

For the children
of South Africa

**TOWARDS THE DEVELOPMENT
OF A FOCAL POINT
FOR CHILDREN IN THE SAHRC**

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INTRODUCTION

This report contains information on the three-phase programme carried out by the South African Human Rights Commission (SAHRC). The aim of the programme was to develop a strategy for developing a focal point for children within the SAHRC, by getting input from children and organisations that work with children in other developing nations (namely Senegal, Brazil, Mexico, Costa Rica and India) that have signed the United Nations Convention on the Rights of the Child. In addition, there was a mission to strengthen relations with Community Based Organisations (CBOs) and Non-Governmental organisations (NGOs) countrywide by getting them to actively participate in the programme.

The programme was funded by UNICEF South Africa and Radda Barnen South Africa.

The National Children's Rights Committee (NCRC) played a significant role in the planning of the national meetings and workshops.

This report is composed of three booklets. Each booklet has a different emphasis.

- Booklet One - Background to the project
- Booklet Two - Report on phase one of the programme: the study tour
- Booklet Three - Report on phases two and three of the programme: the national meetings with CBOs and NGOs, and the participation workshops with children

ACKNOWLEDGEMENTS

To all the children who participated in the programme, for their honest and important contributions during the workshops.

To the families who made this possible.

The South African offices of Radda Barnen (Swedish Save the Children) and UNICEF for supporting the programme.

The Section 5 Committee members for their commitment during the study tour, and their ongoing input and participation in the programme.

To the South African Human Rights Commission.

Special mention should be made of:

All the Commissioners who attended the workshops: thank you for your input and for participating.

The Advocacy Unit;

The education officers and provincial co-ordinators who worked very hard in their provinces to ensure that the programme ran smoothly;

The Finance and Administration Department; and

All the other members of staff who have not been mentioned, who contributed in various ways to the success of this programme.

Thanks to all the NGOs, CBOs and other organs of civil society that participated in the process. Thank you for organising children from your various organisations to participate, and for your input at meetings.

Thanks to those individuals who assisted in planning, developing the content and facilitating the workshops.

We acknowledge all those outside South Africa who contributed in various ways.

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BOOKLET ONE

BACKGROUND TO THE PROJECT

The Constitution of the Republic of South Africa prescribes the powers and functions of the SAHRC as the following -

- Promote respect for human rights and a culture of human rights;
- Promote the protection, development and attainment of human rights; and
- Monitor and assess the observance of human rights in the Republic.

Because child rights are human rights, section 28 of the Constitution makes provisions to ensure children's survival, protection and development. Section 28 (2) provides a clear indication of where children are placed within our democratic dispensation. It states:

"A child's best interests are of paramount importance in every matter concerning the child."¹

The SAHRC, therefore, has a mandate to promote, protect and monitor child rights. The Human Rights Commission Act regulates the constitutional mandate of the SAHRC and, in some instances, provides for additional powers and functions.

Relevant to this report is Section 5 of the Human Rights Commission Act², which provides for the establishment of committees. One such committee is a Child Rights Committee whose mandate is to advise the SAHRC on issues relevant to the rights of the child. This Committee advised the SAHRC on the process towards developing a focal point for children in the Commission. The Committee further advised that this process be supported through donor funds.

At its 26th Plenary meeting held in November 1998, the SAHRC agreed to the proposal, which included a study tour, consultations with CBOs and NGOs and, more importantly, children's workshops, as three phases to inform the process. The plan of action³ was developed and approved by the SAHRC after UNICEF (SA) and Radda Barnen (SA) agreed to become partners in supporting the process, in March 1999.

In committing itself to this process, the SAHRC took into account the fact that South Africa had ratified the United Nations Convention on the Rights of the Child (UNCRC) and developed a National Programme of Action to ensure its implementation. At a regional level, South Africa has ratified the African Charter on the Rights and Welfare of the Child. These instruments are used to create an enabling environment for the delivery of child rights in South Africa. The SAHRC's Programme of Action is aimed at adding value to all of these provisions.

Of relevance in this process is the principle of child participation, which is provided for in the above mentioned instruments. The SAHRC was guided by this principle when it considered having input from children. It is relevant to refer to specific recommendations made by the UNCRC to the First Country Report on the Rights of the Child submitted by South Africa.

¹ The Constitution of the Republic of South Africa, 1996

² The Human Rights Commission Act, no. 54 of 1994

³ Workplan, March 1999

The recommendation states that: "The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. The Committee recommends that the State party train teachers to enable students to express their views, particularly in the provinces and at local level."

The Committee further welcomed the establishment of the SAHRC. The Committee's recommendation in this regard states:

"The Committee encourages the State party to take effective measures to ensure that adequate resources (both human and financial) are allocated to ensure the effective functioning of the South African Human Rights Commission. The Committee recommends that the State party establish clear child-friendly procedures to register and address complaints from children regarding violations of their rights and to guarantee adequate remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a procedure."

This recommendation strengthens the hand of the SAHRC in its quest to ensure that it is accessible to children.

As mentioned earlier, the three phases of the process, namely the study tour, consultation with CBOs and NGOs and the child participation workshops, were realised as planned.

The lessons learnt from all three phases have been incorporated into this report. These lessons are meant to assist the SAHRC, its partners and children's organisations, in their quest to have children meaningfully included in matters affecting them. The process was not perfect but provided an opportunity for all involved to learn from it. The Commission intends using and implementing some of the findings.

The consultative process with NGOs served to strengthen relations with the various organisations that work with children. Collaboration with these organisations is important in order to effectively promote, protect and monitor the rights of the child.

The final stage of this process is for the Section 5 Committee to present its report to the SAHRC. Once the report is adopted by the SAHRC, the Commission will then develop a strategy on establishing a focal point for children.

Message to the Children

To all the children who participated in the workshops, thank you very much for your input. The proposals and recommendations you made are going to be used by the SAHRC to develop its programme for children. It is the Commission's intention to be as accessible as possible to all children. Your keenness and enthusiasm during the workshops confirmed for the SAHRC that this process is not the end, but the beginning, of what will be a long-term commitment to the promotion, protection and monitoring of your rights. The SAHRC would not have come this far without your participation. This report therefore signals merely the start of the SAHRC's commitment to children.

EXECUTIVE SUMMARY

This summary has been compiled after following a process that has been ongoing for two years. The summary takes into account the three phases of the process:

- Phase I is the study tour;
- Phase II is the meetings with national NGOs and CBOs; and
- Phase III is the Child Participation Workshops and recommendations for a strategy on the development of a focal point for children's rights within the SAHRC.

The Child Participation Programme aims to enable children to advise the SAHRC on:

- What they understand the role of the SAHRC to be;
- How they may become involved in programmes of the SAHRC; and
- What mechanisms the SAHRC needs to develop to ensure better access for children.

Child participation is by no means a new concept for South Africa. Historically, children have played a pivotal role in the fight against Apartheid. The Apartheid era constructed children as victims as well as perpetrators of violence. The killing of Hector Peterson most commonly represents the image of children in the struggle against Apartheid. This history of the Mass Democratic Movement and its participatory stance during this era still remains etched in the minds of many South Africans. The gallant participation of the students during the Soweto uprisings is marked today as Youth Day. In May 1997, the Truth and Reconciliation Commission (TRC) held a series of special hearings for children and youth in South Africa. As an institutional mechanism the TRC provided a process that acknowledged children and formally recorded their part in the struggle for freedom and democracy.

Phase I

The first phase of the programme involved a study tour of various developing countries. The aim of this tour was to learn about child rights programmes and projects that are carried out by national human rights institutions in the chosen developing countries and to see how such institutions collaborate with child rights organisations. This learning phase was conducted with a view to adapting some of the experiences to the South African context.

Phase II

This phase involved in-depth meetings with NGOs nationally. The goals were to consult with NGOs that work with children and get their input on how best to plan for a consultative process with children countrywide. During these meetings the NGOs agreed to work with the SAHRC on the Child Participation Programme. It was decided that the National Children's Rights Committee (NCRC) would play a leading role in the provinces. The NCRC would arrange the meetings and liaise closely with the SAHRC.

Phase III

This phase involved a consultative process with children in all nine provinces. There were approximately 30 children at each workshop, ranging from 9 – 13 years of age. The children came from various socio-economic backgrounds with a range of life experiences. The purpose of this phase was to provide children with a forum to express themselves.

BOOKLET TWO

**REPORT OF THE STUDY TOUR
UNDERTAKEN BY THE SECTION 5 COMMITTEE
ON THE RIGHTS OF THE CHILD**

1999

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INTRODUCTION

The South African Human Rights Commission (SAHRC) is a constitutionally entrenched body.⁴ Section (S) 184 (4), of the Constitution lists its powers and functions, which are further detailed in the Human Rights Commission Act.⁵ S5 of the latter act provides for the establishment of advisory committees to further enable the work of the Commission.

In carrying out its mandate the SAHRC established an advisory committee on the Rights of the Child. Ms Shirley Mabusela, Deputy Chairperson of the Commission, was appointed as convener of this Committee.

Members of civil society and NGOs with expertise on various aspects on child rights were appointed to the Committee.

The current members of the Committee are:

- Ms. Shirley Mabusela, Deputy Chairperson of the SAHRC and Convenor of the Committee;
- Ms. Mabel Rantla, Executive Director, National Children's Rights Committee (NCRC);
- Ms. Shirley Makutoane, Chairperson, Disabled Children's Action Group (DICAG);
- Ms. Charlotte McClain, the former Child Protection Officer, UNICEF and now Commissioner with the SAHRC;
- Mr Greg Moran, Head of Department (HOD): Advocacy Unit of the SAHRC; and
- Ms. Shireen Said, Regional Programme Officer for Southern Africa, UN Office of the High Commissioner for Human Rights (OHCHR).

This Committee developed a plan of action aimed at establishing a focal point for children. One of the components of the three-phased plan entailed undertaking a tour of developing countries to strengthen the proposed mechanism for the SAHRC. The other two components of the plan were a consultation process with national and provincial organisations on child participation; and most importantly, a consultation process with children countrywide. This plan was adopted by the SAHRC as part of its activities for 1999-2000. UNICEF and Swedish Save the Children- Radda Barnen (South Africa) supported this programme.

Developing countries were selected as they were recognised as countries that could provide the SAHRC with the relevant experience on child rights. This was based on several reasons: the legacies of colonisation; limited resources and the resulting implications for socio-economic conditions; and inspiring creativity and innovation.

The countries selected were Senegal, Mexico, Brazil, Costa Rica and India. With the exception of Brazil, all the other countries have a Human Rights Commission. Brazil was included in the tour as its infrastructure and local conditions are similar to South Africa.

⁴ S184, The Constitution of the Republic of South Africa, 1996

⁵ Act no 54 of 1994

Purpose of the Study Tour:

- To observe the child rights programmes and projects as carried out by other national human rights institutions;
- To determine the practical implementation of the protection accorded to children within various legislative systems;
- To determine the role of human rights commissions in implementing such legislation;
- To determine the role played by other partners, especially civil society including NGOs;
- To discuss and interact with projects directly implementing the right to child participation;
- To analyse the projects with a view to adapting them for the South African context; and
- To learn from the experiences of other countries in developing mechanisms for the protection of children, especially through collaboration with child rights organisations.

The study tour was undertaken by members of the SAHRC and the Section 5 Committee on the Rights of the Child, namely Ms. Shirley Mabusela, Ms. Shireen Said, Ms. Shirley Makutoane, Ms. Mabel Rantla and Ms. Charlotte McClain.

The tour commenced in May and was concluded in July 1999. Countries visited were:

Senegal	-	May;
Mexico	-	June;
Brazil	-	June;
Costa Rica	-	June; and
India	-	July.

This report is a compilation of the meetings, interviews, programmes and places visited (names and places attached). It also includes observations and recommendations for the South African situation based on the experiences of the tour.

SENEGAL

A Country Profile

B Meetings

- Human Rights Commission
- Government Departments
- Civil Society
 - NGOs
 - Individuals
- National Youth Parliament

C Case Studies

D Site Visits

E Observations

SENEGAL

A. Country Profile⁶

The Republic of Senegal is situated on the most western part of the African continent with a coast of 500 kilometres that stretches towards the Atlantic Ocean. It shares its borders with Mauritania, Guinea (Conakry), Guinea-Bissau and The Gambia. Based on the 1997 census, the population of Senegal stands at approximately 8,8 million. Of these, 2,2 million live in the capital and largest city of Dakar.

Legislation

Inherited from its colonial past, the legal system used by Senegal is the Napoleonic code. This is interpreted against the backdrop of the 1963 Constitution. The fact that 94% of the population are Muslim has an influence on interpretation, culture and legal practice in Senegal.

Economic Indicators

The Gross Domestic Product is \$4,4 billion and the Gross National Product is \$4,3 billion according to 1997 estimates, with foreign debt standing at \$3,24 billion. Its main trading partner is France.

B. Meetings

Human Rights Commission

The Republic of Senegal has a Human Rights Commission. The State President appoints its members, who are drawn from the ranks of civil society. In the informal meeting with a member of the Human Rights Commission, it was noted that the Commission had a full time secretary while all other members of the Commission were volunteers. Questions seeking clarity on the role and interaction of the Senegalese Human Rights Commission

⁶ All information found in this section is based on statistics obtained from the Embassy of South Africa, 1999.

revealed that there were limitations and sometimes no formal intervention with regard to protecting children's rights.

Government Departments

Department of Justice

The Department of Justice holds the portfolio of social rehabilitation. This section is divided into ten offices at regional level. However, there is no focal point on children within the department. This section is responsible for assessing, monitoring and following-up on children in conflict with the law. The section is also responsible for the collation of data. Due to a lack of information on current standards and practices internationally, the section is embarking on capacity building by introducing internship programmes, and training workshops. This department works closely with NGOs in carrying out its tasks.

Senegal has a tradition of protecting children. The Senegalese consider children as, in the words of Nancy Ngom Ndiaye, Director of Education, Monitoring and Social Protection in the Department of Justice, "a treasured gift from God". Legislation, the delegation was informed, is quite comprehensive. However, Madame Ndiaye pointed out that a major problem is harmful traditional practices that are contrary to the Convention on the Rights of the Child (CRC).⁷ It was mentioned that, despite having ratified the Convention, integrating its implementation with traditional practices still poses major difficulties. This means that many children continued to fall outside of the safety net. This manifests itself in many children living in difficult circumstances, including children in conflict with the law, homeless children, children in prostitution, child labourers and other related consequences of poor socio-economic conditions.

For example, the "Talibe" is a practice whereby children in families that cannot afford to maintain them are taken in by other family members and brought up within the "adopted" family. 'Godparents' take responsibility for their 'god-children'. There have been cases of serious maltreatment and abuse; in some instances children, especially girls, help as domestics and sometimes work in the fields. However, the principle of family solidarity is considered to be better than children being left to fend for themselves on the street. This issue is very sensitive and contentious as it questions religious practices, and as such, the authorities are not willing to address practices within the sphere of religion that are abusive.

Probation officer

Only one probation officer is allocated to the criminal court. The probation officer is responsible for assessing and preparing court reports on children who are in conflict with the law. Probation focuses on both preventative and remedial work.

Depending on the case, it takes an average of one year to process. An average of 50 cases is received per month. The type of cases received range from theft and aggression to prostitution. Girl children constitute 15% of children in conflict with the law, mostly for prostitution.

⁷ This was evident during the compilation and presentation of Senegal's report to the UN Committee on the Rights of the Child.

The officer is also responsible for monitoring and evaluating the behaviour of the offender after sentencing. Sentences are almost always served in the community. In instances where there is little success after a year's supervision, the child is referred to the judicial officer for an assessment. This usually means possible institutionalisation or an exit plan. It was interesting to note that there are very few children incarcerated in Senegal.

Difficulties experienced by probation officers in carrying out their daily functions relate to transport. Public transport is the mode of travel used in assessing cases. This means that only one or two families can be visited per day. As a result, the progress or regress of many children is not evaluated.

It was also noted that families did not reveal the actual state of affairs, especially in cases where children were involved in prostitution.

It was reported that children with disabilities are not to be discriminated against. They are however referred to other institutions, as the Department of Justice does not have the infrastructure to process cases involving children with disabilities.

NGOs/Civil Society

UNICEF

UNICEF highlighted its role in the development of the National Programme of Action (NPA) and the report submitted to the Committee on the Rights of the Child. This support focused on the development and implementation of the NPA, especially in building capacity within the Ministry of Family and Social Action and National Solidarity for the programme's implementation.

Other initiatives include the local development approach that is based on the child protection approach to development. At the local level, UNICEF assists government with advocacy and social mobilisation. Local authorities receive training in order to strengthen their output in planning for child protection. There are 400 local government structures with 1 000 volunteers, supported by government.

An area also commented on by UNICEF officials was child labour, which is rife in Senegal. Many families depend on the income generated by working children. This obviously has an impact on the number of children in schools. Religious traditions and practices are deeply entrenched in society. As a result, religious and related structures are used to disseminate information on children's rights.

Amnesty International

The meeting with Amnesty International (AI) - Senegal further highlighted and confirmed issues raised in previous discussions.

They referred to a guide that has been developed to promote child rights. AI reported that ratification of the CRC has brought little change to the situation of children in Senegal. The CRC has also not been integrated into domestic law. This meant that children from families with limited means were not well protected. Despite the positive aspects of the

extended family system, overcrowding and limited incomes meant that some children were favoured over others within the family structure. A large part of the lack of implementation was due to the poor economic situation of the country, highly visible in the number of children that resorted to begging.

Children who work as apprentices in workshops, are not provided with appropriate protective clothing. They also pointed out that the programmes catering for children with disabilities were limited.

According to AI-Senegal⁸, children are not sent to prison when they are in conflict with the law. There were boys' institutions in the past, which closed due to the lack of resources. At any rate, children in Senegal are reported not to commit serious offences.

Responses to the situation of children with disabilities revealed that Senegal had only one facility in the country. The facility for children with hearing and speech impediments was facing closure.

Female genital mutilation (FGM) has been abolished in Senegal, but there are apparently two villages some 80 kilometres outside the city that continue this illegal practice. The opinions of children are not considered in matters affecting them in traditional settings. A marked improvement was noted in child participation, especially in the urban areas.

Polygamy is still practised in Senegal. One argument is that the ratio of women outweighs men. Rivalry amongst the wives is common; however it depends largely on individuals. In the North of Senegal, there were several reported cases of child brides. This was usually dependent on the ethnic group. Legally, girls have to be 16 years of age to be married.

Rencontre Africaine De Droit de l'Homme (RADDHO) (Inter-African Union for Human Rights)

RADDHO obtained observer status with the African Commission on Human and Peoples' Rights in 1991. RADDHO collaborates with other NGOs in carrying out its objectives. It further collaborates with the United Nations High Commissioner for Refugees in matters concerning refugee women and children. It is also a member of the Coalition on Child Rights.

The Director and the Co-ordinator of the Gender Project noted that domestic violence is a huge problem. Campaigns are undertaken to promote the rights of women and promote laws that protect women.

The plight of the "Talibe" children was raised yet again in the context of extreme poverty and abuse. The "Talibe" are usually beaten if they do not manage to secure any money from begging. It is important to note that the penal code in Senegal criminalises begging. These already vulnerable children, it was reported, were often attacked by paedophiles.

⁸ Responses received to the situation of children in detention were conflicting. Some indicated that children were not sentenced to detention, yet others indicated that there was a detention facility for children in Dakar. It was also noted that in smaller provinces children were detained in adult facilities.

The right to education was probably the most violated right experienced by children. Girls, especially those in the rural areas, face serious discrimination in education.

Children with disabilities, the delegation was informed, are not legally protected or provided with an enabling environment to reach their full potential. No social security benefits are allocated to them and they are generally regarded as 'problems'. Instead they were 'used' to collect money during religious periods allocated for charity. The disability sector does not appear to be highly mobilised as yet. An organisation of parents highlighting the plight of children with disabilities is one of the few organisations working for the rights of persons with disabilities.

Senegal was the first country to ratify the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction. This did not mean that children were not exposed to landmines. A recent case of a three-year old, maimed after stepping on a landmine at school, was cited. This led once again to the discussion that, despite ratification of several treaties, including that of the Convention, implementation still posed a problem. Theatre was used to educate people on the danger of landmines.

The relationship with the Senegalese Human Rights Commission was reported to be amicable. The realities of their mandate and the infrastructure supporting the commission were acknowledged.

Reseau Africaine pour le Development Integre (RADI) (African Network for Integrated Development)

RADI provides socio-legal assistance to the community. As a result of the cases processed, namely on violence, maltreatment, incest and abuse, other activities, especially for children, were developed. RADI was also instrumental in lobbying for new legislation on sexual violence, paedophilia and sexual harassment.

This organisation is to provide legal support and advice, as it is rather expensive and is usually outside the reach of most of the population. A pool of lawyers provides this service to RADI and receives an insubstantial stipend. Socio-legal assistance is only available for criminal and not civil matters.

The delegation was informed that they processed adults' cases faster than children's cases. This was due to the fact that a social worker's report was a prerequisite in cases where children are involved. Another factor is that children cannot be tried in the absence of family members. RADI informed the delegation that there was only one prison for children in Senegal. In other areas, children share prison facilities with adults. This was inconsistent with other information received. Due to the combined approach of their objectives, the organisation noted that the linkage between juvenile justice and the Convention on the Rights of the Child is important. Workshops and training seminars are held in order to bridge this gap, and to harmonise practices with principles.

HIV/AIDS still remains a difficult area to discuss as a result of fear and ignorance. It was reported that many did not acknowledge that they are infected and that many were

unaware that they had been infected. This was due to the discrimination and stigma linked to the pandemic.

DCI -Defence for Children International

Defence for Children International-Senegal, implements the IPEC programme. The legal working age for children in Senegal is set at 15 years. However, this limit is not adhered to.

The purpose of this programme is to develop the skills of children as well as to inform children about their rights. This programme was geared towards boys, as the majority of offenders were boys. A component on first aid to deal with accidents is also included in the training programme.

A series of ten workshops was held for boys between the ages of fifteen and sixteen years. This includes boys who have no previous schooling. This workshop included ten boys at a time. At the end of each session, participants were selected to form a core group that would transfer skills to newly formed groups.

An interesting aspect of the programme was the link formed between community-operated structures and each group. The business community (patrons) takes on the boys as apprentices and shares their skills as part of the programme. Those between the age of 16 to 17 years work for 9 hours per day as apprentices. 20 year olds are provided with a 9 to 5 job once they are qualified. Those who excel in the programme eventually become patrons and can take on apprentices. 65% of the boys in the DCI programme are literate.

In more developed programmes, a minimal level of support is provided by government. DCI has developed intervention mechanisms to deal with disputes that may arise between the apprentices and patrons.

Problems identified by DCI-Senegal are:

- Many children cannot attend school due to abject poverty;
- There is a lack of commitment on the part of government to improve literacy;
- At present, training provided at the workshops is not recognised by the National Education Department;
- Some apprentices lack commitment; and
- There was also an admission that sometimes boys are beaten up to make them work harder.

