region. The document is due to be published during 1993 and will be used as part of primary health care.

The participatory nature of the transformation of this booklet has assisted a wider group of people to get to know about the NCRC and its mandate and to concentrate on ensuring that children and not organisations, are important beneficiaries of the process.

4. During May 1992, the first Summit for Children on South African soil was held in Cape Town. This summit was

preceded by regional workshops where children were trained about the UN Convention and the OAU Charter on Children's Rights. The Children's Summit culminated with a first Children's Charter for South Africa.

The Children's Summit was followed by a major International Children's Rights Conference held at the University of the Western Cape under the auspices of the Community Law Centre of that university. Conference papers posed challenges to all South Africans, especially those who operate in different sectors, to take children's issues more seriously. The conference report will be made available to all interested parties by the UWC's Community Law Centre during the middle of 1993. Some of the conference resolutions include the following :

1. The existing government, the African National Congress, the Pan Africanist Congress, Inkatha Freedom Party, CODESA, the National Party, the Democratic Party and all other parties presently involved in negotiations acknowledge, adopt and support the Children's Charter via the establishment of committees, working groups and commissions that will ensure that children's rights will no longer be ignored in South Africa and that children will be placed first on the agenda, not last. Also, that these groups act to support existing children's structures and organisations.

2. A children's representative or council of representatives should be placed on CODESA, and within the existing and future governments. Children have the right to participate in, and be consulted with, about government.
3. The future constitution and Bill of Rights includes special provisions for children's care, protection and development.
4. The National Children's Rights Committee (NCRC), and all other children's structures and organisations, both domestic and international, acknowledge, accept and support the Children's Charter in as many ways as possible.
5. That communities and regions act to acknowledge, adopt and support the Children's Charter and ensure that the needs of their children are addressed with urgency.
6. That the delegates of the Summit act to ensure that their regions, communities, schools, families, adults and peers are informed about the Children's Charter and that there is continuing evaluation about the way forward to a culture of children's rights.

. When CODESA met for the first time and it seemed as though the move to unseat the present regime was close at hand,

the NCRC submitted a document to CODESA working groups in order to ensure that children are placed on the agenda. The break down of CODESA talks threatened to relegate the document to insignificance.

Since progress has been made in the negotiations arena, the NCRC document will be followed with all the negotiating partners. During the December 1992, National Meeting of the NCRC, the following strategy was adopted :

1. To influence policy, its interpretation and implementation.
2. To facilitate the development of specialist networks and their sustainability, especially those NGOs working in the area of children's rights/needs at both national and local levels.
3. To develop and maintain a data base of all NGOs and other organisations working in the area of children's rights/needs.
4. That its longer term goal be that of acting as a forum of NGOs and other interested parties for the discussion of policies that are of interest to a number of specialist networks.

5. To develop a social movement around the rights of children in order to effectively contest for the implementation of policies in the interests of children.
6. Develop capacity to identify national trends in the abuse of children's rights from regional information.
7. To empower communities through encouraging research that is participatory as well as the effective communication of research results to relevant communities, stake holders and other interested parties in a usable form.
8. To work towards the effective equalisation of national resources via effective mechanisms in order to redress past imbalances of national resources through :
 - 8.1 Influencing policy
 - 8.2 Assisting in the development of the capacity of regional and local structures of the NCRC.
9. To encourage, in the longer term, formal affiliation of organisations to the NCRC at local and regional level with maximum participation of these organisations in children's rights issues.
10. The NCRC campaigns shall not be those activities that can be most effectively undertaken by specialist

networks or other organisations and must have clearly defined outcomes.

11. To ensure that the NCRC operates in a non-partisan, non-sectarian way and becomes located in civil society.
12. To develop effective channels of communication with key decision makers.

IMMEDIATE CHALLENGES

1. The South African government is reported to have quietly signed the UN Convention on the Rights of the Child. The process of ratification is, however, another issue which can be dealt with by the future democratic government.