Individuals

Madame Cisse, Lawyer and Lecturer of Law and Human Rights at the University of Dakar

Highlighted during this discussion was the phenomenon of the "Marabou" children. The "Marabou" are children who are sent to elders and leaders within the institutions to learn more about their religion. This practice has evolved to the point that children are now sent onto the streets, sometimes all day, to collect contributions for their upkeep. Little is done, especially at the political level, as the leaders are quite influential and powerful. The level of poverty also aggravates the situation of the Marabou, as parents are unable to provide for their children and do not monitor their situation.

A growing concern was the increase of children, particularly girls, who were becoming involved with prostitution. These numbers, together with the Talibe and Marabou, added to the number of homeless children on the streets.

Children were also involved in armed conflict, especially in Southern Casamance. It was noted that children were sometimes forced into armed conflict even if they were not from this region.⁹

Madame Sedibe¹⁰, Director for Human Rights at the Institute for Human Rights and Peace, University of Dakar and Professor of Family Law at the University.

Highlighted during this discussion was the violence and discrimination women face. Incest, especially amongst fathers and daughters, was rife but the problem was not at all discussed. Marital rape is not an offence in Senegal.

Religion was sometimes misused to promote discrimination. Madame Sedibe further highlighted the plight of child brides and female genital mutilation. Mention was also made of a programme organised by women to sensitise boys on the rights of women. She highlighted the fact that in Africa there is no difference between children of married and unmarried parents; however issues of status do arise. Family solidarity is very strong with respect for age and the elderly. Civil society has played a prominent role in highlighting the plight of women and children.

National Youth Parliament/Child Participation Programme (NYP)

This programme is hailed as the first Children's Parliament in Africa. This Parliament has been in existence since 1992. The NYP is a structure of children, where their rights are discussed with their peers. Their method of operation assimilates the National Parliament of Senegal and this project has assisted in promoting child participation.

Structure

At present there are 500 members. The country is divided into ten regions, with 50 members of parliament representing each region. Elections are conducted in each region.

The MPs report to an executive committee. The Executive Committee comprises the President, Vice President, Secretary-General, and Minister of External Affairs. They meet monthly.

The role of parliament is to organise social activities around issues and concerns on children's rights. They also raise funds for less privileged children and celebrate the Day of the African Child. A weeklong festival of children's rights is also organised by the parliamentarians.

They have met with the President of the National Assembly and the Economic and Social Council. They also schedule meetings with various ministers to discuss the Goals of the World Summit on Children.

⁹ The Southern Casamance has been in conflict for at least two decades. This is largely due to the legacy of colonialism and more recently land reform and the demand for independence from Senegal led by the Mouvement des Forces Democratiques de la Casamance (MFDC)

¹⁰ Rapporteur to the Human Rights Commission in Senegal on Human Rights Education.

Some difficulties encountered by the children were the availability of resources as well as a suitable venue to conduct their activities. They have also been criticised for confining membership to children in schools.

C. Case Studies

Visits to various workshops were conducted and these were the accounts of apprentices.

Apprentice One

The apprentice, aged 16 years, had completed 6 years of schooling. After working for 9 hours every day he is now skilled in making chairs and upholstery.

Apprentice Two

At 17 years old he works for 9 hours every day; 4 hours in the morning and 5 hours in the afternoon. He is skilled in metal work. This he considers to be a gift he will always have irrespective of the fact that he has no money and did not earn a salary during this time.

Apprentice Three

At 20 years of age, he has spent the last 6 years as a mechanic working for approximately 10 hours. His only free time is on Sundays.

Apprentice Four

This boy started as an apprentice and now operates as a patron with his own workshop providing training on metal work and panel beating. He has 8 apprentices under his guidance.

Workshops

At many workshops visited outside Dakar, it was found that the youngest apprentice was approximately 7 years old, obviously without basic education, whilst the oldest was aged about 20. There was still a perception that going to school was not worthwhile. Only 60% of boys nationally are attending school.

It was also noted that providing skills in order to generate an income helped the boys. In addition, a service was being provided to the community.

The level of technical experience is quite high; products and equipment made in these workshops were sold both internally and exported. At a refrigeration plant, a French consultant was hired to assist in developing cold storage coffins. Due to the excessive heat, transporting the deceased for burial, especially over long distances, was challenging. This plant was manufacturing a cold storage coffin that generated its electricity from a car battery, with the assistance of the apprentices. This project, we were informed, was co-funded by the Ministry of Justice.

The delegation was also informed that it took approximately 2-5 years to acquire the skills of a general mechanic. Recognition certificates can thereafter be obtained and are useful for further development at other institutions.

D. Site Visits

Children with Disabilities

This was the first medical facility based in a residential community in Senegal that focused on disability. Government funded this facility in a rather limited and inadequate manner. The aim of the facility is to provide basic rehabilitative facilities and programmes. Unfortunately only basic education is provided. Children with severe disabilities are not catered for in this facility.

The centre is divided into sections, depending on the age group of the children, with a social centre for girls, a training centre for building skills for boys and a pre-school section for toddlers. A section is also available for parents of children with disabilities. This group meets often and is slowly beginning to make strides in placing the issue of disability on the agenda and fighting for better services.

The head of the facility noted that there is still a great deal of stigma surrounding disability. Most places in Senegal are inaccessible and not user-friendly to persons with disabilities as the delegation itself experienced.

E. Observations

Clearly evident to the visitor to Senegal are the strong family, communal and religious ties in all aspects of life. This was commonly referred to as family solidarity. The workshop system of taking on apprentices was illustrative of the communal spirit. On the other hand this system was sometimes abusive as children who are 'adopted' are expected to assist in ways that hamper their own development.

Based on the Napoleonic legal system, civil society structures, especially NGOs, are differently structured in comparison to the Anglophone legal systems. There has also been limited interaction with countries in Africa that have interacted with the Franco and Lusophone legal systems. Language and cultural differences and to some extent cynicism of the different cultures has resulted in limited exchange and sharing of experiences.

Due to the legacy of colonisation, the indigenous laws and practices have been intertwined with the inherited systems. It therefore appeared as though there was little comparison and sharing of experiences in respect of indigenous laws.

In addition to the 'formal' education system, mechanisms have been put in place to ensure that other types of skill are developed. The sole concentration of academic education does not appear to dominate the Senegalese society. Workshops enabling the development of technical skills and the possibility of generating an income were a means of ensuring that dignity could be preserved.

Poverty plays an important role in the violation of the rights of the Senegalese children. In addition, practices harmful to children were so intertwined with religion that it was not easily challenged by society.

HIV/AIDS is not a subject commonly discussed in relation to children.

MEXICO

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MEXICO

A. Country Profile¹¹

The United Mexican State is located in the southern region of the North American Continent. It is flanked by the United States of America to the north, the Gulf of California to the north-west, the Pacific Ocean to the west and south-west, Guatemala and Belize to the south as well as the Gulf of Mexico to the east. Based on the 1997 census, the population of Mexico stands at 97 million. Of the 97 million, 16 million live in the capital city, Mexico City.

Economic Indicators

The Gross National Product is USD \$324 billion and the Gross Domestic Product is USD \$4.2 billion, with public debt at USD \$85 billion. Its main trading partners are the USA, EU and Japan.

B. Meetings

Human Rights Commission

The Human Rights Commission is nine years old and has 33 commissioners, with a secretariat of 800 serving the national and provincial offices.

The delegation met with Senior Programme Officers of the Mexican Human Rights Commission. Regarding the specific role of the Commission, the officers noted that they only deal with complaints raised by Ministries. Direct violations raised by communities and families cannot be handled. These have to be processed through the various government departments, though NGOs may assist them. A multidisciplinary team is available at the Commission, comprising medical doctors, psychologists, lawyers, etc.

A Federal district office of the Commission exists in each of the 33 states of Mexico. Each office deals with issues in their state. The National Office deals with state violations and cases of a federal character. It further reviews cases that may not have been satisfactorily

¹¹ The Economist Intelligence Unit Limited, 1999

dealt with at the local level. The delegation was informed that there were few difficulties with the State of Mexico as they were quite sensitised and committed to Human Rights. The HRC reports to Parliament and requests its budget from Parliament. It previously reported to the President.

Complaints and violations

The Ministry of Health had the highest number of violations relating to sexual abuse and exploitation and several cases reported by the Ministry of Education. Teachers, especially male teachers, were alleged to have sexually abused male and female pupils. Boys are more likely to report sexual abuse than girls, as the latter are taught to be compliant and do not complain. However, it was also noted that the incidence of sexual abuse and abuse in general was higher in the homes. Due to cultural factors, these were not reported as much. This situation is reported to be worse in families living in rural areas.

Courts are reported to be dealing with cases of sexual abuse inappropriately. It seems as though those committing offences such as theft receive more stringent sentences compared to those who commit offences against children. Teenage pregnancy is a serious problem. In the case of rape, no charges are laid against the perpetrator if he marries the victim. Women's groups struggle to present evidence during trials.

The general population lacks basic information and it is usually claimed to be their own fault when cases are reported. Complaints received by the Human Rights Commission on the violation of child rights vary from medical malpractice to the denial of health care services. Access to justice by children continues to be a problem and is increasingly traumatic for children in Mexico. Information for the general public on the complaints' mechanisms and its accessibility is still lacking. This is compounded by the religious prejudices that view the abuse of women as deserving for sins committed. Furthermore, sexual violence and domestic violence are not reported with the usual disparities between urban and rural areas.

The HRC was trying to disseminate information to develop a culture of human rights.¹² Training sessions for schools were conducted through the department of education as well as health institutions.

NGOs cannot directly access the Human Rights Commission. NGOs participate in laying complaints. They contribute by providing information and assisting complainants in directing their violations to the correct ministries. Approximately 180-200 NGOs are on the Commission's database. This is continually updated and marked on a map in order to contact the nearest NGO as and when the need arises.

Indigenous people and their families

Information has been published in various languages to ensure accessibility in a wide variety of areas. There are 55 different ethnic groups and 55 different languages in Mexico. For the majority, social services are inaccessible. Socio-economic conditions need urgent attention.

¹² A commissioner is responsible for training and is allocated 50 trainers.

Link with the Universities

Students in the fields of medicine, psychology, sociology, nursing and social work are linked with the Commission prior to graduation. This is to ensure exposure to human rights information and to integrate human rights into the various disciplines.

The Commission is also looking towards linking programmes on human rights at teacher training colleges to increase the impact on schools, teachers, parents and students.

Child participation

Exercises in child participation were organised in collaboration with government departments, the Mexican Electoral Institute, UN agencies, Education, Institute for the Integral Protection of the family (DIF) and Health. The purpose of this exercise was to determine the opinion of children through a voting process conducted by the electoral institute on what children expected from adults. Most said that they wanted children's rights to be defended at home and school.

Furthermore, a permanent campaign involving children exists. This campaign forms part of the UNICEF-supported National Programme of Action (NPA) for children and focuses on immunisation.

Mothers make at least 95% of complaints of violations against children. This is usually against fathers who have abandoned their families or are reluctant to support their children. Neighbours and friends are reported to comprise at least 5% of those reporting violations against children.

Radio programmes are used to reach communities, especially those that are not literate. Ninotel (Child line) is shared by organisations that collaborate in the development and implementation of the NPA.

Justice

Socio-economic conditions have led to many children resorting to crime in order to fend for themselves. It was reported that the UN agencies and DIF have been working on issues such as child labour and homeless children in order to address this issue. Another factor to consider is that tourism contributes to child labour, especially as the border is directly accessible.

CRC & CEDAW

Research was conducted in the State of Durango to establish legislative compliance with the two instruments, CRC and CEDAW. Violations were highlighted and proposals made for their incorporation into local legislation.

HIV/AIDS/Pornography

HIV/AIDS and pornography have increased in areas bordering the USA and other tourist areas. There are currently moves towards compulsory pre-marriage testing for HIV/AIDS, which could clearly violate the children's rights.

Residential Care

These facilities provide for children who have been removed from their families. There is a committee that is made up of specialist groups working together with some government departments such as health and justice that consider their placement for adoption.

Government Departments

Meeting with Institution for Integral protection of the family (DIF)

This governmental institution is concerned with the physical and mental development of children, adoption, prevention of maltreatment of infants and the eradication of sexual exploitation of children. DIF has offices in each state.

There is a nutrition policy that every child has the right to breakfast, especially at the pre-school level. This is considered essential for physical and mental development.

A recent campaign has been the "End Violence Against Children" campaign. The Committee disseminated posters in subways bearing the slogan "Adults demand the end of violence against children" and "We the children demand the end of violence in families and home".

A programme on abandonment is held for parents due to the number of adoptions of abandoned children. Adoption within families is always promoted; adoption of children with disabilities is not common.

There is currently a case whereby the DIF has to balance the best interests of the child: a boy is up for adoption and his natural mother is claiming him, yet it seems that he may be better off with his adopted parents. Despite the Commission having a Committee on Adoption and Health, many irregularities still exist.

The Government and the private sector run institutions for children with disabilities. At present there are 56 special schools under DIF; the Ministry of Education runs others. 34160 girls and 35270 boys totalling 69430 children with disabilities are currently in special schools in DIF programmes.

UN Agencies

UNICEF

As UNICEF Mexico is known to have developed several programmes on child participation, a great deal of emphasis was placed on this discussion by the delegation. One such programme is the elections held for children in order to determine their views.

9 000 voting booths were placed countrywide close to adult booths. At least 200 calls were received from children who were concerned that they could not find the booths in order to cast their vote. The children's elections were well covered by the media, at no cost.

The results of the elections ranked the issues identified by the children as follows: education, environmental rights, clean water, physical or emotional abuse. It was also noted that there were distinctions within different age groups.

The "What do You Think" Programme for Mexico is under discussion. Its finalisation will be determined by the availability of resources.

The Ombuds for children has yet to be considered, as there is little co-ordination between government agencies.

Civic education programmes will be implemented as soon as teachers, who are currently undergoing training, complete this training.

UNICEF is providing technical assistance on legal reform. The reform is premised on introducing CRC principles into domestic legislation.

Women are still vulnerable. Approximately 80% of women are raped, especially with Mexico being a transit country. This has consequences on family life.

The red ribbon campaign has been initiated highlighting the plight of people living with HIV/AIDS; posters have been placed strategically. The Catholic background has not helped in promoting this campaign, as condom use is not encouraged by the Catholic Church.

Children with disabilities were further marginalised due to the stigma related to disabilities.

Non-Governmental Organisations

THAIS

Thais is a Greek word meaning "it will blossom". Thais is a training and research centre dealing with issues of street children, child labour, sexual health and AIDS prevention. They currently work with 30 NGOs in three areas, the idea being to instil sustainability and self care.

The programme has a three-year cycle. Firstly, to look at practices and the history of the organisation, and thereby develop a system of recording; secondly to follow-up, monitor and evaluate; and thirdly to network and relate the work to different organisations.

This programme is in its 6th year. Its success is due to training, as every programme must measure and evaluate itself every six months. Thematic areas covered during programming are HIV/AIDS, child labour and homeless children. The Bankers Association, the MacArthur Foundation, UNFPA and UNICEF are some of the organisations that fund Thais.

COLIBRI

This programme works with children who sell sweets and clean windshields on the streets. A group of teachers work on the streets and with families to ensure that some assistance is provided to ensure that these children obtain some form of schooling. Many of these children live with families in camps, tin houses, or informal settlements and are mainly from the indigenous populations of Mexico. Once a rapport has been developed with the children and their families, the children then attend the recreational centre. The purpose of this centre is to serve as a recreational and educational centre. Other services are also provided, like medical and health care. It also serves as a drop-in centre to prepare for school, though it is not a substitute for school.

This centre serves 140 children in two shifts. In cases where difficulties are experienced, family visits are made to determine the cause of the problems. Parents assist the centre by cleaning the schools. As a result of the intervention, children are in regular attendance at

school and maintaining good class averages. One pupil also won a prize and will be travelling to Spain as part of the prize.

As a result of the initial services provided by COLIBRI, other issues became increasingly important, such as gender violence and medical support for basic medical needs. At present, a small network of clinics allows direct access of services.

The Human Rights Commission has worked with the Centre in several ways; the most common being the infringement of civil and political rights of indigenous peoples. Another organisation that the Centre works closely with is Thais (see above).

As a result of the constant conflict with Native American culture and urban culture, the centre has devised several programmes to teach techniques on conflict resolution and tolerance. In addition, literacy training and basic grammar are taught.

Uniforms are provided once a year, usually in September. There is very little sensitivity at schools, especially by teachers, if children do not have uniforms. This situation is worse if the children are from the indigenous groups.

In the day-care section, children are exposed to the Montessori model to enforce self-image, guidance and service.

The trainers are provided with intensive training and all are equipped with a basic degree in paedological theory of cognitive modification development. The teachers are extremely committed. Their income is low compared to private schools, yet they display extreme care and attention to their tasks.

Funds are received in all forms from the community in general, though small donations are received from the state. The centre also belongs to the network MECA and PUEBLO. A great deal of support is in the form of meals. In some cases children are sponsored either monthly or annually. A small percentage is received from other countries in the form of clothing, notebooks for schools etc.

COMEXANI

Comexani is a network of organisations working with the rights of the child. Annually, a report on the status of children is compiled. Comexani has also played a leading role in developing the report for the United Nations Committee on the Rights of the Child. In addition to developing the situational analysis of children in Mexico, the organisation provides a documentation centre on child rights. It also serves as a referral centre for issues that it cannot assist with directly. It regularly disseminates information on children's rights at various fora.

Amongst the thematic issues discussed were the violence and abuse children faced and the increasing number of children on the streets. Armed conflict and the low intensity warfare, especially in the Chiappas area, have left many children with mental health difficulties. Little is done to address children affected by trauma. There was a strong opinion that the culture of child rights was lacking and that policies were not positive towards developing children holistically.

C. Site Visits

Street Shelter

This centre, based in the central business district (amongst a host of shops selling bridal gowns), was set up in order to provide support for children living on the streets. The centre provides training and education within its premises, including ceramics, printing, computation, art, drawing and baking. A keen interest in learning Japanese was also developing (this could be attributed to the attractive Japanese JPO based at UNICEF).

There are various stages at this centre. During the first stage the learner sleeps on the floor, then shares a room with others and during the final stage lives independently. The life in this centre is communal and most administrative work is performed outside of the premises. Whilst there is an open door policy, everyone must be on the premises by 10:00 p.m. No drugs or arms are allowed into the facility.

In order to provide specialised services, use is made of private expertise, such as lawyers, psychologists, accountants and so on. These services are volunteered and worked through in shifts, especially during the weekends. The help of the department of social work is enlisted in family reunification and is considered one of the most important components of the programme. The Human Rights Commission has also provided information on their services to the children on several occasions.

To sustain the centre, funds are raised and small subsidies are received. In addition, the bakery is used to generate an income as well as to provide skills, as bread and pastries are sold to the public. The demand has increased to the extent that more hours have to be spent in order to cope with the orders. The packaging for the bread is also made on the premises, cutting costs further.

D. Observations and Recommendations

The Human Rights Commission in Mexico is accessible in all parts of the country. Offices are located in all states with the necessary staffing to ensure efficacy.

In South Africa, the SAHRC secretariat is concentrated at the national level. Provincial offices have not yet been opened in all parts of the country. It may be useful to strengthen the provincial offices as these offices are closer to communities and therefore more accessible.

The Mexican Commission and NGOs have made a co-ordinated effort in reporting violations. A database of organisations has been developed together with their location within the ambit of the provincial offices, ensuring that reactions are co-ordinated.

Whilst there are mechanisms to report violations within the statute of the SAHRC, implementation can be enhanced by developing closer co-operation with NGOs. This study tour has been one example of strengthening this mechanism.

Various campaigns have been undertaken with the media in Mexico to ensure that reporting is appropriate. The media taking all responsibility in reporting on the outcomes of the children's vote illustrates this.

More campaigns must be undertaken in South Africa with the media. Currently the emphasis is placed on the more negative reports as opposed to the positive reports. Reports also do not usually reflect sensitivity to children.

The mobilisation of children to obtain their vote on issues pertaining to them was a huge success in Mexico. This gave children and young people the feeling of being valued, especially when the rest of the population was voting.

It may be worthwhile considering having a children's vote in South Africa during South Africa's next election. Government departments, Commissions (especially the SAHRC and the IEC), the private sector and international agencies could collaborate in realising such a project. This could easily be achieved based on the success of the mobilisation of the Children's Promise campaign.

The national legislation is currently being compared to the international conventions ratified by Mexico in order to ensure compatibility.

Whilst there have been several audits conducted on SA legislation to ensure compatibility, this has not as yet been done as comprehensively as possible. A study indicating incompatible legislation should be conducted in order to hasten the process of removing such legislation.

COMEXANI, as the co-ordinating network of NGOs, has developed a database of NGOs for the purposes of referrals for services.

A directory of SA NGOs/CBOs depicting the services offered should be compiled in a user- and child-friendly manner. This would ensure that as many services as possible are known and therefore accessible, especially to children and their caregivers.

A refreshing concept was the Children's Museum based in Mexico City. This museum provides the opportunity of unleashing the potential and interests of children and young people. It displayed an interesting collaboration between the private sector and government.

The concept of this centre is urgently required in South Africa. A delegation, especially by the Department of Arts, Culture, Science and Technology, the private sector and NGOs, should visit this centre for the purpose of developing appropriate structures for South Africa.

BRAZIL

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BRAZIL

A. Country Profile¹³

The Federal Republic of Brazil is located in East Central South America and occupies 50% of the South American Continent. It shares borders with Venezuela, Guyana, Suriname and French Guyana to the north, Columbia to the Northwest, Peru, Bolivia and Paraguay to the west, Argentina to the southwest, Uruguay to the south and the Atlantic Ocean to the east. Based on the 1997 census, the population of Brazil stands at approximately 165 million. Of these, 1.8 million of the population live in the capital of Brasilia.

Economic Indicators

The gross national product is USD \$471 billion and the gross domestic product USD \$761 billion, according to 1993 estimates, with public debt standing at USD \$86 billion. Its main trading partners are the USA, Germany, Japan, the Netherlands, Argentina, Russia and Italy.

B. Meetings

UNICEF

In Brazil, children are defined as persons under the age of 18 years. Children above the age of 12 years are referred to as adolescents.

The Federal law governs every state. Every offender is taken to the police station. All persons have a right to a lawyer and parents are called to a hearing. Special police stations were in operation in Rio and Salvador, though in rural areas this was more difficult. As many as 2 000 violations of human rights against children have been reported in Sao Paulo.

Salvador has set up a facility that tries to address human rights violations holistically. It is reported as being one of the best facilities in the country, with the only difficulty being experienced in improving education. Initially, the centre was built for boys as the number of girl offenders was lower. In the last few years there has been an increase of girls in conflict with the law. Greater protection is provided for children now than previously.

¹³ The Economist Intelligence Unit, 1999

Historically, issues of disability were not placed on the agenda as people were not as sensitised or mobilised as they are at present. There is currently a shift towards mainstreaming children with disabilities, though financial allocations for education are rather low for children.

Education

There is general agreement that the standard of education is low. An intensive campaign to mobilise children to attend school was launched with the assistance of several agencies, local and international. Federal education structures are in place to monitor the quality of education.

Budgets, including for education, are allocated to the municipalities. A council administers each municipality. The councils comprise members of NGOs and Government and are elected by their constituencies, namely the NGO and civil society and government municipalities respectively.

The family, community and the education system work with the council to improve conditions and to systemise all services. As an example, if a child is not at school, the counsellor goes to the family to determine the problem or the parent can approach the council for assistance. There are councils in municipalities: for 17 administrative areas there are 8 councillors. Councillors are paid and are not confined to any methodology to improve services.

The delegation was also provided with a presentation on Software SIPIA, (Information systems for rights of children and adolescents).

This is a software package developed to assist in the following:

- To monitor child rights and ensure follow-up wherever possible;
- To provide support for councils to improve their work by developing policy; and
- To work with each other and to network with councils whilst respecting individual councils and exchanging information and developing policy.

This database is maintained until the young person turns 18 with only the criminal record erased.

In the State of Bahia, there are 75 councils. Of these 18 are currently working with the SIPIA software. In Salvador, only 8 of the potential 17 councils are in operation. All councillors are provided with training in order to enable them to work with the software.

The software is colour coded to represent the following aspects: work done; work receiving attention; yet to be done; action undertaken; and information and recommendations. For example, in the case of abuse the councillor is informed of the steps to be taken. These would include the name, date, offence, name of councillor, council, gender, statement and individual or collective right violated. It is signed by the person making the statement (a diagram of the physical location of the place is also included) and other information is collected in order to determine issues for research.

Such issues for research could include the number of children working or in schools; the number of violations or psychological torture (to assist the councillor in determining abuse or humiliation at home); physical torture; and so on.

The report is also required to state whether children are working. This is important as it determines violators as well as the type of action to take. For example, in the case of poor families, referrals are made to social workers in order to include the family in other programmes such as social services. Whilst children under 16 cannot legally be employed, it is reported that there are approximately 5 million working children.

The software is also meant to inform policy and help in making recommendations. Enabling the development of policy are queries determining the number of children that are left in supervision during the day. This is to determine the need for a nursery school. Similarly, accessibility to schools is also monitored in the event that more schools may be required.

Case

This facility caters for children in conflict with the law and is based outside the city of Salvador. The concept is rather unique, as the outer facility is secure while the inner facility is completely open with a courtyard and access to all parts of the facility. The facility is immaculate and has two resident psychologists, a dentist, psychiatrist and six nursing staff with a fully equipped first aid centre. The first aid centre is run in partnership with NGOs that focus on HIV/AIDS. The facility houses 21 boys.

The aim of this one-year old facility, introduced by the government and the State of Bahia, is to provide education, pedagogical support and provide a home rather than operate a detention facility. The primary objective is to encourage productivity by creating new opportunities in life and developing skills to generate an income.

Included in the facility is a bakery. The introduction of the bakery resulted from a need to provide a service that would teach skills, generate income for the facility and supply a demand, as bread is not easily available in this area. Incidentally, the boys made all the pastries for tea specifically for the delegations visit. The centre was currently considering introducing an accredited course on confectionery.

Also available is silk screening. The course is linked to tertiary institutions and various silk screening patterns relate to the interests of the boys and markets. Several designs are displayed and sold to the public.

Other courses available are carpentry, painting, electrical engineering, plumbing and ceramics.

We were informed that there was a strong emphasis on developing the self-esteem of the boys in order that they may become productive members of society. The community is involved in assisting the re-integration for boys that have spent more than six months at the facility.

The boys made several comments and asked the delegation several questions. They explained how long they had been in the facility, including one who took the opportunity to declare "his undying love for one of the members of the delegation", as translated.

" Do we have the same kind of facility in South Africa?"

" What happens to children who are in conflict with the law?"

" Is there still discrimination between blacks and whites?"

" What do we do and why are we visiting them?"

Case One

The shy 17-year old, who was constantly prompted during his presentation, had been in the facility for one and half years. He hoped to work as an assistant in glazing. He had already received many certificates in this regard.

Case Two

Having stayed in this facility for the last 26 months, he had taken a course in computers and hoped that facilities like this would be available all around Bahia.

Case Three

We were informed that we were the second delegation from South Africa to have visited the school. His wish was that young people would be valued and not treated with violence as this centre had helped him to begin studying again.

Case Four

For the first time, this 18-year old, after living in this facility for the last 16 months, felt he was part of a family and could learn to respect the law again.

Case Five

After one year in this facility, this 18-year old appreciated the importance of respect and his family. Moreover, he had realised his potential and wanted to share this with others and begin by helping his family.

Case Six

His experiences led this 18-year old to write a book. He made it clear that he did not want to repeat his past mistakes.

We were then invited to visit one of their 'homes'. This consisted of a lounge with plants and speakers as well as posters of the latest female heartthrobs.

Before being invited to tea, the delegation was treated to the skills of the percussion band in true carnival style. This was a necessary part of the programme for relieving tension and stress. It seemed to have worked, as some members of the delegation took to the floor to demonstrate their skills.

CEDECA

The centre, located across the harbour, was named after one of the victims of the Nova Scotia Crash (Swiss Air): Yves de Roussan Centre. Whilst the scenery was beautiful, the narrow and steep staircase was rather challenging, especially for a wheelchair.

This centre provides legal and social assistance for those that are unable to afford legal support. A council has been formed with at least nine other NGOs representing children's organisations and a council of lawyers' organisations representing issues of disability and race. It is one of the few councils of this nature and CEDECA takes its strength from this co-operation and its three-stage process of working with the media, parents and council. This council has strengthened the work of CEDECA.

Until 1994, CEDECA concentrated on working with cases of child homicide and sexual abuse. Prior to 1991, no work was done on violence against women and girls. However, recently workshops for girls who have been sexually abused were organised. Sexual violence and abuse was not talked about. There has been a shift to the extent that a parent group has been formed where such cases are followed up. A recent shocking report was referred to whereby a person intercepted a 13-year-old every day on her way to school. It was only when she became pregnant that this abuse was discovered. Due to the prejudice in the community she had to stop attending school and legal protection was insufficient to assist her.

CEDECA is now working with the High Court to assist in processing cases more efficiently. This has resulted in attracting cases from other areas and cities seeking assistance in reporting sexual abuse.¹⁴

Child homicide is very high in Bahia. In 1998, 250 homicides were reported. In the last three years, an average of 150 cases were reported. Of the 34 cases reported in 1999, 24 cannot proceed. This is due to the lack of evidence or information to support the cases. There is also the difficulty of victims not being identified. Awareness in the community about these homicides was raised and more people were coming forward with information.

It is difficult to understand the phenomenon of child homicides, as there is not really a gang culture and the victims are not in conflict with the law. In 1992, a 14-year-old boy was killed with a knife for pelting a neighbour's dog with stones. In another instance, a policeman shot a boy waiting at a bus stop for accidentally throwing a stone at him.

Most of the killing is said to be the work of 'death groups', killing children and adolescents and usually made up of police or military officers. They are also alleged to be paid by the leaders of shantytowns to 'clean the place'. These children, according to CEDECA, are not children in conflict with the law or homeless, as is commonly portrayed by the international media. They are just poor and do have homes and families. They are out of school as the quality of education is so low that they do not attend school. This mentality of serious violence is attributed to the historical background of military dictatorship as the same style of policing was still being used.

CEDECA has found that the actual number of trials being processed is low. On average, one case takes about 6 years to process, even though CEDECA attempts to follow-up as much as possible. It was also the opinion of officers of CEDECA that Salvador probably

¹⁴ Brazilian office for ECPAT (End Child Prostitution and Trafficking) is also addressing the increasing numbers of child prostitutes.

had the most conservative courts in Brazil. Since the establishment of the Commission of Human Rights, the justice system has been easier to access. Previously, the system appeared more favourable to those with higher incomes. At present, there are initiatives aimed at changing the attitudes of legal personnel.

For example, three people, one of whom was a police officer, a second a railway officer and the third unidentified, killed 4 adolescents. They were convicted and sentenced to between 42 and 36 years. The case is now on appeal.

At the same time, CEDECA is aware that it cannot take on all the responsibility, nor would they like to patronise parents who have indeed suffered loss.

Disability

There is a need for a change in the attitude towards disability. Children with disabilities are kept at home and not usually found outside. It is not uncommon to find children with mental disabilities being sexually abused. A recent case was reported where 2 young girls with hearing and mental disabilities, sent to an institution, were sexually abused. Unfortunately, professional support to provide services to children with disabilities is limited.

Media

At first, insensitive stories appeared in the media about the killings and abuse of children's rights. After a campaign with respected members of society, singers and actors, the media began developing an interest in the subject. Information is now provided regularly to the media and stories are reported in a manner that is more acceptable.

UNICEF-Brasilia

A presentation of UNICEF's rights-based approach to programming was made to the delegation.

In addressing the plight of homeless children, the origin of the problem was the family and programming commenced with this target group rather than directly at the child on the street. In line with UNICEF's approach, offenders required social and educational measures rather than incarceration.

Another aspect of programming involved advocacy, institutional strengthening, communication and mobilisation. The support of delivery of services was the least developed component of UNICEF's programme.

Other comments made by officers on the status of children's rights in Brazil included the following:

- Far more was required in terms of placing children's rights on the regional agenda;
- An interesting relationship with the media had developed in the last seven years in so far as child rights were concerned;
- The business sector was included in the network of 41 agencies involved in child rights;
- The ten-year-old statute on child rights required an evaluation. Goals were currently being developed in order to conduct this evaluation;

- There was now a move towards mainstreaming issues on disability and a marked improvement in support for parents with children with disabilities; and
- There are approximately 2500 tribes that have yet to make contact with the outside world.

Allocation of resources is usually made through government structures. Civil society has the attitude that children in conflict with the law cannot be rehabilitated. Whilst there is a bottleneck in the courts, the training of judicial officers has ensured that the court for young people has changed.

C. Case Studies

A group of parents of victims constantly met at CEDECA, following up on their cases and providing support to each other. The victims were young people who were killed by police.

It was a rather emotional meeting with the parents as they recalled the manner in which their children were killed, contrary to the perception that these children or young people were homeless. The parents were also placing themselves in danger as they pursued justice for the murder of their children. This dissuaded some from coming forward, however there were those that decided that they would not be intimidated by the threats.

Parent 1

Her son was killed in June 1998 because he was playing with fireworks. Since the case is sub-judice, she was unable to elaborate further.

Parent 2

Due to the alleged offenders' having the best defence lawyers in country, the court was unable to convict her daughter's killers due to legal technicalities.

Parent 3

A fight in a bar led to the threat that his family would be killed. Several days later his two-year old son was shot in the head.

Parent 4

Another parent told of his 17-year old son who tortured and then burnt to death for reasons unclear to anyone. It was a case of mistaken identity.

Parent 5

His son was shot in the head after a disagreement with a military officer for turning off lamps. The legal process has now halted as the documents have been burnt.

Parent 6

A young boy teased a girlfriend of a police officer, a fight ensued and her son was caught in the crossfire.

Naturally the levels of frustration among parents was very high. Little was being done for members of this community except by CEDECA. At the meeting, parents expressed their appreciation to CEDECA as it gave them courage to go on and also gave them the strength to lobby other parents to challenge their cases.

D. Site Visits

Don Bosco House

This institute is located approximately 50 kilometres from the city of Salvador. The delegation was greeted by large groups of children and young people displaying all the products of the centre, several of which were presented to the delegation as a friendly gesture.

This Institute offers various recreational services and skills training only to the community of Selagri, the poorest satellite community in Brasilia. All persons who are part of the programme come from this area. The individuals chosen for the programme have basic schooling for the vocational programmes and must be able to spend 4 hours after school in training. Learners are usually selected after home visits have been conducted.

At present, 400 learners, one of whom was female, are learning skills in panel beating, spray painting, mechanics and electronics. All equipment is available on the premises. Car dealerships or manufacturers usually provide this. On completion of this training, learners are placed with the dealership or manufacturer. At present, approximately 70% of the learners have already been placed. 21 trainers have also been placed with authorised dealers. There has been no demand for teaching skills to children with disabilities.

Younger children aged between 5 and 14 years attend a social and education project. They are further divided into age groups namely 5-6, 7-8, 9-11 and 12-14 year olds. This project was initiated by Don Bosco house in the 1840s.

Children in the 5-6 year category spend their time playing with educational toys like Lego. The 7-8 category engage in different activities such as drawing. The 9-11 category was spending their time completing homework received in school. The 12-14 category spent time learning about and playing basketball. Each activity was connected to follow natural development and to stimulate their minds. All material, toys and equipment are sponsored by different companies.

The Institute has three main programmes: ecological and environmental work; handicrafts; and communication through the newsletter 'Boscommicado- integrecao'.

These three approaches help to combine efforts and invite people to join in their work. It also helps in ensuring support for their work. In the last 4 months, 3 000 learners went through the programme. To date 7 000 of the learners have been placed in jobs.

The fruits of these efforts were clearly visible through the pretty gardens. The delegation was also presented with gifts made out of soap.

The demand for learning also extended to the parents of children who are at the institute as they too are able to develop skills like sewing and other skills. The British Embassy is now supporting the programme.

The Institute also offers several skills, including hairdressing. People paid in kind by bringing their own hair products. Black hairstyles were popular at the time of this study tour. A Brazilian Institute offers computer training, hence the success of this programme. 3

more labs for advanced training were introduced and business management was to be introduced.

The objective of this training is to place young people in the labour market by providing basic communication skills.

In order to publicise the work of the Salesians Institute, as well as develop writing and other skills, a newspaper is regularly distributed. 6 budding journalists and a cartoonist interviewed the delegation.

The dance reflected the strong mixture of African culture. As children in the programme are forbidden to practice their own religion, some aspects were merged with Catholicism, for example Ode to Nemanja, the goddess of the sea, is held regularly. Since the 1960s, much work has been done to connect with African roots.

This meeting ended in true Brazilian style with a native dance, apparently originating in Africa, to the delight of the delegation, some of whom broke into ululation and dance.

E. Observations and Recommendations

It was interesting to note that Brazilian local municipalities assumed most of the responsibility for service delivery. This role is supported by the provincial, rather than national, allocation of budgets. It was also noted that local councillors, all of whom are appointed by their constituencies, monitor programmes. The success of programmes was also due to the involvement of the Church and local business through effective social mobilisation programmes.

In South Africa, appropriate support, both human and financial, is required, together with more interaction of civil society, in ensuring that existing local councils are successful. It may also be noted that involving local resources such as religious institutions, business and other available structures can only serve to enhance the quality of life of people at local level.

Special rules exist for children in conflict with the law in Brazil. These children are confined in social educational settings. This is not a conviction but a measure to redress the offending behaviour. The SIPIA software was developed to monitor the rights of children and determine appropriate redress where applicable. This software has had the impact of enabling local councillors to monitor patterns of crime and the needs of children in the community, as well as formulate policy in addressing service delivery. The introduction of this software has also strengthened the capacity of local councillors to deliver on child rights.

In South Africa, a separate system for children in conflict with the law is being designed. However, in order to maximise its impact, other structures and programmes addressing causes of crime must be strengthened and in some cases developed. In this regard the rights-based approach to programming should be implemented.

An intensive campaign, supported by international and local agencies, encouraging the importance of education has been undertaken. Posters and flyers were quite visible in the

city of Salvador. It was noted that there was an increase in enrolment as a result of this campaign.

Due to several sensationalised reports by the media, CEDECA developed a relationship with the media in order to ensure that reporting was responsible, appropriate and sensitive to relevant incidents. An information centre has now been created at the centre distributing a newsletter on homeless children. The success of this programme also depends on the vigilance and commitment of parents to erase this problem from the neighbourhood. A petition, which we were asked to support, was being sent to Geneva expressing the situation of their children in Salvador.

Whilst there may have been several discussions with the media in South Africa, a concerted effort to sensitise the media on children's rights may be necessary. A campaign ensuring that civil society joins in taking responsibility for the situation in communities is urgently required as all resources, state and private, are required in order to improve the conditions of children and their families.

An observation made in the State of Salvador was the resources of the business sector in providing skills and securing employment for young people who might otherwise have had no employment or opportunity of improving their situation.

The business sector can play a prominent role in uplifting the conditions of many people in South Africa. This requires the collaboration of the Education Department to provide useful skills in addition to basic education. Initiatives between the Department of Education, the business sector and community-based organisations should be encouraged to pursue such programmes.

COSTA RICA

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COSTA RICA

A. Country Profile¹⁵

The Republic of Costa Rica is situated on the Central American Isthmus. It is adjoined by the Pacific Ocean to the south-west, Nicaragua to the north, the Caribbean Sea to the north-west and Panama to the south. Based on the 1997 census, the population of Costa Rica stands at 3.4 million.

Economic Indicators

The gross domestic product is USD \$10 billion and the gross national product USD \$7 billion according to 1993 estimates, with the public debt at USD \$3 billion. Its main trading partners are the UK and the USA.

B. Meetings

Union of Private institutions for the attention of children

This 21-year old organisation is the umbrella body of 38 organisations and institutions representing 50 centres in the country. As all implementation occurs at the level of the organisations, only a co-ordinator and administrator work in the office. Initially, UNICEF supported this project. However, income is now based on the annual membership fees.

Members of the union also play an advocacy role. Several of them sit on committees that are drafting and analysing legislation that is in violation of the Convention on the Rights of the Child, or working on specific issues such as sexual exploitation. In some cases, organisations provided the necessary training for people working with children. During the study tour, an evaluation of programmes was reported to be in progress. There has also been a shift by government to privatise several programmes such as day-care centres. Further national institutions of child-care had now requested NGOs to take over the responsibility of 43 shelters. The co-ordinator expressed the view that social change had not caught up with the economic changes the country was experiencing.

Inter-American Institute for Human Rights

Modelled on the International Institute of Human Rights in Strasbourg, the American Institute based in Costa Rica was founded by the Inter-American Court. It is recognised by

¹⁵ The Economist Intelligence Unit, 1999.

the United Nations and is funded by international donors. UNICEF has had a long-standing agreement with them. One of its main functions is to promote human rights by providing information and education.

It also monitors the application of international human rights standards in domestic legislation and measures their impact on human rights through court cases. The view expressed was that whilst Latin America quickly ratified many international standards and incorporated such into domestic law, implementation still proved challenging. It was further noted that in some countries judges were keen to convene on this matter. As a result seminars were organised on the application of international standards at the domestic level.

Other areas of attention have been devoted to training the police at various levels (the impact is currently being assessed), criminal justice and constitutional protection, especially in the field of criminal justice. Within the training component, curricula were analysed with a view to incorporating human rights.

It has also published the following material: thesaurus-glossary of terms, directory of children's organisations in the region and a Guide to the Convention on the Rights of the Child. The Institute also holds seminars on how to use the CRC.

Whilst there is little presence of the Institute in the Anglophone Caribbean, there is a strong presence in Central and South America. Electoral institutions, institutions promoting democracy and related NGOs work closely with the Institute.

On the issue of socio-economic rights, the Institute reflected the jurisprudence that is generated by the court, namely, civil and political rights cases. The indigenous community in Nicaragua came closest to addressing this issue before the Court.

Arias Foundation for Peace and Human Rights

This organisation was set up after Dr. Oscar Arias won the Nobel Prize for Peace. Working within the areas of demilitarisation¹⁶, the organisation has three areas of focus, namely Human Progress, Organised Participation and Women's Rights. Whilst based in Costa Rica it covers the region of Central America. It has recently extended its operation to countries outside of the region, namely at Jamaica, Trinidad, Tobago and Lesotho in order to promote the disbanding of armed forces.

Costa Rica does not have an army. The organisation linked the lack of an army to its sound health care and education system within the region. Costa Rica was also noted as having the 2nd best children's hospital in Latin America. Attention was also drawn to nearby Panama that has saved one billion dollars since disbanding its army. Whilst the budgets were re-allocated to improving other services, it was noted that there were special sections of the police which were militarised.

¹⁶ At the time of the delegation's visit to Costa Rica, Uruguay was reported to be holding an important conference on children and armed conflict.

Certain sections of the police deal with specific issues, namely narcotics and drugs, judicial police and municipal police. The municipal police have developed a game that interacts with children so that they are able to depend on the police for protection. This was based on a game developed by the Spanish Municipal Police.

In addition to promoting demilitarisation, a great deal of the Foundation's activities were spent in addressing the situation of development after demilitarisation, especially lobbying for equal opportunities for men and women in the public domain, education and dissemination of human rights.

Due to its regional focus, issues addressed were sometimes general yet applicable to the region rather than country specific. At present, a manual on children's rights is being developed together with a popular version on children and the Convention on the Rights of the Child. Interacting with children contributed to the development of this version.

As part of its programme dealing with young people, the organisation chose to focus on participation and young people. The delegation was informed that it proved quite challenging for several reasons. Techniques such as using crayons were considered inappropriate, as some children were not familiar with crayons. Instead, stones were used to communicate ideas and relay experiences. A conscious decision was also made to select girls as opposed to the initial mixed groups, as the material appeared to draw more responses from girls. Moreover, due to the marginalisation of girl children, the selection was accepted by all involved.

HIV/AIDS

According to this organisation, Honduras has introduced an holistic approach to HIV/AIDS. There was currently a national debate on reproductive health, initiated by the feminist movement, to amend the current legal position on sterilisation. The strong presence of the Catholic Church makes the majority of the population quite conservative. At present, women are required to get the permission of their husband for sterilisation, have to be a certain age and must have had a certain number of children before being allowed to undergo this procedure.

People with Disabilities

The level of sensitisation in schools has increased tremendously (it was noted that the latest coins and bank notes were written in Braille), though there were initially serious omissions. There are a number of efforts towards developing appropriate skills and to mainstreaming children with disabilities. Teachers make extra efforts in educating children with disabilities, despite the fact that there has been little support. It is also important to note that the Organisation of American States have signed the Declaration on Population with Disabilities.

C. Site Visits

Children's Museum

The Children's Museum was educational in a very unique, child-friendly and fun manner. It combined information on nature, science, and cultural heritage.

One exhibit worthy of mention was the measurement of earthquakes on the Richter scale: standing on a platform and turning on the dial to certain levels on the Richter scale gave one the experience of an earthquake.¹⁷ Being able to interact with various aspects of science ensured that learning was fun, but more importantly, valuable lessons in science were internalised and understood.

The history of the colonisation process and various other stages of evolution in Costa Rican society to date were captured in a manner that allowed visitors to the museum to visualise and experience the various stages. The different stages enabled the visitor to remember, and appreciate, certain developments in history.

D. Observations and Recommendations

The Inter-American Institute (IAI) regularly monitored the application of regional and international law, especially human rights law in domestic cases. An analysis of this is found in regular publications. It was also noted that seminars were held with members of the judiciary from the region on incorporating human rights law into domestic cases.