The NCRC believes that children's issues should not be used for political point scoring, which may be the case where the government is concerned, taking into account the timing of the signing of the Convention and the universal voting for all South Africans. As Dr. Hammarberg said during the International Policy Conference in Cape Town ... "Politicians often pay lip service to the well-being of children, many of them are eager to be seen as child friendly. But in real terms when economic and partisan political interests come into the picture, children tend to be let down." This is a challenge which all political

parties and liberation movements have to note and take cognisance of when they go to parliament.

It is also a challenge to all service organisations especially those working in the area of children's rights to ensure that the stance they adopt is non-partisan in nature.

This challenge also provides opportunities for all South Africans to begin the challenge the government on the state of South African children, the majority of whom live in conditions detrimental to their well-being.

2. At this time in the history of South Africa, all political parties have to come out clearly on what their policies are regarding children and women's rights. Other stake holders e.g. churches, businesses, individuals, trade unions, civics and community organisations have to engage in the process of formulating what their role in promoting children's rights in South Africa is.

This is important because of a need for South Africans to make an input into children and women's programmes, while engaging the international community in considering increasing their support for South Africa's children. The legacy of apartheid is not going to disappear with the adoption of a new constitution. Its impact will reverberate well into and probably beyond the next

century.

3. The NCRC is calling for a commitment from all political parties and liberation movements to place children on top of their national policy agenda. As Comrade O R Tambo said "...the current transitional process will fall short of its objectives if it fails to evolve comprehensive strategies to address the all important question of the Rights of the Child."
4. 60% - 65% of black South Africans live below the subsistence level, 25% of African children per year are likely to leave school illiterate, the black population accounted for 88.3% of the 6 million population increase between 1985-1992 the list is endless and provides a scenario which will confront a future democratic government.

While there is merit in adopting a developmental approach to children and women's programmes in future, as well as a need to emphasize proactive instead of reactive approaches to service provision, a creative coupling of these approaches through sectoral co-operation, not competition, will assist in facing the children and women of South Africa.

This conference provides an opportunity for the international community to appreciate the enormity of the task facing South Africa and we call on them to re-commit

themselves to continue supporting the most vulnerable, voiceless and poorest of the South African population - children and women.

WHERE TO FROM HERE?

Advocate D Omar said at the Policy Conference "A better future for the children of our country is dependant upon the final overthrow of apartheid and the achievement of democracy and human rights."

To achieve the overthrow of the apartheid regime has been a long and painful battle which is still dragging on. There are no guarantees in terms of improvement of the quality of life for the masses after all apartheid provisions have been buried. We therefore need to be doing something while we are waiting for that pie in the sky : Umfundisi Ulindwa Ngengoma!

1. Place children on the negotiations agenda (political, economic, social, cultural, health education etc).
2. Educate the community about the UN Convention on the Rights of the Child, the OAU Charter and the S A Children's Charter and their implications for the future South Africa.
3. Encourage debate of children's rights issues at all levels of society and utilize the media and other forms of communication to reach even the poor and illiterate.

4. Monitor the implementation process on an ongoing basis and push for changes now where immediate changes are possible.
5. Get a commitment from all stake holders to support the principle of First Call for Children in the allocation of national resources.
6. Provide direct support to children and women programmes across sectors and encourage inter and intra-sectoral co-operation.
7. Violence has had direct, negative impact on family life - ways to stop it must be urgently found. South Africa owes children a life of dignity, respectability and honour. This debt must be paid on the basis of it being a moral issue. It must be paid on the basis, as cited by Professor Wilson in his Policy Conference Paper 1992, of the fact that nowhere else in the world and in history "have children been prepared to go out into the streets to die, and have died, for a better society. Not once, but again and again, within this last generation, within the last 25 years. To go on doing it, until as much as anybody, those children forced the authorities to start negotiations."

Finally, the debt must be paid because children are an investment for the future.

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