It will be noted that the Convention on the Rights of the Child, despite having been ratified by South Africa in 1995, was not mentioned in the first case dealing with children and corporal punishment, however reference was made to the Standard Minimum rules for the Administration of Justice, commonly referred to as the Beijing Rules.

The SAHRC could develop a role in monitoring the application of human rights law and standards, noting those legal commitments made by the State, with the purpose of highlighting shortcomings and popularising international standards. Further, the SAHRC, as chair of the national human rights institutions in Africa, can recommend to national institutions the popularisation of African regional instruments and institutions.

The Inter-American Institute (IAI) examined various programmes and in many cases provided sessions on human rights for various agencies.

This concept can be expanded to ensure that human rights, especially children's rights, form part of all curricula of state services - from civic education in schools to government departments. The SAHRC, in conjunction with other agencies and NGOs, could analyse all state curricula. In the case of children, creative methodologies should be introduced in order to teach children how to relate to police and other essential services

It was observed by the IAI that the media tended to report issues of crime far more than other issues.

There should be a common responsibility together with civil society to sensitise the media in South Africa about child rights issues. Current initiatives may be necessary to ensure that this sensitisation takes place.

¹⁷ Those in the delegation brave enough to experience this, considering that the delegation had experienced some aftershocks in Mexico, were certainly thankful that it was only aftershocks that were felt.

Lacking in the country, sub-region and region is a directory of organisations working on children's rights.

A South African directory of organisations, services and focal points on children's rights should be compiled and disseminated in schools, clinics and other areas that children are likely to frequent.

Internships and practical learning programmes are common in regions outside of Africa. Within the developing world, the opportunities and accessibility of internship programmes have been limited and mostly non-existent.

Internship programmes aimed at developing capacity in human rights in all disciplines should be developed and current initiatives should be strengthened in South Africa.

The OAU, urged strongly by the national institutions of human rights, should develop a portfolio on disability with a view towards developing an African Declaration on Disability.

The communication and mobilisation strategy to gain freedom in South Africa was one of the most successful strategies ensuring the participation of people of all age groups. This strategy needs to be revamped and applied currently in order to ensure that the various interests in civil society are represented.

Initiatives and fora promoting the right to participation should be encouraged and supported. Special emphasis should be placed on obtaining the views of children. Where appropriate, young people should represent their own views at relevant structures.

Due to the disbanding of the army, many services, especially education, have been improved in Costa Rica.

In this regard the budgeting process for South Africa needs to be revised in order to ensure that essential services are rendered.

The recreational facilities in Costa Rica were novel and incredible. They combined valuable information on culture and heritage, science and technology, presented in a child-friendly manner, making learning fun and exciting. This centre is supported by the business sector.

It would be worthwhile for a delegation, preferably from the Department of Arts, Culture, Science and Technology, the business sector and relevant NGOs from South Africa, to visit this centre in order to consider adapting this concept to the South African situation.

INDIA

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INDIA

A. Country Profile¹⁸

The Republic of India is situated on the Indian Sub-Continent in South Asia. Pakistan borders it in the north-west, China, Bhutan and Nepal in the north, Myanmar and Bangladesh in the east, the Bay of Bengal in the south-west and the Arabian Sea in the Southwest. Based on the 1997 census, the population of India stands at 1.03 million.

Economic Indicators

The Gross National Product is USD \$262 billion and the Gross Domestic Product is USD \$462 billion according to 1997 estimates, with public debt standing at USD \$80 billion. Its main trading partners are the USA, The UK, The Former USSR, Japan, Iran and Iraq.

B. Meetings

Due to the vast size and other unique features of India, the cities of New Delhi, Bangalore and Hyderabad were visited.

UNICEF

Child Labour

Child labour is the biggest problem facing India with NGOs estimating the figures of working children at between 40 and 100 million. Legislation currently in place (namely the Child Labour Act) has been difficult to implement despite pressure from the National Human Rights Commission (NHRC) on the Department of Labour. There is also no legislation protecting children from prostitution. As a result, the Supreme Court has instructed that a committee be appointed to develop a plan of action to address trafficking.

Other initiatives, including a huge media campaign to counter trafficking, have been embarked upon in New Delhi. This was expected to extend to other parts of India. The Child Law Centre at the University of Hyderabad was currently developing material for training with an emphasis on the CRC and the Law.

¹⁸ The Economist Intelligence Unit, 1999.

One of the biggest challenges in addressing child trafficking is rehabilitation.

HIV/AIDS

The HIV/AIDS pandemic has reached acute proportions on the sub-continent. One of the biggest challenges facing India, the delegation was informed, was the denial of the pandemic. As a result, information and advocacy were intensified.

The delegation was also informed that approximately 4 million people, mainly under the age of 25 years, are infected with HIV in India (at least 1% of the population). The number of orphans had doubled. There is an increase in the number of girls and women who are being infected and subsequently suffering further discrimination. This could be attributed to sexually active men, misinformed about the pandemic and thereby seeking younger partners.

Discrimination against those living with HIV/AIDS is rife, especially in hospitals. There was, as a result, a plan to institute mandatory testing. Those in bonded labour have no access to services including health service. It was worse in the case of those living with AIDS and charlatans further exploited them. Condom promotion and information about safe sex on television is limited. Child prostitutes are not entitled to receive condoms from the State in spite of lobbying from concerned sectors.

Environment

A master plan of operation had been developed between UNICEF and the Indian government. This was in response to the poor quality of water. The quality of water was particularly bad on the border between Bangladesh and India as it contained high levels of arsenic. The levels of fluoride further affected at least 60 million people. Whilst these problems were acknowledged by means of the necessary legal ratifications, implementation still posed a problem.

Nutrition

UNICEF in India was currently repositioning nutrition rights in the context of CRC with an emphasis on earlier intervention. Considering that micro-nutrient deficiency was noted, a package had been designed to address this. Girl children, especially during pregnancy, were identified for the programme. Programmes, during pre and post-natal services, were developed to target children aged 0-2 years.

Girl Children

The survival of the girl child is of grave concern. However it was noted that the situation had improved since independence as the infanticide rate had decreased. The current ratio of girls to boys was 600: 1000. Undoubtedly there was still a preference for boys.

National law school-University of Bangalore

The Delegation met with the Centre for Children and the Law based at the University of Bangalore. In addition, post-graduate students attended the meeting and discussed some of their findings. The Centre offers courses on Children and the Law and their relation to development and poverty.

The discussion commenced with a question on the admissions policy for university entrance. The criteria outlined for this University was English, Mathematics, General Knowledge and an aptitude for law. It was also noted that 22,5% is reserved for persons belonging to the scheduled tribes, one of which is commonly known as Dhalits, usually coming from the North East of India. The Centre focuses heavily on the rights of the child against the backdrop of international standards and policies of the International Labour Organisation, UNICEF, the Convention on the Rights of the Child and more recently on the World Trade Organisation as it affects Child Labour.

The courses examine the factual position of children, including the contribution of the situational analysis compiled by the NGO community. Furthermore, the impact of the economy on children is explored, especially as regards the root causes of child labour.

Projects are undertaken at the community level and areas of concern to the students form part of the themes to be studied or as identified by child rights activists.

Child labour

It has been estimated that there are up to 100 million children in child labour, though government estimates that there are 19 to 20 million working children. At least 60% of the children forming part of the child labour work force come from rural parts of India. Many come from broken homes and are extremely poor. There are centres that cater for the needs of the children mentioned. 100 children are received per day despite the intake capacity of 500 children per centre.

It has been reported that many of these institutions are not properly functional. Many do not allow any visitation and have been considered by some to be a "sham". Due to lack of teachers, the education system ends up 'pushing out' learners instead of them dropping out. The MV Foundation is considered to be an excellent programme on initiating mainstream education.

This prevalence of working children has prompted the NHRC to appoint a Special Rapporteur for bonded labour. The Supreme Court has drawn attention to the plight of working children through its decisions as will be noted below.

Cultural Systems

Children are seen as property and not as subjects. Children are not considered separate from the family entity. From the age of seven years, some adult roles are undertaken and this is increased as the child grows older.

Implementation of CRC

The spirit of CRC is still not widely accepted. However, the Supreme Court has, in this context, given the right to life a wide interpretation. The right to life has been extended to include education up to the age of 14 years. Education is not a fundamental right but a directive principle. A constitutional amendment is underway to correct this position legally.

Article 23 of the Indian Constitution specifically prohibits child labour and trafficking. However, other rights of children are not mentioned under the section on Fundamental Rights in the Constitution. This has not deterred activists on child labour as this provision is

constantly referred to, especially in litigation. The Supreme Court has also displayed its keen support in protecting children's rights. Despite this support from several sectors, there is no common policy on which the state has enacted legislation. Many acts still require revision to ensure compatibility with the CRC.

It was further mentioned that the National Policy on Child Labour and Education does not discuss the involvement of the State Budget and supporting infrastructure. A National Commission for Children is still an issue of debate. There is a bill on the proposed Commission.

One of the views expressed was that the proposed Commission should be established independently of the NHRC because the NHRC has not been very successful in the implementation of child rights.

Juvenile Justice

A new Juvenile Justice Act was being developed. This act also hoped to protect the rights of sex workers. Based on the observations of the Law school, it was clear that the Department of Social Justice did not take into account the holistic approach and development of the child. This, they noted, would lead to recidivism, institutionalisation and other phenomena that thrive in poor socio-economic conditions.

A study on bonded labour, undertaken by the University, conducted 20 000 interviews. This led the Government of Karnataka to revise several policies. However, this statistic was also misused to reflect incorrectly the number of working children in India.

Makaramitha Panchayet, a system of local government concentrating on children, established a Children's Help Line for crisis calls in Bangalore. This has alerted many to the specific need of children.

Meetings with NGOs Concern for Working Children

The report submitted to the Committee on the Rights of the Child took approximately 3 to 5 years to complete. A massive consultation exercise was undertaken to ensure that as many children as possible were informed and able to participate in this exercise. This report comprised the views of children. Working children expressed themselves in their own manners and methods. One working child's view was rather stark. He asked the government how they expected children to know their rights when their parents are not informed of their rights.

NGO meeting in New Delhi

A host of NGOs based in New Delhi attended the meeting with the delegation. The meeting commenced with various NGOs indicating their area of work. It was estimated that approximately 65 million children were either working or homeless. The lack of education was considered to be the main obstacle to any development. It is estimated that approximately 135 million children under the age of 14 years are not in school. The delegation was warned that, if lessons from India were not taken into consideration, it was likely that South Africa would experience the same fate.

Neglect and inadequate concern, especially political will for development of the poor and “lower castes”, manifests itself in the current status of children in the country.

Juvenile Justice

Currently there is a review of the juvenile justice legislation based on the Riyadh guidelines. The concern among the NGOs is that this act requires an overhaul for meaningful change and not mere amendments, as was proposed.

Credit

Women have mobilised themselves to generate income, improve literacy and increase community savings. Schemes were developed to ensure that women qualified for loans and increased financial strength. It was further essential that community-based monitoring of these schemes were developed. The women emphasised that credit must be accompanied with monitoring mechanisms that ensure sustainability. It was unfortunate to note that, in rural areas, children are placed in bondage as collateral for parents to get loans. They also serve as a source of income for families.

Education guarantee scheme

This scheme was devised to monitor the attendance and progress of children in schools. A group of 20 children was identified under this scheme.

The increased age for marriage seemed to have provided some form of protection to young girls. Incentives for girls going to school were developed in some areas such as Kerala.

Namane¹⁹

This was a regional residential training centre and home for children in distress. The delegation was informed that the children discussed the construction of the building. They made several requests for specific features such as a theatre stage and swimming pool. The request that was not granted was for a swimming pool.

This facility is based away from the city as land on the outskirts is cheaper. Children slept in dormitories. It was noted that this was part of a cultural characteristic of communal living.

The facility is designed to accommodate 200 children.²⁰ Sometimes the facility is also used as a transit home. However, most children stay until they have been reunited with their families or have reached an age whereby they can take care of themselves. It will be noted that those leaving the centre to live independently are required to satisfy certain criteria to ensure that they have a support system.

The facility is multifold. It houses children who have been abandoned, abused or who were formerly sex workers. It also provides children with education and skills to ensure that they can be placed in regular jobs. Furthermore, it has a medical clinic with a resident medical

¹⁹ means 'our house' in Kannada

²⁰ During the visit 140 children were resident at the centre.

doctor and counsellor. Eighty percent of children from the facility have, to date, been successfully placed. In addition, there are also at least 40 day-scholars.

Teaching is based on the Montessori method until the seventh grade, with the oldest children being between the age groups of 12 to 16 years. Half the day is spent on theory, while the second half is spent on practically implementing the theories. In addition, children hold discussions once a month to voice their opinions.

The facility's success is also based on its programme of self-sustainability. The products from dress making, silk-screening, graphic designing and electronics, that form part of the practical and theoretical education, are sold for a profit.

University of Hyderabad - Department of Political Science

The meeting with the University of Hyderabad discussed several issues on human rights, which were not necessarily specific to children. However, it was clear that difficulties and challenges faced by communities impacted on the rights of the child. Human rights are taught as a course at the political science centre. A diploma and masters degree in human rights is also taught at the University. The university houses a documentation centre in human rights.

The postgraduate diploma in human rights is offered to members of civil society, the civil service, the army, lawyers, practitioners and NGOs. The university offers inter-disciplinary courses. Human rights are integrated into all disciplines, especially economics.

The centre is proud of its grassroots perspective on human rights. Its research focuses on issues such as rape against the Dhalits, the judicial response to rape, violence against women, and the rights of the child. The centre also produces a regular journal on human rights.

The delegation was also informed that efforts are being made to build up contributions by economists in human rights discourse. This will assist in focusing on the impact of structural adjustment on society.

During the discussion on civil liberties, it was noted that the caste system was still practiced despite the existence of a constitution. One reason ventured was that the management of independent India still conformed to the British system of administration. This only served to perpetuate the caste system, related repressive laws and other social and economic injustices. It was also noted that the increased authoritarianism was leading to a decreased access to socio-economic rights.

The existence of the NHRC did not eradicate injustices, especially as the same systems had to be conformed to despite the Constitutional entrenchment of assuring human dignity. Furthermore, ordinary people do not understand the language of the courts. They thus do not ask questions in the courts, as they fear being held in contempt of the court and subsequent imprisonment. According to one participant, there is more reliance on law and order and "these three words supercede the Constitution." This was further restraining when questioning government on the basis that authority was not being respected.

Many within the discussion group found that the NHRC had limited powers. This was based on several complaints that reports on homicides and extra-judicial killings had not been followed up.

Health care

Basic health care is non-existent for ordinary people. Many children died or have had their health affected by chemicals. Corporate health packages are available for elite and professionals only. The delegation was again cautioned to ensure that health care is a necessity and not a luxury.

Dhalits

These are the people previously known as untouchables. They are the most exploited group of people in India and were once known as the 'lowest caste'. It was reported that there is still a great deal of violence inflicted upon them.

As a result of post independence strategies to eradicate the caste system, several caste members have broken the cycle of poverty and now form part of the middle class including positions of power. 16% of all posts in government are reserved for 'Dhalits'

Unfortunately 50% still form part of the child labour force and at least 70% are still illiterate. Children are severely discriminated against in schools and other public places.

Child Rights

Reference was made to UNICEF's programmes on nutrition, research and advocacy. Dominating the discussion once again was the situation of working children. They usually came from the poorest families and had to work to keep their families above the poverty line.

Girl children

Girls are used in hybrid seed production, pollinating the grass manually. This affects the health of the girls as pesticides are used. Several girls are reported to have died from the pesticides.

95% of girls between the ages of 7 and 14 years work in the cotton production industry and are usually on long term contracts. Seed companies enter into agreements with local producers to find cheap labour through loans and advances to parents. The latter are then caught in a debt trap, bonding the girls for long periods. They are reported to work 9 – 10 hours per day off-season. During peak time, they work up to 12 hours and are paid in accordance with the size of the ditches dug. For example, if the ditch has been dug up to 50 feet, the amount paid will be 50 Rupees.

Adoption

It was reported that some parents sell their children under the pretext that the process is the inter-country adoption, that is adoption that takes place between countries. This is common in remote areas where there are no facilities for primary health care. Parents are reported to say: "If abortion is acceptable, what is wrong with us selling our children?"

Child Marriages

Child marriages are rampant, with the average age being around 11-12 years. The more education a girl receives, the more difficult it is to get married as the price of the dowry increases.

Meeting with woman's self-help group

More than 80 women received the delegation. All the committees in this neighbourhood attended the meeting. This self help programme was a joint venture with government. The programme encouraged family planning, literacy and education. As a result, many women took on employment previously reserved for men. This also meant that women now had access to the municipality.

Women mobilized each other by alerting each other of the difficulties they encountered in securing employment and loans, amongst other issues. As a result, the women began saving collectively in a group of twenty earning interest at a rate of 2%.

This mobilisation led to a discussion of other areas where difficulties were experienced such as water, electricity and road conditions. Some progressed to ensuring that taps were installed and running water was available in their community.

This group also encouraged adult learning, sensitisation to the phenomenon of violence against women and mobilisation against alcoholism. Now 33% of positions are reserved for woman at local government level. The activities of this group also helped children who are forced into child labour. Naturally, it was found that working together as a group is more powerful than working as individuals.

Women are encouraged to save one rupee a day within a group of twenty members. As a result, women have emerged credit worthier than men.

It was also noted that the outcome of the work carried out by women is better as they use materials of a better quality than men do. They also sub-contract their work.

Several women testified to having supportive families. Some received certificates and spoke at several functions. This strategy has made them fairly independent.

An emerging phenomenon was that many men are now using woman's names for loans and, sometimes, even request the women to obtain loans on their behalf.

Although the above discussion revolved around women, it was noted that the situation of women has a direct impact on the lives of children. Women are the primary caregivers and households tend to be run by women.

Meeting with Government Departments Department of Women and Children

The Department of Women & Children handles all affairs concerning the CRC. The delegation was informed that a National Plan of Action (NPA) for children has been developed. The intention is for India to meet all the goals of the World Summit for Children. The NPA is regularly monitored, with corrective action taken when necessary.

There is a scheme that provides training on the CRC for NGOs and other interested individuals.

There is currently an inter-ministerial dialogue on a national policy for children. One of the objectives of this policy is to ensure that the health programme covers all children. An integrated child scheme exists to ensure that their health and nutrition needs are taken care of. A worker from the community is trained on health and nutrition to serve the community effectively. Children between the ages of 0-6 years are identified as the main recipients of the programme, whilst mothers between the ages of 15-45 years also form part of the programme.

The Department of Health is driven by goals to prevent diseases in addressing health. Children between the ages of 6-14 years are found smoking. Drug abuse is also rife. Adults compound this by inflicting violence and abuse on children. 10% of children suffer from epilepsy, which eventually progresses into a lifelong disability. There is close co-ordination between the Department of Health and the Ministry of Social Justice.

It was also noted that a great deal of work is being done to campaign against child labour, mostly pioneered by NGOs and other organs of civil society. This is an area of serious focus as more than 100 million children are in bonded labour. It was reported that more resources are needed to ensure that free and compulsory education is implemented.

Other social hazards include the use of chemicals in cotton farming. Prolonged exposure to the chemicals has left many young girls infertile. It is hoped that the relevant chemicals would soon be banned. In the interim, consideration is being given to occupational hazards including homeless children picking up waste from hospitals and municipalities. Acute respiratory difficulties also exist.

There was also concern expressed about the use of tobacco by children between 6 – 14 years who become susceptible to related diseases. Alcohol abuse and victims of violence formed part of the focus of the related programmes.

A national reproductive health programme has been launched. This is reputed to be one of the largest programmes in the world, aiming at equality and empowerment of women. The birthrate and maternal mortality has declined due to universal immunisation, Oral Rehydration Therapy (ORT) and other programmes. Malaria and blindness are also receiving attention.

According to Indian officials, an excellent primary health care delivery system, from the national to local levels, caters for populations of 3 000 or more. This includes remote areas where two workers receive training; one (female) trained in midwifery and another (male) in other health related matters.

Medical termination of pregnancy is allowed under strict conditions as this is still illegal.

Police Academy

This academy is based in the city of Hyderabad and is rather large, spanning 175 acres of land. Included in the programme is a course on human rights. This runs for about a week

and includes sessions on child prostitution and gender rights. The aim of the course is to sensitise police officers to human rights. In total, 18 courses had been run with 457 participants attending these courses. Courses are interactive with role plays, case studies and group discussions ensuring input by all participants. Field visits to prisons and rehabilitation centres are conducted. The Director of the Academy further informed the delegation that human rights violations are not supported by the State. They are a result of aberrations on the part of the police and this is dealt with through training.

It was further reported that there are police stations for women, one in each district of India. Crimes against women include dowry deaths. The delegation was also informed that the police services were currently considering computerising their entire system. This would take some time as each state consisted of approximately 23 districts and considering India's large population.

National Human Rights Commission (NHRC)

The Chairperson, commissioners and members of the Secretariat received the delegation with flowers.

Leading directly into discussions on the situation of children's rights in India, the Commission noted that, despite the number of children exploited as labourers, the situation had improved tremendously. In this regard, mention was made of the exploitation on the carpet belt in Uttar Pradesh and the silk industries in Bangalore. The Commission responded to this, indicating that several levels of interventions had been undertaken, including monitoring such industries and mobilising civil society to address the issue of bondage.

There was further an attempt to address poverty holistically by improving skills, such as the 'back to school' programme for those children who had dropped out of school. Loan schemes to encourage financial independence and eradicate bondage, especially for women, had also been successful, particularly in the south of India.

They also mentioned child participation programmes where children expressed their views in meetings with members of parliament.

In the context of socio-economics, directive principles were discussed. In the judgement of a recent case²¹, the court directed government departments on the types of action to take to improve the overall background of children by addressing conditions such as education and welfare. In one case, the court directed the Department of Welfare to monitor the implementation of the schemes and further called on central government to progressively eliminate child employment against the backdrop of the constitution. The Indian constitution guarantees socio-economic rights such as the rights to shelter and to life.

²¹ *Gaura Jaya v Government of India* 1997 30 27

C. Case Studies

The following case studies were undertaken at a home for children.

Case study 1

A boy, no more than 12 years old, was brutally beaten with an iron rod for breaking a glass whilst washing dishes. He became a domestic worker after being tricked into leaving home with promises of food, clothes and a house. After work as a domestic, he worked on a loom all evening.

Case study 2

Another boy, younger than 12, from Bihar, was told of the same dream of comfortable houses and toys. Instead, he was exploited as a child labourer. There was no single case where someone was imprisoned for such action. This could be attributed to several loopholes regarding the case. In many instances, activists are offered bribes to prevent the children from leaving. They are also threatened in order to stop investigations or as an attempt to silence them.

D. Site Visits

Rangareddy District

The Rangareddy district is several kilometres outside of the city of Hyderabad. The MV Foundation in this district was established to serve as a bridging centre for children who have been removed from bonded labour. In addition, it provides awareness on child rights and supports the strengthening of schooling. It is subsequently playing a larger role than initially anticipated.

The bridging course lasts for about 8 months and there are approximately 6 camps. Four camps are for boys and offer both short and long-term courses, while two camps offer long-term courses for girls. Boys and girls attend separate camps. At present there are 18 teachers for 290 children. Teachers play the role of mothers. Self-development is encouraged as a general principle of the school. During the visit of the delegation there were approximately 150 villages offering a free service.

The work in the camps of the Foundation commenced in 1983, due to the situation of children. The average size of the family consisted of six members with about 180 families in the village. About ten were wealthy and approximately 20 belonged to the middle-income group. The rest of the families were dependent on the rain and harvesting season. Those without land migrated back and forth between villages.

It is common for girls not to be sent to school. Women and children are usually not literate. Children used to work in the areas of agriculture such as cotton farms and stone quarries. Pesticides were largely responsible for affecting the health of many children. Children were also paid according to the depth of the soil dug out in the lime quarry. Some have also been working as domestics.

Child marriages were common, especially between the ages of 11 to 12 years old. Girls stopped attending school once they were engaged to be married. One 12-year-old girl was engaged to a rather sickly 35-year-old man. She was teased and jeered at in school as she continued studying. Volunteers staged protests and eventually registered complaints

at the police station. The police refused to accept the complaints of volunteers. On raising this with several influential people in the village to get involved, the Foundation succeeded in halting 70 child marriages.

In order to intervene appropriately, the MV Foundation undertook a survey in 500 villages. This was conducted in several stages. The aim of the survey was to assess the situation of children and their working activities. It was noted that more than 50% of children were out of schools, 82% of whom were girls.

This resulted in a campaign on the rights of children that ensured that equality between boys and girls was constantly highlighted and discussed. The MV Foundation also advocated that children should attend school. Children not in schools were considered to be working. On the whole, it was difficult to conduct the survey. Honorariums had to be paid to ensure that the survey was complete.

Finally, a four months camp was developed. Boys were taken in first. Some schools refused to take them in at earlier grades. This caused some tension in the village and also led to physical violence in certain instances. Volunteers were accused of being missionaries and Communists. It was only as a result of the cultural activities that awareness was raised. This camp had a two-pronged strategy. Children between the ages of five to eight years attended regular school. Children between the ages of 9 and 10 years had to attend a short-term bridging course of 3 to 4 months. They were thereafter admitted to regular schools. Some were sent to government boarding schools. Unfortunately there were very few welfare centres with boarding schools. As the demand for regular schools increased, the school system was strengthened. Little importance was attached to castes in this environment.

During the initial stages of developing the programme, there was little support from the Panchayet (local government system). At first the Panchayet did not understand the importance of education, nor the intentions proposed by the MV Foundation. There were those who held the view that there were other demands on the Panchayets. However, this later changed and the Panchayets eventually supported this venture.

Since 1993, children between the age of 8 and 14 years were taken into the camps. There were fewer children between the ages of 12 and 14 years as bridging was more difficult. As a result, child labour was no longer rampant in this part of the village. Despite the challenges, many girls were inspired into educating themselves.

It became the role of the MV Foundation to slowly raise awareness among parents and hence it commenced the above-mentioned programme. This village also boasted several other schemes, one of which was the development of 50 sanitary latrines. A programme for the development of woman and children formed part of the rural development ministry. A further development was the introduction of school committees. Parents were elected onto the committees in order to take care of the affairs of the school. Primary schools consist of children between the grades 1 to 5. Children from this village do not come to this camp as they easily fall prey to their former 'owners'.

An informal club was formed and comprised several interested people, all of whom are employed at other places. This club undertook a survey that assisted in monitoring the development of the programme. This club also continues to motivate people. Some courses ran for half a day on awareness programmes and others for a week.

The programmes developed in this camp were obviously quite successful, as children looked quite happy despite the hardships that many of them faced prior to this programme. Towards the end of the camp, the children sang several folk songs for the delegation.

After our visit to this camp, we were taken further into the village to meet with volunteers. The youth are the backbone of the programme. There are approximately 8000 volunteers between the ages of 20 and 35. They usually go from door-to-door raising awareness, holding rallies and protests. Momentum is built up in villages, either through walk-a-thons or cycle rallies. Women's groups were also called upon to support girl child programmes, especially as 98-99% of boys are enrolled in formal schools. A scrumptious lunch was thereafter offered to the delegation, cooked by one of the founders - formerly a head chef.

Reporting Centres-Mukti Ashram-New Delhi

This Centre, based on the outskirts of New Delhi, has advocated the rights of working children for the last 20 years.

The Director was one of the leaders in organizing the Global March for children. The Centre houses and assists in reintegrating children rescued from child labour. The Centre has a resident medical doctor, counsellor and several child care workers. After individual counselling and integration, children are provided with basic skills. Some also attend local schools once they become self-confident. Family integration commences only once children feel self-confident.

There were at least 60 children housed at the Centre during our visit. Child-care workers also assist in investigating and rescuing children from places where they are kept in bonded labour. Many place their lives in danger. Several have been beaten and two have been killed. There are vested interests in keeping people in bondage, especially in the coalmines, glass houses and street restaurants.

Several accounts were provided of conditions that children face in the employ of wealthy landowners. Many children are held captive and work for more than 11 hours per day. They work as domestics during the day and on the looms at night. One such account was that a senior government official was accused of employing and abusing a young boy of approximately 6 years of age. It seemed that the boy drank leftover milk after a prayer session. He was severely beaten. Despite the complaints of the mother, little was done. Police refused to register the case. One of the junior activists called on the former Chief Justice, now with the NHRC. The Chief Justice subsequently called senior police officers to his home on a Sunday and asked that the matter be addressed urgently. His personal involvement in the matter assisted in changes in legislation whereby no government employee can employ any person under the age of 14, and this is applicable in the states of Tamil Nadu and Kerala. Further accounts of specific cases can be found in Section C: Case Studies.

E. Observations and Recommendations

Many children were found to be outside the formal school system. Alternative forms of education were nonetheless still provided for children falling outside this category. This had the effect of ensuring that basic skills were provided to those who managed to receive such skills, upon reaching adulthood.

There were initiatives enabling children to hold discussions with Members of Parliament and state their concerns.

Voluntary organisations have legal standing and many used this option to bring class actions before the courts.

The courts were rather creative and developed directives to government departments to implement socio-economic rights.

Media campaigns were used to highlight child trafficking.

Communities monitored the quality of schooling.

Several land reform strategies were discussed. It was noted that in several Southern states such as Kerala, land redistribution was quite successfully implemented. In addition, other areas that may be considered worth exploring by the relevant stakeholders in South Africa are the primary health care system and loan schemes.

Courses on children's rights form part of the university curricula.

Incentives are provided in some schools to encourage the attendance of girl children.

There was a strong emphasis on improving socio-economic rights and thereby improving children's rights.

Discussions held with people from various sectors found that an inter-disciplinary and holistic approach to developing policy and planning was constantly emphasised. This included addressing the quality of water and the environment. The delegation was constantly warned not to repeat the mistakes of India in planning sectorally.

BOOKLET THREE

Mothers and Fathers of South Africa we are the voices of your children
those who live and those yet to be born
We are the undernourished the under-educated, the homeless and the naked
The voiceless victims of the infant mortality plague that has seen so many
of us young ones buried before reaching the age of one
We are your children
We call upon you today
On our knees we implore you
To please create for us a new day, a new beginning, a new South Africa

(Letta Mbulu, Unity Song [words and music by Caiphus Semanya]
cited in Mosikatsana, 1998)

REPORT ON THE PROCESS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION CHILD PARTICIPATION PROGRAMME

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1. INTRODUCTION

The South African Human Rights Commission (SAHRC) has a mandate to promote, protect and monitor human rights. Because child rights are human rights, the SAHRC, at the advice of the Child Rights Committee, approved a programme to explore the development of a strong focal point for children. This included the need to find out from children how the SAHRC can become accessible to them. It is important for children to know about their rights in order to be able to access them.

The programme was conceptualised to unfold in three phases. The first phase was a study tour to developing countries, namely, Brazil, Senegal, Mexico, Costa Rica and India. Phase two was a consultative process with national and provincial CBOs and NGOs in all nine provinces. The third phase was three child participation workshops in each province.

The development of this programme by the SAHRC is in recognition of the fact that South Africa ratified the United Nations Convention on the Rights of the Child (UNCRC) on 16th June 1995. The National Programme of Action (NPA) for children was developed to implement the UNCRC. In 1999, South Africa ratified the African Charter on the Rights and Welfare of the Child. In light of the above, the SAHRC needed to spell out its role more clearly where child rights are concerned. The SAHRC recognised that its constitutional mandate enshrines that it has to:

“...promote and protect children’s rights in South Africa in accordance with the provisions of the Bill of Rights in the South African Constitution, the Human Rights Commission Act and all applicable international human rights law obligations of South Africa.”(SAHRC Policy Paper on Child Rights)

In formulating and implementing policy, the Commission should be guided by the constitutional dictate that: "A child's best interests are of paramount importance in every matter concerning the child." (Section 28 (2)).²²

The purpose of this programme is to make the enjoyment of human rights by children more of a reality as the SAHRC clearly charts its role in this process. There is the recognition that, although the majority of children cannot claim their rights for themselves, this is no reason for denying them rights. Therefore institutions such as the SAHRC need to monitor those who have children in their charge and intervene to enforce children's rights. (Mosikatsana, 1998)

The ratification by South Africa of the UN CRC represents a shift in the approach to children's rights within South Africa. The UN CRC provides a framework for addressing rights relating not only to children's needs for care, protection and adequate provision, but also for participation. (Morrow, 1999) The UNCRC provides for child survival, protection, development and participation. The development of a focal point for children within the SAHRC is a way of making sure that the CRC is not "just another declaration of noble intentions... but a genuinely effective tool for enhancing the well-being of children." (Hammad, 1999: p. 215)

²² See SAHRC policy paper on child rights (1997 # 1)

"Laws, national and international, are after all, words on paper. They may codify attitudes, but the real results depend on how they are implemented, and what is done to follow up to reach the ideals"(Flekkoy 1991: p. 218).

2. WHY CHILD PARTICIPATION?

*"Until the lions have their historians history will always be told by the hunters."
(President Thabo Mbeki, July 1997)*

The above quote is recognition that children are voiceless and vulnerable and need to be given space for their stories to be told and heard. President Thabo Mbeki (ibid.) stated that until we, who are the adults, are able to say we shall genuinely speak in the tongues of the babes, we will have no claim to the right to bring up the new generation. The SAHRC recognised the need to speak in the tongues of the children and decided to take action.

In ratifying the UN CRC, South Africa committed to implementing the principle of a First Call for Children, whereby the needs of children are considered to be paramount throughout government programmes. The National Programme of Action for children (NPA) is the instrument by which these commitments to children are being carried out. It serves as a mechanism for identifying all plans for children developed by government departments, community based organisations (CBOs), non-governmental organisations (NGOs) and other child-related structures. It also serves to ensure that government departments and non-governmental organisations promote the wellbeing of children.

The SAHRC is part of the National Steering Committee of the NPA, in a monitoring and advisory capacity. In developing its strategy to establish a focal point for children, the SAHRC recognised the importance of moving away from the old saying "children must be seen and not heard".

The children in South Africa grow up in a society where apartheid policy has left a legacy of severe disparities. The circumstances in which the majority of South African families have lived, and continue to do so, has impacted negatively on their capacity to meet the most fundamental developmental needs of children. Deprivation, violence, malnutrition, poor health, inferior education and discriminatory social security systems created profound inequalities between children from different racial groups, geographical areas and genders. Rural as well as regional migration to urban centres in search of employment led to the break-up of families as well as the exacerbation of poverty in high-density urban squatter settlements. (Tilley & Robinson, 1998)

In South Africa, the process towards recognising children as 'worthy citizens' has commenced with admirable energy and commitment since the advent of the first democratic government. It is crucial that this process is continued with increased vigour by the government and relevant organisations. The necessary policies and practices that will ensure that we meet our commitments with regard to the UN CRC have been developed. What is needed is the attainment of all the developmental goals and human rights that have been set for the children of South Africa.

Article 12 of the UN CRC²³ recognises the child as an active subject of rights, and articulates the child's right to be involved in decision-making affecting him or her. This principle is one that should be applied at all levels of society and with regard to all aspects of a child's life. Within the family, at school, in the community and at national and international policy-making levels, children's views and voices should be heard and taken into account. (Cappelaere & de Winter, 1998) The SAHRC would like to have children involved also at implementation level, as this is where the crux of being true to children lies. Children have a capacity to be active participants, depending on their evolving maturity.

It has been argued that the UN CRC has created a children's rights industry. Desmond (2000) states that the tenth anniversary of the UN CRC was marked with big international meetings attended largely by adults, with a few token children in attendance. Children are still, generally speaking, to be seen dressed in traditional costumes and only heard when singing quaint songs for dignitaries. We need to stop having bigger and better meetings about children and have more meetings with them, where we are prepared not only to listen to them but also to learn from them.

The UN CRC merges civil and political rights with economic, social and cultural rights, and draws attention to special needs for children, such as adoption, economic and sexual exploitation, and exposure to drug abuse (Robinson & Biersteker, 1997). It is an instrument that truly recognises the interdependence, indivisibility and universality of human rights. The UN CRC rests on four groups of rights: survival rights, development rights, protection rights and participation rights.

Participation rights refer to the child's right to the freedom to express opinions and to have a say in matters affecting his or her life. Morrow (1999) notes that there are two definitions of participation - participation in the sense of 'taking part in', or being present; and participation in the sense of 'knowing that one's actions are taken note of and may be acted upon'.

"Child protection and children's participation are complementary and should go hand in hand. Children's participation is needed to help the child realise his or her potential as a full-fledged 'citizen'. Child protection addresses children's vulnerability, as they grow up in societies made by and mainly for adults." (Cappelaere & de Winter, 1998)

The SAHRC believes that children's perspectives on their rights are important. Melton and Limber (1992) give four reasons why it is important to support this. Firstly, children's perspectives on their rights may differ from those of adults. Secondly, children's concepts of their rights may be useful in the design and development of procedures for implementation of their rights in a manner that is most protective of children's dignity. Thirdly, eliciting children's views on their rights shows respect for children as persons. Finally, ascertaining children's perspectives has implications for children's legal and political socialisation.

²³ Article 12 of the UNCRC states as follows: "State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

In addition, there are other important reasons to promote and to facilitate children's participation.²⁴

- Children's participation can be considered as a basic need for healthy human development;
- Children's participation is a precondition for democratic citizenship; and
- Children's participation improves the quality of provisions for young people.

There are various degrees of participation and non-participation. Non-participation would refer to what is known as 'decoration'. Decoration is seen when children wear costumes or t-shirts promoting a cause, but have little notion of what the cause is all about and no involvement in organising the occasion. An example of this would be "Children are invited to participate in the opening of the World Summit for Children in 1990, by giving each Head of State a flower, and ushering them to their seats." (Ramsden & Vawda, 2000: p. 3) Manipulation is when children are engaged (or even used) for the benefit of interests, formulated by adults, while children themselves do not understand the implication. When children appear to have been given a voice, but are actually serving the child-friendly image adults want to create rather than the interests of children themselves, this is tokenism.

Genuine participation begins when children are allowed to make inputs into the purpose and design of a certain project or activity.

The levels of participation are as follows:

Assigned but informed - What this means is that adults decide on the project and children volunteer for it. The children understand the project, they know who decided to involve them, and why. Adults respect young people's views.

Consulted but informed - The project is designed and run by adults, but children are consulted. They have a full understanding of the process and their opinions are taken seriously.

Adult-initiated, shared decisions with children - Adults have the initial idea, but young people are involved in every step of the planning and implementation. Not only are their views considered, but children are also involved in taking decisions. An example of this is: "At the first National Children's Summit in 1992, the children came prepared and briefed, ready to discuss relevant issues. They did not have very long 'working' sessions and they chose representatives to present and give a summary of the SA Children's Charter they had drawn up, to the adult delegates, on the International Conference on Children's Rights. The Charter became part of the Conference papers, and was considered as an important document in the process of drawing up the new SA Constitution. Children also planned and carried out local actions based on their experiences..." (ibid.)

The latter method is the one the SAHRC chose to use. Children are to be involved in the SAHRC's decision-making process on establishing a strong focal point for children. Their

²⁴ Taken from 'What do you think?' Report of the preparatory meeting, Brussels, Belgium. Page 3 of the report, which was extrapolated from Winter, de M., 'Children as fellow citizens. Participation and commitment', Oxford, Radcliffe Medical Press, 1997.

views will be taken seriously and presented as recommendations to the SAHRC plenary meeting, where decisions will be made about implementation.

By choosing this method the SAHRC is moving away from the notion that, all too often, it is adults who determine the value of participation and competence of children. 'Adult' values and the 'adult' way of being are considered the ultimate criterion. This means that contributions from children in social and family life are often neglected, and are considered embarrassing or boring and/or 'childish', even 'naive'. The presumed incompetence of children is, therefore, more often an incompetence of adults in accepting and understanding contributions from children.

Ultimately, children must feel that the work being done belongs to them.²⁵ Ownership of the process is crucial in child participation.

Children's Rights: A Critique

Although children in South Africa are not able to vote, a child-centred approach is gaining momentum. One reason is that the youth of South Africa played a special role in spearheading the struggle for liberation from apartheid. (Mosikatsana, 1998) These contributions to the processes of political transformation received national recognition through South Africa's designation of June 16th as Youth Day, the ratification of the UN CRC, and the inclusion of section 28 in the Constitution.²⁶

On 1 June 1992 the 'Children's Summit of South Africa' launched its Children's Charter. King (1996) states that it is clear when reading through the Articles of the Charter that what the Children's Summit is demanding is nothing less than a major programme of political and economic reforms using children's rights as a device to add weight and legitimacy to their demands.

"Of course, in their efforts to give young people a voice they inevitably project onto them their own discontent with today's social order and their wishes for the future. They interpret the 'bad' treatment of children as revealing the evils which characterise our far-from-perfect society and point the way to improvements in the organisation of the social world." (ibid., p.29)

It has also been argued by O'Neill (1993, cited in Mosikatsana, 1998) that, despite the uncontested moral legitimacy enjoyed by the concept of children's rights, the constitutionalisation of children's rights is merely safe political rhetoric that will not translate substantive benefits for children. It is stated that giving children rights in the Constitution, such as the right not to be maltreated or abused, will not affect how parents behave towards children.

This critique is useful in thinking about how to address children's issues, as it highlights the importance of including parents and caregivers in the process of addressing children's rights. King (1996) suggests that law be coupled with other social systems, such as politics and economics, to create a system that would be more effective in securing the welfare of

²⁵ 'What do you think?' Children reporting their views on respect for their rights – Report of the Preparatory Meeting – Brussels, Belgium: 17 – 19 December 1998.

²⁶ Section 28 of the Constitution of South Africa lays out what the rights of children are.

children. He contends that this new system could provide economic incentives to companies not to employ children as well as to allocate greater resources to children's care and education through families.

Purdy (1992, cited in Knutsson, 1997) states:

"At present different rights are recognised for adults and children. Some adults' rights free them to act in accordance with their own judgement; they are considered competent to make a wide variety of decisions ranging from what to wear to whom to marry. Children, on the contrary, are denied these rights on the ground that children are irrational. Their alleged irrationality justifies protecting them in ways that also limit their freedom..."

There is also a concern in many societies that the proponents of universal children's rights are supporting culturally biased goals, such as the right to individual experimentation, over the right to proper guidance (Knutsson, 1997).

There is no easy solution to this controversy. There may even be no solution whatsoever. Nonetheless, the best hope for achieving a long-lasting agreement on the nature of children's rights and on reasonable and effective ways to protect these rights lies in a thorough awareness of the various views (ibid).

Child Participatory work previously and presently being done in South Africa

The Child Participation Programme that has been embarked on by the SAHRC is not the first in South Africa. Various organisations have embarked on a series of child participation activities that complement the work they are engaged in.

The NCRC, as part of the NPA, was instrumental in the organisation of the Children's Summit in 1992 and in 1995. The Children's Summit in 1992, as previously stated, developed the Children's Charter. The NCRC was also instrumental in the organisation of child participation workshops during the Commonwealth Heads of Government Conference held in Durban in 1999. The NCRC has since developed children's structures provincially and is teaming up with Soul City who have a new programme called 'Soul Buddies' which the children in the NCRC structures will be participating in.

The South African Law Commission (SALC) embarked on a programme from late 1998 – 1999 aimed at a comprehensive review of the Child Care Act 74 of 1983 and all other South African legislation affecting children. In this programme, common law, customary law and religious laws relating to children in this country were reviewed. As part of this investigation, the SALC actively involved children in the law reform process through a series of focus group discussions.

This process was different from the one the SAHRC embarked on in the sense that the questions being asked were different and the focus of the SAHRC Child Participation Programme was on workshops involving different groups of children, rather than focus groups. Focus groups were only used to access 'hard to reach' children.

The South African Law Commission is in the process of conducting an independent evaluation of their child participation process before they embark on the second round of consultation with the same children.

These child participation programmes are but examples. There are many child rights organisations throughout South Africa that seriously involve children in programmes. It is not the intention of this report to list them all.

It is useful to be aware of other similar projects so that one avoids duplication. A lot of lessons can be learnt from other organisations. Hence, engaging in partnerships where relevant is important so that all child participation work, which is being done, complements the others.

3. NATIONAL NGO MEETING

Following phase one, the study tour, consultations with Commissioners and Heads of Departments (HODs) within the SAHRC took place to review the first phase, and to determine how the process should progress. Following these consultations a National NGO meeting was held to plan the process of consulting provincial NGOs and CBOs on the programme, especially on Child Participation Workshops. At that meeting, the process was outlined and discussed by those present and it was decided that the National Children's Rights Committee (NCRC) would be the main partner organisation of the SAHRC on this project.²⁷ With the assistance of the NCRC, other organisations would be brought on board.

The need for a Child Participation Programme Officer was confirmed earlier and Ms. Rankoe was appointed.

The National NGO meeting agreed that there would be a process of consulting with NGOs and CBOs at provincial level in order to plan for Child Participation Workshops in each province, and to determine the role and contribution of each provincial organisation.

The Advocacy Unit of the SAHRC was assigned the responsibility of drawing up the programme for the workshops, in consultation with NGOs that specialise in child participation. These organisations included the Afrika Cultural Centre for Children's Museum and the National Progressive Primary Health Care Network.

Recognizing the need for children to have a say in their own affairs, it was decided that the aim of the workshops would be to enable children to advise the SAHRC on:

- What they understand the role of the SAHRC to be;
- How they may become involved in programmes of the SAHRC; and
- What mechanisms the SAHRC needs to develop to ensure better access for children.

It was agreed that workshops would be held during February and March 2000; and be aimed at children between 9 – 13 years of age (although, following consultations, the

²⁷ See Appendix 1 for list of national organisations that participated in the Child Participation Programme.

target age group could be varied). The selection of approximately 30 children per workshop was proposed (with the help of NGOs and CBOs) to participate and these would be as representative as possible. In order to get a representative sample, the following criteria needed to be taken into account:

- Race;
- Language;
- Economic status;
- Rural, urban & peri urban;
- Gender;
- Religion; and
- Special groups of children who need to be specifically targeted.

A list of children who are traditionally considered to be hard to reach was drawn up. Some of these children would be able to attend the workshops, and others might only be reached through focus groups. The list included:

- Children living in poverty;
- Children in prostitution;
- Children living with HIV/AIDS;
- Terminally ill children;
- Children on farms;
- Child labourers;
- Children in child-headed households;
- Children in detention;
- Children in residential care;
- Children living on the street;
- Children living in political violence;
- Children exposed to witchcraft, violence or practices harmful to children;
- Children with serious or severe disabilities; and
- Children of refugees and illegal migrants.

With the assistance of the NCRC, the SAHRC held a series of provincial meetings that took place between the 19th and 29th October 1999. The aim of the provincial meetings with NGOs and CBOs involved with child rights, and those which have a clear focus on children, was to:

- Present the programme developed to establish a focal point for children within the SAHRC;
- Present the idea of the Child Participation Programme; and
- Consult and invite inputs from the various organisations in order to work towards the consolidation of preparations for the three Child Participation Workshops per province.

The challenge that was recognised in this phase, was that there is no way in which this process could reach all relevant structures. However, efforts were made to be as inclusive as possible. In provinces where the SAHRC has offices, Education Officers and Commissioners responsible for provinces were urged to participate. Where the SAHRC has no offices, Provincial Commissioners participated with NCRC support.

Commissioners, Section 5 Committee members and the Project Co-ordinator of the Child Participation Programme facilitated the meetings. The NCRC representatives played a very significant role in the organisation of the meetings.

4. THE MEETINGS

CBOs and NGOs were engaged in the process to work specifically with helping the Commission involve children from various backgrounds. The NCRC and SAHRC went to great lengths to involve as many CBOs and NGOs as possible across the country, for the purposes of networking and getting children involved. In addition, due to financial constraints, the project needed CBOs and NGOs to commit themselves voluntarily in most cases. The CBOs and NGOs were informed of the process being undertaken and they were asked what role they saw themselves playing.

The CBOs and NGOs were briefed very thoroughly about the phases of the programme and objectives of the Child Participation workshops. They were given guidelines, which had been agreed to at earlier meetings, to ensure that when information was received from the provincial workshops, it met the objectives of the SAHRC. The issue of focus groups was stressed so that the voices of as many children as possible could be heard. Focus groups were thought to be important for children who would be unable to attend the workshops to be given a voice in the process. It was agreed that the person(s) facilitating focus groups should be persons familiar with the children; who speak their language, understand their context, and with whom the children are comfortable. It was decided that these focus groups would be run for "hard to reach children" and the CBOs and NGOs that work with these children will be used, as children will be more comfortable with them.

4.1 Issues that were raised

Number of workshops and size of province

It was suggested by the SAHRC that there be 3 workshops per province. This subject was debated in the provinces, with the majority of provinces requesting that their provinces should be divided into more than 3 regions as the provinces are large. They felt that, in order for children to be well represented, the workshops needed to be conducted in each region of a province.

There was a strong feeling that, due to the size of some of the provinces, transportation of children from one area to the next would be difficult and extremely costly. For example, the Northern Cape stated that due to the size of the province, the distances between each area are extensive and it would be very difficult to get children from most areas to participate. They suggested having six workshops. However, after lengthy discussions and exploration of creative ways of demarcating the provinces, it was agreed that there would be three workshops per province, especially as there were budgetary constraints.

In addition, it was pointed out that while not all children could be reached, there needed to be as broad a representative sample as possible.

Age Groups

The target age group for the workshops was set at 9 - 13 years. During discussions on this issue, there was a strong feeling from organisations working with children from 0 - 7 years that these children are often forgotten because they are not able to express themselves as well as other age groups. Several organisations representing Early Childhood Development felt strongly that the project was leaving out an important sector that is voiceless, vulnerable and in need of protection.

These issues were noted and it was explained that in a project of this nature, the SAHRC could not be all-inclusive and needed to focus on a particular age group. The Youth Commission addresses children older than age thirteen, and Early Childhood Development agencies address the needs of children age 7 years and under. The 9 - 13 year age group fall in between and their voices are often not heard, hence the choice of the age group.

Some individuals felt that there needed to be some flexibility and children up to the age of fifteen needed to be taken into consideration. This was accepted. In addition, it was suggested that those organizations that work with younger children could run focus groups with those children.

Language

South Africa is a country with rich cultural and language diversity. There are eleven official languages and more than one language is spoken in each province.

Due to the diverse nature of some of the regions within provinces, a range of languages is spoken in some of the regions. This issue was highlighted as something that needed to be taken into consideration during the designing of the content of the workshops. For example, in the Northern Cape, it was noted that cognisance needs to be taken of the !Xhu and !Xhwe languages of the Khoisan and Nama clans respectively, as they tend to be a forgotten minority group when such events are held.

In addition to the designing of the content of the workshops, the issue of whether translation would be needed arose. It was agreed that facilitators needed to be familiar with the languages spoken in the various regions.

4.2 Recommendations made

1. A concern was raised by a member of one of the CBOs and NGOs present that parents are often left out when children's rights issues are discussed. It was recommended that, when a focal point for children is formed, parent education should be included as one of the programmes. It was stated that the child's environment has to be taken into account. An example of this point was an issue raised by NGOs working with children on farms, who stated that farmers also need to be educated about the rights of the child. Consideration of the child's environment, especially powerful people in their environment who may be violators of the child's rights such as farmers, need to be thought about in the planning of programmes addressing children's rights.

This concern is borne out by Mosikatsana (1998: p. 356) who states that "another potential concern involves the effect that a child-centred approach would have on the family". Is it appropriate to give children rights without cementing their obligations to their families? Does the protection of children's rights without protecting the family as a basic unit erode family autonomy?

It is important to note that children as individuals are bearers of rights and thus have rights as individuals to survival, protection, development and participation. The discourse about children's responsibilities can be linked to the African Charter on the Rights and Welfare of the Child. Obviously, no child is an island. In fact, ensuring that children enjoy their rights, especially socio-economic rights, can benefit the whole family and community.

Concerns have been raised by Dwivedi (1996) that some of the articles of the UN CRC (for example articles 11 - 16) appear to be based on western individualising discourses, in which 'there is an emphasis on separateness, clear boundaries, individuality and autonomy within relationships'. On the other hand, other provisions of the UN CRC such as articles 8 and 9, emphasise the embeddedness of children in family or community relations. In South Africa, it is important to look at children in relation to their families and the communities within which they reside. Hence the emphasis on participatory methods, which present not an individualising discourse, but which affirm the interconnectedness of children's lives.

2. A sustainable mechanism needs to be put in place to address the issues that will emerge from the workshops.

3. Government departments need to be brought on board to assist with the process, through the SAHRC's participation in the National Programme of Action Steering Committee (NPASC).

5. THE PLANNING PROCESS

During the planning process, the NGOs attending the meetings were enthusiastic and prepared to assist with the programme. Most of the groups decided that the easiest way to make progress would be to form task teams made up of members from each of the three regions that had been formed within the province. In some provinces (North West, Northern Cape and Mpumalanga) it was decided that the NCRC office would liaise with individual organisations that had committed to assisting with particular tasks.

The NGOs were eager to support and agreed to give their support for the following tasks:

- Organisation of venues for the workshops;
- Organisation of catering, paying special attention to the need to use people within the community;
- Identification and transportation of children to the workshops;
- Running focus groups for "hard to reach" children; and
- Assisting with the facilitation of workshops, on a voluntary basis.

It was agreed that the provincial task teams, Provincial Managers of NCRC or SAHRC Education Officers would report to the Child Participation Programme Officer on a regular basis about progress regarding planning within the region.

5.1 Overview of the provinces

NORTHERN PROVINCE

At the beginning of the meeting, the NCRC Central Region Chairperson stated that they commit to this process since "...bringing our collective efforts as NGOs, children, SAHRC and other children's rights activists into one 'basket' will enhance our work in defence of children's rights".

Number of workshops

The participants enquired about the possibility of having seven workshops, that is, in each region of the province. It was emphasised that this would ensure that one reached out to the majority of people living in poverty, with low literacy levels and limited labour skills. It was decided that there would only be three workshops due to the financial limitations of the project.

Language and demarcation of the province

Workshops would take place in English and the mother tongue, depending on the area. It was felt that too many translators in one workshop would compromise the value and process of the workshop. It would therefore be important to have these workshops with participants who speak a common language. It was decided that workshops would happen in Thohoyandou, Pietersburg and Giyani.

Facilitation

Members of the CBOs and NGOs were willing to volunteer themselves as facilitators. In addition, they felt that at the end of the workshops facilitators should be provided with certificates of participation.

Workshop Plans

A task team was formed. Different duties were assigned, covering transport, organisation of venues in the three regions, catering, focus groups and facilitation.

NORTH WEST PROVINCE

A task team was formed to take the process forward. There were problems in this province, as the task team members did not meet. The NCRC Provincial Manager reported that CBOs and NGOs in the North West Province wanted transport money in order to attend meetings. There were unfortunately no resources to support this request. The planning process in this region was very slow and difficult.

All the plans in this province were made hastily in the month prior to the start of the workshops. The province was divided into three centres; Taung, Brits and Mafikeng. The

NCRC co-ordinator worked with a handful of CBOs and NGOs that committed themselves to the process.

GAUTENG PROVINCE

Number of workshops and demarcation of the province

It was decided that there would be three workshops in the province. Some of the participants were concerned that this was too few because of the size of the province and that children would not be well represented. There was also a concern that rural or peri-urban children must be included in this province, as Johannesburg tends to be the centre while other areas are forgotten.

After a vote on the following two options, option B was chosen as the way in which the province would be demarcated:

- | | | | |
|----|----------|--------------|------------------|
| A. | Pretoria | Johannesburg | Van der Bijlpark |
| B. | Pretoria | Westonaria | Natalspruit |

Time Frame

It was suggested that the workshops take place on Saturdays, as children would be at school during the months of February and March.

Progress with the planning of workshops was very good in this province. The task teams worked hard and requested little support from the Programme Officer.

KWAZULU-NATAL PROVINCE

There were very few participants at the initial meeting, only six NGOs were present, despite the fact that thirty NGOs had confirmed that they would attend. The next meeting that was held was arranged by the SAHRC Education Officer in the province. It was better attended and planning in the province began.

Number of Workshops

There were concerns expressed that three workshops were not enough as KwaZulu-Natal is a big province. It was decided that the province would be divided into three areas, that is, Durban, Natal Midlands and Ulundi.

Language

Although there are different languages spoken in the province, it was agreed that most, if not all the workshops, would be held in English and Zulu.

Focus Groups

The list of focus groups as recommended by the SAHRC was added to. Early parenthood, children who undergo virginity testing, children exposed to violence in schools and children from broken families were added to the list.

MPUMALANGA PROVINCE

Number of workshops

It was decided that the best way to divide the province would be according to the demarcations set by the Ministry of Health. There would be three workshops in the province, one in each region; Highveld (Witbank), Eastern Highveld (Ermelo) and Lowveld (Nelspruit). Some of the participants expressed concern that within each region there are numerous districts and it would be difficult to access children in all districts. Some participants were concerned that 30 children per workshop was too few and would necessitate exclusion of some children.

Language

The languages spoken in the province are Zulu, Seswati, Ndebele and Pedi.

Focus groups for hard to reach children

Constance Mausai of Masakhane C. C. Organisation stated that she works with the children on farms and farmers are very difficult to deal with. She said that she would attempt to run the focus groups on weekends using the church, or requesting assistance from schools. However, this did not happen, instead there were some farm children present at the workshops.

What support and assistance can NGOs and CBOs provide?

Individuals from the different organisations volunteered to do particular tasks. The only area that was not represented at the meeting was the Highveld. The NCRC representative stated that she would organise a meeting in the Highveld so that organisation for the workshops could take place there. This was done, and NGOs in the Highveld region were then brought on board.

FREE STATE PROVINCE

Number of workshops

Participants felt that three workshops would be too few. It was decided that there would be three workshops and an extra one if the need arose. NGOs and CBOs would fundraise for the extra workshop.

The province was divided into:

Region A&B	-	Bloemfontein - Reddersburg
Region C&D	-	Welkom
Region E&F	-	Bethlehem

Task Team

A task team was formed, and it was agreed that their functions would be to:

- Co-ordinate participants' functions;
- Plan for a process;
- Categorise children;
- Identify areas of need; and
- Refer the updated programme for the workshops.

EASTERN CAPE PROVINCE

Number of workshops

The discussion centred on whether the focus should be on children living in rural areas or urban areas. It was suggested that one workshop should focus on children in rural areas and the other two on urban and peri-urban areas. On this basis, it was decided that the province would be divided into three regions: a central region, Transkei region and a northern region (East London, Umtata and Cradock/Queenstown respectively).

Number of children

Participants differed on this. Some suggested 30 per workshop, whilst others felt that 20 - 25 is too big a group as children can sometimes be uncontrollable. It was finally agreed that there would 20 children per workshop.

NORTHERN CAPE PROVINCE

Number of workshops and language

The participants observed that the Northern Cape is a large province, and therefore areas within the province are spread out making travel from one region to the next difficult. It was suggested that, if finances were available, 6 workshops would be preferable for the whole province as it is divided into 6 regions.

In addition, the language diversity of the region was discussed. It was stated that Afrikaans, Setswana and Xhosa are spoken, but there are also two other minority languages, namely !Xhu and !Xhwe of the Khoisan clan and Nama of the Nama clan, which are often forgotten. It was accepted that those children should also be heard.

One of the participants suggested that there be two workshops in the province with 45 children in each. The province would be divided into two. This idea was discussed and it was decided that this was not feasible as 45 children were too many for one group and not all children would be heard.

It was decided that the most feasible way of dividing up the province would be to bring Upington and Kuruman together, Hantam and Springbok, and Kimberley and De Aar. It was suggested that schools and teachers be involved in this process as they could assist in the identification of children, and also schools could help accommodate children that needed to travel and sleep over.

Focus groups

It was proposed that if children with physical disabilities or children living with HIV (for example) were able to attend the workshops these children should not be excluded even though it is recognised that they may have special needs during the workshops. Focus groups would be run, in addition, for "hard to reach" children. The participants agreed that focus groups were an important component. It was suggested that focus groups also be run in schools and residential children's facilities.

WESTERN CAPE PROVINCE

The meeting was not well attended.

Number of Workshops

After discussion, the Western Cape was divided into 3 areas, which were allocated to organisations to facilitate the process:

- Cape metropole;
- Southern Cape: Klein Karoo Bronne Sentrum; and
- West Coast and Rural.

5.2 Developing the content

The initial phase in developing the content of the workshops was discussed with Mr. Benjy Francis of the Afrika Cultural Trust, Mr. Greg Moran (SAHRC Advocacy Unit HOD), and the Child Participation Programme Officer.

The first thing that was addressed was the issue of language, and the feeling was that games, art, drama, music and dance needed to be used in order to break language barriers. All the sections would involve a variety of interactive games and activities that would keep the children interested, involved and participating. It was suggested that a creative centre be created within the room where resources such as newspapers, paint, newsprint, play dough, crayons, paper and plasticine would be available for use when the need arose.

It was agreed that there would need to be one main facilitator and two or three assistant facilitators and a scribe. The facilitators would need to be able to work well with the children. Facilitators would need to be trained about two weeks prior to the start of the workshops.

To start with, there should be an icebreaker or team building exercise which would serve to discuss their similarities and differences, and to build openness and trust. Trust building is very important if the children are required to work together and explore issues, especially since they would not know each other and would be coming from a variety of backgrounds. The short period of time allocated to the workshops, about five hours, was not sufficient for the process.

The second part of the workshop would be an educational component, where children would be given input on the SAHRC, human and children's rights, the Constitution, and the Convention on the Rights of the Child. This part would have to be interactive and would involve an exchange of information whereby the children would give input about their own knowledge of the above issues and would in turn be supplied with information.

There would then be an active lunch, where there would be a drama group or a video relating to issues around rights. This form of imagery would keep them thinking about the issues during lunch.

The children would then be divided into four groups. Two groups would discuss the question, "What can the SAHRC do to protect child rights?" The other groups would address the question, "What can children do to support SAHRC programmes or how can the SAHRC be accessible to children?" There would then be a plenary to gather the information. In order to build the confidence of the children, they would have a chairperson and scribe within their group, which would also develop their leadership qualities.

At the end, there would be a joint activity and evaluation process. During the evaluation process they would need to look at the following:

- What would they like to do with what they have found out?
- What did they get out of the workshop?

It was considered important that the children take charge of the process and that it be noted that this participatory workshop is a developmental exercise.

During a discussion around the time frame of the workshop, there was a concern raised that a day's workshop was not enough. It was then recommended that there be follow-up weekend workshops implemented as part of the process that would be taken forward from these workshops.

Following this discussion, a framework for the structure of the workshops was developed.

Copies were then given to Mr. Francis and also to Ms. Melinda Swift, of Gauteng Agriculture, Conservation and Environment. They were both asked to give input and suggest activities for the day.

These inputs were then considered and a new outline, based on the inputs, was developed by Melinda Swift and her associates. This was then used for the workshops. It was decided that there would be a day of training for facilitators, which would be led by Ms. Swift.²⁸

5.3 Finance

It was agreed that finances were to be dispatched to the SAHRC offices in the four provinces where offices exist. The SAHRC would be responsible for distributing the money for each workshop in each region, and also for accounting to the SAHRC head office. Where SAHRC offices do not exist, the finances would be distributed to the NCRC head office, which would in turn distribute the money to their relevant provincial offices whose responsibility it will be to account for the funds.

²⁸ See Appendix 2 for the schedule that was used at the workshops and some of the activities.

6. SUMMARY OF WORKSHOPS

GAUTENG WORKSHOPS

The workshops in Gauteng took place as follows:

29th January	-	Katlehong, Katlehong Resource Centre
19th February	-	Pretoria, Pretoria Metropolitan Council
11th March	-	Westonaria, Soweto Teacher's Centre

These workshops were run and attended by George Masanabo (SAHRC Education Officer), Andre Keet (SAHRC Senior Education and Training Officer), Commissioner Mabusela, Matsheliso Rankoe (SAHRC), Milly Pekeur, Maki Sithole and Tommy Ntando (task team members) and other assistant facilitators.

The children who participated in the workshops came from a range of backgrounds. The background of the children present determined what language was used in the workshops.

- In the workshop in Katlehong, English, Setswana and Zulu were used. All the children were black although they came from different socio-economic backgrounds.
- In Pretoria, English, Afrikaans and Setswana / Sotho were used. Children came from the following backgrounds: Refugees, child labourers, child-headed households, children with disabilities, children living on the streets, children in foster care, well-to-do children, children in prostitution, children from farms, in foster care and who have endured family violence and physical abuse. All these children were from mixed racial groups.
- At the Westonaria workshop, there were children from residential homes, children with disabilities and children living on the street. Two racial groups were represented: 'coloured' children and black children.

One of the criteria for choosing children for the workshops was that there be a good racial mix of children. This was only achieved at the Pretoria workshop. The way this can partly be explained is that in South Africa, in our apartheid past, areas were divided across racial lines. As a result, most areas are still dominated by one racial grouping. Pretoria, being the capital city, is racially mixed, which might explain why it was easier to get a mix of children. Katlehong and Westonaria are predominantly black and 'coloured' townships. What also impacted on the racial distribution of children was the CBOs and NGOs involved. CBOs and NGOs were responsible for bringing children to the workshops. Most CBOs and NGOs that participated work with children from so called previously disadvantaged communities, which do not often include white children.

WHAT ARE OUR RIGHTS?

At each of the workshops the day began with rules being agreed to, after which the children were asked to divide into groups and draw a picture or make a collage showing what they know their rights to be. In most cases, children were aware of what their rights are. In some cases, they presented as rights things that they would like to be able to do but which are disallowed by their parents, for example, the right to have a cell phone.

It was interesting to note what specific issues were highlighted by children from the various backgrounds, illustrating the needs that they have in their particular situations. Children

living on the streets often highlighted the right to shelter, and children from foster homes highlighted the right to have a mother. One of the physically disabled children stated that he has a right to a wheel chair and the right to play sport as "sport makes one happy and able to defend oneself". All the rights that were articulated show where the children feel vulnerable.

The following are the rights stated by children:

The right to education	The right to life
The right to proper housing	The right to protection against abuse
The right to be happy	The right to health
The right to have food	The right to a loving home
The right to clothing	The right to shelter
The right to be clean	The right to a better & cleaner environment
The right to have parents	The right to freedom of religion
The right to water	The right to history
The right to pets	The right to stand up for their rights
The right to be listened to	The right to friends
The right to become a role model	The right to choice
The right to beds to sleep in	The right to communicate
The right to security	The right to cell phones and luxuries
The right to play sports	The right to transportation
The right to celebrate	The right to go to the zoo
The right to peace	The right of access to computers
The right to a wheelchair	The right to live with our mothers

All the rights mentioned reflect the four pillars of the UN CRC. Children were aware of what their rights are and the fact that this goes with some responsibility on their part. One of the children, who stated that one has the right to be a role model, expressed that this goes with being responsible as there are some actors and actresses who are meant to serve as role models but do drugs and may commit crimes, which is irresponsible (Westonaria workshop).

Children questioned some of the responses. The right to "nice" clothes was questioned, and it was decided that one should have the right to be clothed as long as one is neat and clean.

The issue of corporal punishment in model C schools was raised at the workshop in Pretoria. Two young girls mentioned how they were beaten with cricket bats on their behinds and struggled to sit for a number of days. This needs to be addressed as corporal punishment is against the law.

ENERGISER

After each exercise an energiser was conducted. Most of the energisers involved some kind of physical activity. In some cases inappropriate energisers were conducted, which did not cater for the needs of children with disabilities.

A case is cited from the workshop in Westonaria:

The energiser that was decided on was the Fruit Salad game. In this, children are each given the name of a fruit. Three fruits of their choice are used. In this case it was apple, banana and orange. The children sit in a circle and one child stand in the middle of the circle without a chair. The child in the middle calls out the name of a fruit, for example "apple". All the apples then have to stand up and run to find another chair other than the one they were sitting on. Whoever is left without a chair stands in the middle of the circle. If the child in the middle calls out "Fruit salad", this means everybody must stand up.

When this game was introduced, a child who is physically disabled and did not have a wheelchair was excluded by the facilitator from the group as she was unable to run. She was placed out of the circle. This was very significant, as it was a clear exclusion on the basis of the child's disability. On recognition of the error, after it had been pointed out by one of the assistant facilitators, the child was included in the circle and participated in the game even though she was unable to run.

When a decision was made to do an energiser, consideration needed to be taken of the capacities of all the participants.

WHAT IS THE SAHRC?

Part of the workshop involved a presentation by the SAHRC representative of what the SAHRC is. This presentation was often done using a symbolic representation, for example an umbrella. The umbrella would represent the SAHRC as an organisation that serves a protective function.

The children were asked to do their own drawings of what they understood the role of the SAHRC to be. This exercise was very interesting and informative. Judging by the children's responses, for most of them this was the first time they were really hearing about the SAHRC and as such, despite the brief presentation that they had been given, they were not sure about the function of the SAHRC. In most cases, children drew a symbol and then referred to the police, social workers or the government as the protective agents or agents that they could go to for assistance. With some prompting, the children would then transfer their symbol from having been about the police to the SAHRC.

The lesson to be learnt from this is that the SAHRC needs to become an organisation that can become a living, accessible and visible part of children's lives.

The following are some of the symbols used by children to represent the SAHRC:

1. *A house with a solid foundation*

The foundation represented the children and the walls and roof represent the SAHRC, which protects the rights of the children. The children emphasised that their interests are the foundation and the Commission needs to place these high on its agenda.

In one of the workshops, the children stated that the house would protect against prostitution. One of the children then asked how this would happen as prostitution can happen in a house. A discussion ensued about the fact that protective mechanisms can be put in place, but they are not always one hundred percent safe.

2. *An umbrella*

The umbrella is the SAHRC and the rain depicts all human rights violations that must be protected by the Commission. The issues they felt they needed to be protected from were physical abuse, mental abuse, rape, sexual abuse, child labour and neglect.

3. *A child carrying a shield and spear*

The shield symbolises the mandate of the Commission with regard to the promoting and protection of the rights of the child. The spear is seen as the law protecting children's rights. The shield and the spear are defensive weapons. The children seem to feel that they need assistance in defending themselves against destructive forces that would require the use of a shield and a spear.

4. *A helicopter*

The police in the helicopter would save them and they would find a murderer. A helicopter is important as it can find someone when they are in a far away country. A helicopter can help with taking food from one place to another and rescuing people in danger.

After prompting, the helicopter was translated into the SAHRC. A discussion then ensued about people from other countries. The facilitator pointed out that it was important not to discriminate against people who are not South African. One of the children stated that employers take advantage of foreigners as they request less money and this is what leads to resentment by South Africans.

A tree, a hand, a hat, a mouth, and a heart were also used to symbolise the SAHRC.

HOW CAN THE SAHRC BECOME MORE ACCESSIBLE IN ORDER TO PROTECT MY RIGHTS?

The following issues were cited:

(It is imperative to note that, as children did not fully understand the role of the SAHRC, some of the advice that they gave is more relevant to other organisations.)

- Report the case to social workers
- Provide a wheelchair for the disabled
- Disability grant
- Develop a phone service for children
- Preventative programmes
- Provide a safe environment
- Provide the homeless with shelters
- Help with food
- Health care
- Public awareness and education
- Committee of children to look after children's rights
- Parents who abuse children should be reported to the Commission
- More workshops need to take place
- Use of the media should be made to promote children's rights so that other children can learn as well
- The SAHRC should take those who abuse children's rights to court
- The SAHRC should support youth camps and youth development programmes
- The SAHRC should encourage the establishment of more child care facilities

- The SAHRC should work with the community on children's rights awareness programmes
- The SAHRC to encourage parents who are not working to sell flowers and fish for children to survive
- The SAHRC to help take children off the street by talking to them and providing shelter
- The SAHRC to campaign at schools on children's issues
- The SAHRC to communicate with parents (include a programme of action for parents which will complement the children's programme)
- Set up a referral service for children
- The SAHRC to take 10% of civil servant's salaries for refugees
- Raise money for children's issues

The general feeling from most children was that the workshops were useful as they learnt about the SAHRC and issues on their rights. The children showed a great deal of resilience considering some of their daily life experiences.

An important issue that also emerged was that of labelling children. The children, although from different backgrounds, interacted with each other very well. They identified with one another as children, not as the child living on the street, the disabled child or the child prostitute. The labels help in identifying special needs children may have as a result of their particular situations, but the children at the workshops shared a lot of the issues although there were also differences. The following poem is an illustration of how labelling is not always useful and in some cases may lead to a further violation of the child's rights.

*I'm the street child
I browse with my itchy eyes
I strip naked the street with my dirty mind
I'm dirty
they say I'm dirty
then why be bothered with my dirty ways
I'm nothing
just a dirty street child
who in the midst of violence looks for peace
I'm an unknown citizen
who appears without appearance
when people kick me like an empty tin
I smile
because they do not see love in me
I'm an angel incarnate
I love the bins
they feed me
I love the police
they harden my life though
I love the stars the moon and darkness who watch me at night
I really like these things
because I have nothing to lose if I love them
anyway I'm only a dirty streetchild
when I die
no-one puts a wreath on my coffin
if I'll have it
the official record won't notice my disappearance
in gaol they no longer write my name
cos I have twenty different names
charges are the same
disturbing the peace
how can peace disturb peace
leave me alone or give me a home
I want to live.*

Thembile Pepeteka (1999)

EASTERN CAPE WORKSHOPS

The Eastern Cape workshops took place on the following dates at the following venues:

29th January 2000	-	King Williams Town, Child Youth Care Centre
19th February 2000	-	Umtata, Ikhwezi Lokusa School
11th March 2000	-	Cradock, Khokela early learning centre

The workshops were attended and run by Thembile Ngqabayi (SAHRC Education Officer) and Phumlani Sam (NCRC) with assistant facilitators.

The workshops were made up exclusively of black African children although there were children from various backgrounds.

It was noted by the facilitators that the children from the farms took some time to settle. They were described as being tense. It is hypothesised that this may have been due to language problems. Once it had been decided that English and Afrikaans would be used, all the children were able to understand the proceedings and therefore relaxed.

The day began with the ball game icebreaker. It was observed that some of the children from deprived environments dreamt of interests that are beyond their reach in the particular environments that they come from - for example, a child who likes modelling or boxing residing in a rural area where there are no modelling lessons offered and there is no boxing club. Although these things may be out of the child's reach at that point in time, it is important for children to be able to fantasize, in order to strive to achieve their dreams.

EXPECTATIONS

One of the important things about bringing children to a participatory meeting of this nature is that they be informed about the process prior to their arrival at the meeting. Having this information is empowering as the children then know what to expect.

At the workshops, the following expectations were cited, some of which had nothing to do with the workshop. This is perhaps because children were not properly briefed about the programme prior to the workshops.

The children expected the workshop to:

- Help them study hard and complete grade 12
- Help them fulfil their dreams of eventually becoming businessmen or women
- Teach them more about children's rights and how to protect them
- Teach them how to behave in an acceptable, harmless manner and how to teach others about human rights
- Teach them about the SAHRC and its role
- Teach them about child abuse and how one identifies certain behaviours as abuse
- Teach them where they can seek help when their rights have been violated
- Show whether it is possible for children to work together with parents to educate both children and parents about their rights
- Teach them about first aid
- Teach them how to balance the rights they have with responsibilities

WHAT ARE OUR RIGHTS?

To emphasise the importance of participation, a game was played where children were asked to form a square with their eyes closed. The children failed to produce a square and were asked to give feedback about how it felt having to do the exercise. They stated the following: "It was difficult forming a square with one's eyes closed, as some participants were not co-operative, some felt helpless and wanted to talk but didn't." The exercise was explained to the children. The instructions were that they should form a square with their eyes closed, they were not forbidden to speak or to nominate someone to lead the process. They were told that sometimes one fails to act or participate in crucial situations because we do not know what to do. They were encouraged to be creative, to ask when they do not know and finally that participation is important in order to get your views across.

Having broken up into four groups to discuss their rights, the following rights were presented by the children. The children in this province again mentioned rights linked to all four pillars of the UN CRC.

The following rights were articulated:

The right to education	The right not to be abused
The right to food	The right to play
The right to clothing	The right to safety
The right to be listened to	The right to be cared for
The right to practice their parent's culture	The right to have a home
The right to be protected	The right to say no
The right to peace	The right to ask questions
The right to a safe environment and clean water	The right to respect
The right not to be discriminated against	

Below are descriptions of some of the collages that were designed that are not represented in the rights articulated above. It is evident that the children were well versed when it came to issues around their rights. One thing that is mentioned below which stands out relates to their concerns raised about gender issues.

A picture of a woman in boxing gear posing in a boxing ring with these words "pretty, feminine and tough women are taking to boxing, once considered to be the domain of the male species". This quote and the picture were interpreted to emphasise the belief that children should be treated equally irrespective of gender. A girl child has a right to be given training and tasks equal to those of the boy child. A child has a right not to be discriminated against on the basis of gender.

A picture of the pop singer Arthur on stage was interpreted to show that children have a right to be happy and enjoy their childhood.

A picture of the former Miss SA, Jaqui Mofokeng, being crowned was interpreted to indicate that children have a right to be developed to reach their goals and also to develop their talents and abilities.

WHAT IS THE SAHRC?

The children received input on what the SAHRC is. They were then requested to develop a symbol that is representative of the SAHRC. The children at these workshops also needed a lot of guidance in terms of understanding the function of the SAHRC.

Again, what seems to be highlighted in these groups is how they depict gender issues. This is an issue that seems to be more prominent in this province than in others. Most of their symbols are associated with male or female figures that they envisage as being dominant or being associated with the provision of safety and protection.

- 1. An open hand was drawn to depict the SAHRC.** They stated that the hand is a caring and protective hand. The SAHRC cares about children and as such protects their rights and deals with those violating them.
- 2. A woman holding a child.** The SAHRC represents a mother who looks after her children. They chose a woman because mothers in most instances are protective.
- 3. A book called the Constitution.** The Constitution is responsible for protecting children's rights. The Constitution forces the government to ensure that children are educated. The SAHRC is like a father who protects children.
- 4. A beautiful girl.** The body of the girl was divided into three components. The head represented the management of the SAHRC, which actually took the decision to hold the workshops. The body represents the facilitators of the workshops. Finally, the legs represent the participants. This means that the head has actually made us one person who must be sensitive to the needs of fellow human beings.

What is interesting about the above picture is that the aim of the workshops was to place the children at the top through their participation, but the children's perception of themselves is that they are at the bottom, even though they perceive the structure as integrated. It is important that, in this process, the SAHRC does not allow the children to be kept at the level of the legs.

ADVICE TO THE SAHRC

The issue of poverty relief was high on the agenda of the children in the Eastern Cape. This may be a reflection of the high levels of poverty in the province as a whole, or it may be a reflection of the background of the children that were present.

Their requests are also a reflection of the real issues that they have to face which have a detrimental effect on their livelihood, for example the faction fights in Pondoland.

The following is their advice to the SAHRC:

- The SAHRC must ensure that the government initiates poverty relief programmes;
- The SAHRC must educate parents about different kinds of children's grants, because most parents in rural areas don't seek help or information. As a result children end up suffering;

- There should be programmes aimed at empowering the communities to deal with people who fail to raise their children properly or who use children in pursuance of their interests. For example, a child being obliged to work for his or her father's employer, children being forced into prostitution in order to feed the family or a girl child being forced to drop out of school and marry because her parents need the money or cattle in the form of a dowry;
- The SAHRC must engage the Department of Safety and Security to ensure that police are trained to deal with children's problems. For example, if a child reports a case, the police will not take the child seriously unless there is an adult to corroborate the facts. This puts tremendous pressure on children, especially in abuse cases where a close relative is involved. The same offender might be the one the police expect to confirm what the child alleges has happened;
- The SAHRC is to educate parents and teachers about children's rights;
- The SAHRC should force the Department of Sport to provide sports facilities in all areas, irrespective of whether they are rural or urban;
- The SAHRC should pressurise the government to provide shelter for poor parents to house their children, especially those living in informal settlements or shacks;
- The government should be forced to provide for the health necessities of children. Children who come from poor families sometimes die because their parents cannot afford doctors' fees;
- The SAHRC must make sure that the elderly are taken care of because most children live with their grandparents; and
- The SAHRC must force the government to stop the faction fights in Pondoland.

At the end of the workshop, the children stated that they wished to educate other learners, their siblings and their parents about the SAHRC, their rights and the responsibilities attached to these. This is an indication that they learnt something from this process that they feel is important to share with others.

KWA ZULU NATAL WORKSHOPS

In Durban, the process began with fifteen organisations that had committed themselves to participating. Some of the organisations that were keen to engage in the process dropped out because they did not have access to the specified age group. Some groups felt that this was a duplication of a process that they had been through with the South African Law Commission. Other organisations dropped out for various reasons that are not known to the SAHRC.

The attendance at the first planning meeting was very low and another meeting had to be arranged. Every time a meeting was arranged, new people would attend who had not been briefed by their organisations and therefore had no background information. All these problems compromised the diversity in the background of children that were present at the workshops.

Each province has its own special nature. In KwaZulu Natal, when planning the workshop in Ulundi, care had to be taken when choosing a venue. One of the individuals involved in the planning process volunteered the use of his garage for the workshops. The SAHRC

education officer felt that "as this venue belonged to a private individual it would compromise the independence of the Commission" and it was important to avoid any political implications that may have arisen from the use of the above venue.

The workshops took place on the following dates at these venues:

- 12th February 2000 - Durban, Justice Hall
- 15th March 2000 - Pietermaritzburg, Cathedral of Holy Nativity
- 25th March 2000 - Ulundi, Ulundi Holiday Inn

The workshops were run by Nelisiwe Thejane (SAHRC Education Officer) and Thabile Xulu (NCRC). Workshops were attended by Karen Stone (SAHRC Provincial Co-ordinator), Commissioner Karthy Govender and Commissioner Charles Dlamini. A representative of Radda Barnen, Ms. Nomakhwezi Malahleha, attended the Ulundi workshop.

In KwaZulu Natal, children in residential care, children in foster care, children of refugees, children living on the street, children living with HIV/AIDS, children from disadvantaged communities, children exposed to traditional practices such as Ukuhlolwa (virginity testing), children exposed to family violence, children with disabilities and children from rural areas were represented at the workshops.

The languages used at the workshops were English and Zulu. At the workshop in Ulundi, there was more of a mix in terms of race than at the other workshops. There was an Indian child, three "Coloured" children and the rest were black, as opposed to exclusively black as at the other workshops.

The workshops began with the icebreaker and the children expressing their expectations of the workshop. Prior to the exercise looking at the issue of their rights, Mr. Bongani Sibisi, who is involved in human rights training through drama, did a puppet show. What this puppet show involved was the story of Qando. The story of Qando was a variation of the story of Bongani (see Appendix 2). The children had to identify when Qando's rights were violated.

EXPECTATIONS

- Do children have rights?
- How can children use their rights?
- Some children expected their parents to be there so that they could also learn about children's rights
- How do parents respect the rights of children and how are these rights practically applied?
- Learn what the SAHRC is
- Learn how to protect rights that are violated

WHAT ARE MY RIGHTS?

The right to education

The right to food

The right to health care

The right to parental care

The right to respect from adults

The right to safety and security

The right to life

The right to freedom of expression

The right to a clean and healthy environment

The right to be loved by one's parents

The right to a safe and stable home

The right to equality between boys and girls

Children should not be sent to jail
The right to eat anything you like
The right to visit your friend at any time of the day and stay there as long as you want
The right to practice one's own religion and culture

The right to wear cutex and nail polish
The right to own a cell phone
The right to stop parents when they are smoking and drinking because this normally leads to a fight between them

The children had a discussion about the right to say no. Some children interpreted this as the right to say no to drug, alcohol, abuse and so on. Others felt that this meant the right not to be sent to the shop or to request something from the neighbours, especially if they have to do this errand ten consecutive times. They strongly felt that this violated their rights.

It is evident that some children had a clear idea about their rights, and others were confusing their wants, and things that irritate them about their interactions with their parents, with their rights.

WHAT CHILDREN NEED?

In the KwaZulu Natal workshops, the children did not give advice on how the SAHRC can become more accessible to them. Instead they expressed a list of needs which the SAHRC should consider and look at how these needs can best be addressed in a programme of action that will be implemented following this process.

The SAHRC is able to address only some of the issues, and will have to refer the other issues to other more relevant organisations. It is evident that children had not fully understood the role of the SAHRC.

- Free education
- Children in institutions should be allowed to visit their host families
- Severe punishment should be given to those who abuse children
- The need for proper medical care, particularly for children living on the streets
- The SAHRC should address cases where parents accept money from alleged rapists in exchange for not laying a charge against the individual
- There should be multi-racial educators in all schools
- There is a need for more psychologists and social workers
- Children on the streets must be taken to a place of safety or shelter
- The SAHRC should address the problems of refugee children, e.g. intimidation, delays in granting refugee status to parents thus affecting their stability and access to places like schools

There were children from a rehabilitation centre for juveniles (St. Anthony) present at the workshop in Ulundi. These children presented a challenge for the facilitators as they displayed oppositional behaviour, not wanting to participate, leaving the room (this displayed a lack of respect for the other children as one of the rules of the day was to respect each other) and clearly not wanting to get involved in any of the activities. It can be hypothesised that these children harbour a lot of anger and shame about being at the

juvenile centre and were expressing this at the workshop. They may also feel powerless to discuss rights, since they are probably living in the institution against their will. It would have been useful if their behaviour could have been explored further.

The important thing that has developed from this exercise is that one has a clearer picture of children's needs and can therefore work creatively to address some of those needs when developing a programme of action.

The one clear point emerging is that there is a lot of education needed in order for children to be aware of the SAHRC and the merits to them of trying to access the services of the Commission.

NORTHERN PROVINCE WORKSHOPS

The workshops took place on the following dates, at the following venues:

29th January 2000	-	Pietersburg, Anglican Church
29th February 2000	-	Tohoyandou, Tohoyandou Place of Safety
4th March 2000	-	Giyani, Giyani Community Hall

The workshops were run by David Mulaudzi (SAHRC Education Officer) and John Mokoale (NCRC). Commissioner Kollapen was in attendance and George Masanabo assisted at one of the workshops.

The languages used were English and Tshivenda. As there were mostly children from middle class backgrounds at the workshop in Giyani, the children preferred to speak in English.

At the workshop in Giyani, some parents attended and also gave their own input. This created a different atmosphere to the other workshops, as parents were asking questions and there was more of a sense of what impact parents and children had on each other in the discussion of rights. It is also possible that children were not as free to express themselves as they were in other workshops.

In addition to being given some input about the SAHRC, children at this workshop were also given input on the UN CRC. The principles of the UN CRC were explained to them, with the emphasis having been placed on participation.

EXPECTATIONS

Here are some of the expectations that were presented by children (and parents).

- To know more about human rights and children's rights
- To know what to do if parents deny them the opportunity to do what they want to do
- To learn where to go for talent exposure
- To know what to do if parents refuse to take them to school
- To know what to do if they are abused
- What can be done with children using drugs at school?

- What to do if their best friend is a murderer?
- What are children's responsibilities versus rights? (from parents)
- Is there room for chastisement in the law? (from parents)
- What kind of punishment is reasonable to mete out to children? (from parents)

Following the ice breaker, where children articulated their hobbies as being playing soccer, softball, tennis, netball, watching TV and singing, the children did an exercise looking at their rights. Prior to this, they were informed about some of their limitations. They were given the example that poverty and inequality limit children, thus they are not able to fully engage and participate in activities that help them achieve their rights as outlined in the UN CRC.

Some of the questions that were asked, which reflect some of the problems children are facing, were:

- What happens if a child is not enjoying the rights he has as a result of the poor status of his parents?
- Are children allowed to sue their parents as a result?
- Is the government doing anything to address this issue?
- Some religions restrict a girl child from wearing trousers; playing soccer etc. Does the SAHRC intervene in issues of gender discrimination?
- What is the SAHRC doing about children being used for purposes of drug trafficking?

WHAT ARE MY RIGHTS?

The children were expressive and able to identify rights that were representative of the four pillars of the UN CRC. The following rights were outlined:

The right to love and care	The right to education
The right to healthy food	The right to refuse when sent on an errand
The right to privacy	The right to health care and medication
The right to say no to abuse	The right to life
The right to security	The right to justice
The right to dignity	The right to be protected against child labour
The right to play soccer	The right to tell parents what they like
The right to clothing	The right to be respected
The right to be happy	

The children were aware of what their rights are in general. The parents also made some input:

- Children should not be subjected to abuse
- Children must report abuse to their parents or elders as soon as possible
- Children must not only be taught about rights, they must also learn about responsibilities
- Children must respect elders
- The position of parents at home is a powerful one; therefore parents must use their powers positively

The children were then given input about the SAHRC and the NCRC. Following this input, they were asked to role-play scenes where someone's rights are violated and then to incorporate the SAHRC. This exercise was done to see how much they understood about the role of the SAHRC and whether they would know when to access the Commission.

Some interesting role plays were performed by the children.

THE ROLE PLAYS

The right to food. The child wanted to eat meat and the mother refused. The mother had reserved the meat for herself and not the child. The child then ate the meat without the mother's consent and was beaten up. The child reported this matter to the social worker who intervened. This did not stop the mother's abusive behaviour.

This group were not able to fit the SAHRC into their role play. Children seem to be very clear about the role of social workers, police and other social agencies in the provision of assistance to them. They are still unclear about the SAHRC.

The right to express oneself. The big brother wanted to send the younger sister to deliver a matchbox full of Ganja to a friend. The younger sister refused, as she did not want to be part of the syndicate. She was beaten up for refusing. The mother intervened and called the SAHRC. The SAHRC helped by getting the police to arrest the older brother.

In this role play they were able to depict the role of the SAHRC. It must be pointed out though that the SAHRC was unable to do anything directly, they had to get the police to assist.

The right to education. A teacher in a class asked a learner an arithmetic question. When the learner could not answer, the teacher told the learner that he was stupid. He abused him physically and then dismissed the child from his class. The SAHRC managed to assist the learner to go back to school, and the matter was amicably resolved.

In this role play the children were able to access help from the SAHRC more directly.

These exercises were also educational as the children were able to learn from each other.

ADVICE TO THE SAHRC

- There should be more workshops on children's rights
- Hostels should be set up for street children
- There should be SAHRC offices in all provincial regions
- Human rights should be part of the school curriculum
- There should be more children's homes
- There should be electricity at all schools and kitchen facilities for children to eat at school
- Detailed programmes on teenage pregnancy and drug abuse
- Recognise the rights of disabled children by creating opportunities in schools
- Reinforce parent - child integration
- Humane treatment to children in prisons
- The SAHRC should campaign against the use of drugs by children

- Train the police on how to handle children on the streets
- Adults should be taught about children's rights

Some of the other requests made were that they should be given clothing, their parents should be given jobs and they should get bursaries for going to school. It is evident that these requests are a request for poverty relief, which is an indication that it is important to ensure that socio-economic rights are dealt with. This issue seems to be highlighted in all the provinces and, although this cannot necessarily be addressed by the SAHRC, note needs to be taken of this for lobbying with the appropriate government agencies.

Different issues were highlighted at the various workshops. In Pietersburg, the children living on the street present at the workshop were concerned in the afternoon that some of their time for searching for money or food was being taken up by the workshop. They expressed the fear that they would miss the afternoon shoppers, which would mean that the meal they had at the workshop would be their last on that day. This was an interesting and important revelation as it impacts on how workshops are arranged. Evidently one needs to take into consideration the special and basic needs of children and work this into the planning of a workshop programme.

MPUMALANGA PROVINCE WORKSHOPS

The workshops were held on the following dates at the following venues:

5th February 2000	-	Ermelo, Phumula Public School
4th March 2000	-	Nelspruit, St. Michael's Church
25th March 2000	-	Witbank, CMR Hall Klipfontein

Facilitation was led by Lillian Masilela (NCRC) with assistant facilitators. Commissioner McClain was in attendance at all workshops. Ms. Roseanne Chorlton, a UNICEF representative, attended the workshop at Witbank.

The attendance was good at all workshops with there being between 25 and 30 children at each of them. Children from townships, farm children and urban children were represented at the workshops. Notably, there were no children with disabilities represented. The languages used were Zulu and English. In Witbank, the children elected to use English only. At this workshop, the children ranged in age from 9 - 16 years, whereas there was a range of 9 - 14 years at the other workshops. All the children at the workshop were black and there was a good gender balance.

EXPECTATIONS

Most of the children seemed to know why they were at the workshops. They expressed the following expectations:

- To learn more about human rights and children's rights
- To learn about child abuse
- To learn about the children's promise

WHAT ARE OUR RIGHTS?

The right to have what they want

The right to sing

The right to education
The right to keep pets
The right to be given enough milk
The right to play
The right to know about HIV / AIDS

The right to drive beautiful cars
The right to go to the doctor when sick
The right to be fed proper food
The right to play soccer and other sport
The right to choose their friends

The right to sing was mentioned by almost all the groups. This was an interesting right to express. It can be hypothesised that the children did not just mean singing literally but could also have been referring to happiness, exposition of their talents or an association with church and singing as most of them go to church. It would have been useful if some of the rights that the children expressed were explored further to gain a better understanding of what the children meant.

At the workshop in Ermelo, children did not mention protection rights. Also, they needed more assistance in the discussion of rights. It was evident that more work has to go into this area in particular.

Following the presentation of their rights, the children were presented with a pamphlet which illustrated children's rights alongside responsibilities. They were reminded that with rights come responsibilities.

WHAT IS THE SAHRC?

Commissioner McClain made a presentation on the SAHRC. The children then had to demonstrate their understanding of the SAHRC by drawing an image of the organisation.

The children were very creative and enthusiastic. They gave their groups an identity and went on to draw the following images:

1. A group of girls - They drew a strong man with muscles who is fighting people who are abusive to children. The strong man represented the SAHRC.

This drawing is representative of the gender stereotypes that children are socialised with. These girls were expressing their perspective that the male figure has the strength to protect them from abusive situations. It would have been interesting to explore how the children saw their drawing juxtaposed with the view that men are the abusers in most situations.

2. The Serious Learners - They drew a tree with different fruits which represented the rights of children. They explained that the tree provides shade for the children when it is very hot. The tree is the SAHRC protecting them so that they can enjoy their rights under the tree.

3. Dynamic Dudes - They created an industry that produces the following goods: children's rights, human rights, youth, workers, business and the country. They explained that they saw the SAHRC as a union that is commissioned to look after the above-mentioned rights. The SAHRC is also a big hand with different sectors.

4. Bambanani - They saw the SAHRC as a strong man with an umbrella that is protecting children from rain. The rain represents sexual abuse, child abuse, neglect and

corporal punishment. They drew a cloud which releases rain of violence, racism, and the disasters of poverty and floods. The people under the umbrella are children and the community. Through working with the different members of the community, the SAHRC will be able to protect children's rights.

These children seemed to have a better sense of what the SAHRC's role is.

HOW CAN THE SAHRC BECOME MORE ACCESSIBLE TO CHILDREN?

- Have more workshops on a regular basis in schools
- Have complaint forms and boxes with the SAHRC symbol at the following places: the post office, clinics, schools, churches, local shops and police stations
- Develop a hot line or toll free number
- Set up an SAHRC office in Mpumalanga

HOW CAN CHILDREN SUPPORT SAHRC PROGRAMMES?

The children expressed a keen desire to get involved in programmes that might be initiated by the SAHRC. They had ideas of their own about the way forward.

- Radio talks to educate other children on rights and the SAHRC
- Debates and competitions in schools involving children's rights
- Create a time at church to talk to parents and other children on children's rights and human rights
- To discuss the issues on television shows like KTV, YO'TV and CraZE
- Promote the SAHRC and children's rights through drama, role-plays, poems and song
- Platforms should be created for children and parents to sit and discuss issues that are affecting them regarding children's rights

BRIEF OVERVIEW

In Ermelo, as has been mentioned already, the children were not as knowledgeable as in the other two regions. Most of the children present at this workshop came from the township schools and this may be a reflection that they have little or no input at school, which is not the case in the bigger centres like Witbank and Nelspruit. At the workshop in Witbank, having children that were slightly older made a difference to the type of interaction and discussion that took place. The children were very dynamic and some of them were prefects or held some leadership position in their schools. This also made a difference as they took charge and were active participants rather than being more passive.

The NCRC children's structure was involved at the workshop in Witbank. This helped as they were very active in facilitating the process. The children had a sense that they could relate to the facilitators, which made them more receptive. They were involved in an activity at the end of the workshop where they had to pretend to be interviewed on television and evaluate the day. They were captivated and got very involved in the activity, giving positive feedback about the workshop.

NORTHERN CAPE PROVINCE WORKSHOPS

The Northern Cape is a vast province, with the distances between towns being huge. As a result, this presented problems when arranging the workshops. The transportation of children from one area to another proved to be very costly. What this meant was that it was more difficult in this province to include children from every area within the province. The children in the Calvinia region were excluded as a result.

The workshops took place on the following dates at the following venues:

- 12th February 2000 - Kimberley, St. Pauls Lutheran Centre
- 4th March 2000 - Upington, Pabalello Community Hall
- 25th March 2000 - Springbok, Bersig Hall Namaqualand

The participants were drawn from the Kalahari, Gordonia, Diamond Fields, De Aar and Namaqualand regions. The languages used in this province were English and Afrikaans. Children from different backgrounds were represented, including the minority groups of the !Xhu and !Xhwe communities.

Lindelwa Mngcita and George Masanabo (SAHRC Education Officers), and Boniswa Kanguwe (NCRC) facilitated the process with assistant facilitators in each province.

All the workshops were well attended, but there were a few problems regarding catering in Kimberley. It is also reported that there was a problem with liaising with the CBOs and NGOs in general. Several CBOs and NGOs made commitments to the process which were not fulfilled.

WHAT ARE OUR RIGHTS?

In these workshops the facilitators informed the children of their responsibilities when they articulated their rights. They were also told that they have to accept what their parents can afford and not demand what they cannot afford. Although it is important to teach children about their responsibilities, care needs to be taken in telling them that they have to accept certain conditions. If their parents cannot afford to feed them, is this a condition that they should accept?

One of the children asked what should be done if a parent drinks all the money and does not give them their basic needs.

Children identified the following rights:

- | | |
|------------------------------------------|-----------------------------------|
| The right to education | The right to security |
| The right to good role models | The right to know their past |
| The right to fight child labour | The right to achieve |
| The right to say no to sex | The right to be clothed |
| The right to a healthy environment | The right to shelter |
| The right to participate in competitions | The right to be listened to |
| The right to food | The right to religion and culture |
| The right to a family | The right to freedom of speech |
| The right to love | The right to sing |

The right to protection
The right to recreation
The right to show off their talents

The right not to be discriminated against
The right to information
The right to medical care

HOW CAN THE SAHRC ASSIST?

In these workshops role plays were used to explain the role of the SAHRC. The children had to come up with their own role-plays to show that they knew how the SAHRC could intervene in certain situations. Again, it was evident that the children were still struggling to understand the role of the SAHRC. They were able to identify which rights were being violated, but not really able to state how the SAHRC could intervene.

The role plays that were created by the children were very interesting. The issue of alcohol abuse stood out in all three workshops. It can be conjectured that this is something that the children who were present at the workshop are in touch with and have to deal with regularly or that the prevalence of alcohol abuse is high in the province. Such conclusions cannot be made based on the information from the workshop, but the issue needs to be noted and explored further.

ROLE PLAYS

The right to education and not to be exposed to toxic substances. The story was about a father and his 10 year old son. The father keeps his son out of school and instead they go to visit his friends and shebeens. When the father drinks, he also gives his son alcohol, with no regard for his age or whether the son has had something to eat. All the father cares about is feeding his son with alcohol. The child is also exposed to drugs as his father sells them. The local police know about this but they are not doing anything to stop this.

The right to say no to abuse. This story is about a family of four. It is late at night and it is pouring with rain. The children are busy with their homework when their mother interrupts them and sends the boy to buy milk. The daughter is called by her father and sent to buy beer. Both parents did not consider the fact that it is late; they were only concerned about getting the things they had requested. The mother beats her son for not finding milk and the father sexually abuses his daughter after he has been drinking.

The right to protection against abusive individuals. The father is the only breadwinner and he abuses alcohol. Everyday when he comes home from work, he demands food from his wife and his son. He is constantly kicking and beating them. His wife and son sought help at the police station and an interdict was issued against the father. This did not help though, as the father continued with the abuse.

Following the role plays, the children then gave their advice to the SAHRC.

ADVICE TO THE SAHRC

- Assist children in fighting abuse
- Involve children in programmes to ensure that their rights are protected
- Education of children about their rights
- Set up children's committees to deal with children's issues

- Use children in education campaigns, as children can teach other children about their rights
- Have workshops for parents and other members of the community (e.g. tavern owners) to teach them about children's rights
- SAHRC must hold workshops in rural areas so that other children get to know about their rights

The children in this region were enthusiastic and their proposals to the SAHRC involve having children being actively involved in whatever programme(s) will be instituted by the SAHRC.

At all the workshops, small committees were formed for the different areas, and they gave themselves the task of informing children in their schools and respective communities about the SAHRC, NCRC and children's rights. The children suggested that these committees should be co-ordinated by the NCRC as they have offices in the province. They would then report to the SAHRC on what progress they have made, the idea being to lay the foundation for active participation.

NORTH WEST PROVINCE WORKSHOPS

The workshops in the North West Province took place on the following dates at the following venues:

- | | | |
|--------------------|---|----------------------------------------|
| 5th February 2000 | - | Molopo, Molopo Police Training Centre |
| 26th February 2000 | - | Mooiriver, Batlhaping High School Hall |
| 18th March 2000 | - | Brits, Bapong N. G. Kerk |

The workshops were facilitated by Mosetsanagape Mokomele (NCRC) and George Masanabo (SAHRC Education Officer) with assistant facilitators. Commissioner Tlakula was in attendance. The languages used were English and Setswana.

The workshops were well attended and in some cases there were more than the required number of 30 children. Children living with HIV/AIDS, children who have been sexually abused, children living on the streets, children living in extreme poverty and not attending school, children with disabilities, and children in trouble with the law were all represented at the workshops.

WHAT ARE MY RIGHTS?

- | | |
|-------------------------------------|----------------------------|
| The right to education | The right to not be abused |
| The right to have parents | The right to have food |
| The right to health | The right to be cared for |
| The right to play | The right to have clothing |
| The right not to be child labourers | The right to shelter |
| The right to have cars* | The right to do our hair* |
| The right to do as we please* | |

During this exercise, the idea of responsibilities was emphasised, and may have been overemphasised. When the children articulated the right to education, they were told that

they had a responsibility to study, behave well at school and do their homework. When they stated that they had a right to parents, they were told that they had a responsibility to respect and listen to them. The right to food was met with the responsibility of "eating it sparingly and not throwing food away".

At Brits, the children did not know their rights as referred to in the UN CRC or the Bill of Rights. The rights that are labelled with a star (*) above were stated by them. This area was rural and it is evident that, unlike the other centres, they do not have as much access to the media and their activities at school do not allow them access to issues on their rights.

During lunch at the workshop in Molopo, the police came to take the children's food. Mr. Masanabo addressed this matter. This was an interesting incident, as it was a clear violation and show of disrespect for the children by authority figures whom they are meant to respect and look up to. This incident occurred after the discussion on rights and responsibilities.

ADVICE TO THE SAHRC

It is not clear whether the children understood clearly the role of the SAHRC. In their advice, they envisaged the SAHRC as a body that would report grievances to the government, not as an independent body that had the power to assist directly with particular issues.

They stated that they would like the SAHRC to tell the government to provide the needy with houses, build clinics in all villages, buy food for needy people, and the government should make it a point that all children go to school and get tertiary level education. These expressed needs are clearly linked to socio-economic rights.

More education is clearly needed in this province.

Children with disabilities

There was a child who was supposed to attend one of the workshops, but because she did not have a wheelchair, she was unable to attend.

Another child who attended a workshop in a wheelchair is a rape survivor. She suffered injuries during the rape incident, which left her disabled. She had not had any counselling to address her trauma and had no contact with her parents. This issue was brought to the attention of the facilitators who referred the case to a social worker.

FREE STATE PROVINCE WORKSHOPS

The workshops in the Free State Province took place on the following dates at the following venues:

- 5th February 2000 - Reddersburg, Town Council Library
- 19th February 2000 - Welkom, Thabong Community Centre
- 18th March 2000 - Bethlehem, Bakenpark Community Centre

The workshops were facilitated by George Masanabo (SAHRC Education Officer) and Mr. Ludada (NCRC), with assistant facilitators from the different regions.

Children from different backgrounds were represented although most of the children were black with a few coloured children being represented as well. The languages used were Afrikaans, English and South Sotho.

Children started off the day by introducing themselves with an icebreaker activity being used, then setting up rules for the group. After this had been done, they were divided into small groups to discuss their rights and then present their discussions to the bigger group. The children had a fairly good idea of what their rights were. The facilitators followed this exercise by reminding the children of their responsibilities.

WHAT ARE OUR RIGHTS?

The right to be well fed

The right not to be abused

The right to love

The right to be cared for

The right to be listened to

The right to freedom to learn

The right to be protected against drugs and alcohol

The right for our feelings to be respected

The right to get help if one is abused

The right to education

The right to be taken seriously

The right to privacy - "My body belongs to me"

The right to teach others what we learn

WHAT IS PARTICIPATION?

Following this exercise the children were given different activities to illustrate the idea of participation. They were put into groups, given clay and asked to create something. They had to communicate and co-operate with each other.

They then did an activity looking at the relationships between children and parents. Role plays were done, looking at what children could learn from their parents and what parents could learn from children. They were also sensitised to children's feelings and parents' feelings in the interactions.

Mr. Masanabo told the children about the role of the SAHRC, and explained how they can contact the SAHRC if their rights are violated. Judging by the advice given by the children, they did not fully understand the role of the SAHRC. Their advice is therefore based on needs that they feel exist within the society.

ADVICE TO THE SAHRC

Their advice to the SAHRC is that the Commission should help them address the following issues:

- Children with special needs should get facilities that are specific to their requirements
- A person who rapes should have his private parts taken off
- Children in detention should receive care and protection
- Rapists must be kept in jail for life
- Abusive people should be imprisoned
- Thieves should be imprisoned for life

- Teachers should be encouraged to treat children fairly and with respect

There were two disabled children at the workshop in Bethlehem. One of the children had a wheelchair and the other did not. The boy who did not have a wheelchair was placed outside of the group initially and was therefore not a participant even though he was present at the workshop. He was later incorporated into the group. The problem of how to deal with children with disabilities is one that needs to be addressed if future workshops are to be arranged.

Another problem that arose at this workshop, which is linked to the above, was one of sexual harassment. The female disabled child in the wheelchair was initially placed with the male child who did not have a wheelchair. This child began to fondle the girl. The way this was addressed was to remove the girl from the situation and let her join the other children. The issue of the fondling, their feelings and the whole episode was not discussed with these two children. Again, this is something that needed to be addressed.

What this highlights is the need for facilitators to be trained to deal with scenarios as those described above, or for there to be individuals that are specially trained to deal with the above circumstances e.g. psychologists/social workers.

WESTERN CAPE PROVINCE WORKSHOPS

The workshops in the Western Cape were held on the following dates at the following venues:

- | | | |
|--------------------|---|---------------------------------------------------------|
| 26th February 2000 | - | West Coast, Safmarine M. P. Complex
Wellington |
| 11th March 2000 | - | Southern Cape, Teacher's Training College
Oudtshoorn |
| 18th March 2000 | - | Cape metropole, Ocean View |

The facilitators were Lindelwa Mngcita (SAHRC Education Officer) and David Seale (NCRC). Mr. Andre Keet (SAHRC Senior Education and Training Officer) was in attendance at the workshop on the West Coast.

There were children from rural farm areas, children residing in urban areas (townships included) and children from small towns on the Cape coastline. The languages used were Afrikaans, English and Xhosa. It must be stated that Afrikaans was the main language used in all the workshops. Also, the children were predominantly coloured, although there were some black children. The facilitators stated that the distribution of children was approximately 80% coloured, 1% white and 19% black.

WHAT ARE OUR RIGHTS?

- | | |
|---------------------------------|--------------------------------|
| The right to one's own religion | The right to live in a house |
| The right to education | The right to parents |
| The right to food | The right to be clothed |
| The right to leisure | The right to freedom |
| The right to be loved | The right to health facilities |

The right not be abused

The right to not have corporal punishment meted out to them

Children were coaxed into saying "the right to religion". What is reflected above are not the children's own words. Those at the Oudtshoorn workshop stated that they had the right to be Christian. The facilitators informed them about being sensitive to other religions. It is important to teach children different value systems, but it is also important to get their blatantly honest perceptions of the world, which is what they bring to a participatory process.

In this group, corporal punishment was significant. The children stated that, although this has been outlawed, it is still being practised and they did not know where to go to report the violation of their rights. The children at the workshop in Oudtshoorn expressed that they had reported a case to a social worker to no avail because the social worker agreed with the method of discipline. The children requested that the SAHRC intervene in this case. The facilitators committed to organising a workshop on the issue later this year.

At the workshop in Wellington, the problem of corporal punishment was highlighted again, when one of the facilitators was supporting the method of discipline despite intervention by Mr. Andre Keet. Mr. Keet had to rescue the situation by reiterating to the children the legal provisions on corporal punishment.

These children did not have any information prior to the workshop on the SAHRC and they struggled to conceptualise how the SAHRC could assist them in correcting violations.

From the reports of the workshops, the children in the Western Cape did not give any input about how the SAHRC could become more accessible to them, or how they thought they could participate in SAHRC programmes.

7. SUMMARY OF FOCUS GROUP MEETINGS

Focus group meetings were run for "hard to reach" children, meaning children who could not attend the workshops because of their individual circumstances. During the provincial meetings with NGOs, particular NGOs committed to running focus groups and providing the SAHRC with information gathered at those focus group meetings.

This did not happen in any of the provinces except Gauteng. In Gauteng, three focus group meetings were held. The meetings were held with cancer patients (terminally ill children), children living in a children's home and Muslim children.

Although the other provinces did not hold focus group meetings, children from the hard to reach groups were represented at the workshops. This has both pros and cons. It is an advantage in the sense that the children were able to participate with other children and articulate issues as part of a diverse collective. The children were able to leave their normal environments and to meet new people in a different environment. What is problematic in terms of the focus groups not being held, is that the concerns of children with special needs were not raised as entities in themselves. For example, children in

prostitution were present at the workshop in Pretoria. They participated, but the actual issues that concern them directly, which may not be the concerns of the other children could not be addressed in the workshop situation. They would have been best dealt with in a focus group.

Another problem that needs to be highlighted regarding the focus groups is that a SAHRC representative was not present when these were being done. This meant that the Commission did not have the assurance that the process was being conducted in a manner that would elicit the required information.

FOCUS GROUP HELD AT BRAMLEY CHILDREN'S HOME IN PRETORIA

The focus group meeting was run by Ms. M. Neethling of the Child Welfare Society, Pretoria. The group was held over two afternoons, with each session lasting two hours. Twenty-four children between the ages of 9 and 13 years participated. The medium of expression used was Afrikaans.

WHAT ARE OUR RIGHTS?

The children represented their rights through individual drawings. About eight of the children did not know about their rights and therefore drew their own pictures which did not relate to rights issues. The other children were able to articulate their rights. What was interesting about this group of children is that the majority of them spoke about the right to say no to drugs and sexual abuse. The issue of abuse seemed to be one that they were preoccupied with.

Children in homes usually come from difficult home backgrounds where they are often exposed to abuse. This could explain their pre-occupation with abuse. Some of the drawings were very disturbing. Two drawings that were repeated by the children were where someone is trying to "get into the child's swimming pants" in order to sexually abuse them and where someone is trying to lure the child into their car, again to sexually abuse the child.

The rights the children expressed were the following:

The right to food	The right to say no to sexual and physical abuse
The right to sleep	The right to safety and security
The right not to sell one's body	The right to religion
The right to say NO	The right to one's own language and culture
The right to say no to drugs	The right to health (no smoking)
The right to happiness	The right to respect (no stealing or swearing)
The right to express themselves and "put their case forward"	

The facilitator explained the Bill of Rights to the children and read them the story of Bongani (see Appendix 2). She also told them about the SAHRC.

ADVICE TO SAHRC

- Inspect schools to make sure teachers do not abuse children and call them names
- Educate parents on children's rights

- Help children to get educated
- Tell the government to provide proper water and electricity
- The children's home protects their basic rights such as shelter, food, education, medical care and protection. Can the SAHRC assist in supporting the home in the protection of their rights?

The children felt that they could do their part to assist the SAHRC by telling children whose rights have been violated about the SAHRC and what the Commission can do for them.

The facilitator made her own recommendation. She stated that education and social work students should follow up and deal with the themes that emerge from the workshops (e.g. sexual abuse, assault, neglect, need for education etc.) as part of their practical training. This would assist in breaking down the perception of some children that the children's home is punishment for being bad. It would also ensure that the work of the SAHRC becomes a visible reality in the children's lives, and will help promote the objectives of the SAHRC.

FOCUS GROUP WITH TERMINALLY ILL CHILDREN

This focus group was run by Petra Barkhuizen, a social worker with the Cancer Association of South Africa. All the children involved were cancer patients.

Due to the nature of the children's illness, it was not possible to run a group. The children were interviewed individually and the program explained to them. The facilitator attempted to arrange a group with six children. This group did not materialise as the children were too sick and one of the children needed a letter from the Commission proving that the child would be attending a meeting regarding the rights of the child.

The process had to be adapted to meet the needs of the children. The discussions had to be kept short. Two boys were seen for a period of three hours.

The children articulated their needs and what they feel should be addressed.

In addition to the needs expressed by the children, the facilitator expressed that the siblings of terminally ill children also have their own needs. They are a group of children that need to be taken cognisance of when thinking about terminally ill children.

The following are the needs expressed by this group of children:

- Children have the right to life. All children should therefore receive the best medical help that is available. The SAHRC should make sure that the government makes provision for medication for all life threatening diseases according to international standards.
- When a child is hospitalised, the care that the child receives should be of a high standard. The nursing staff should be equipped to deal with emergencies.
- Children have a right to information. They requested that the illness and what they can expect from treatment should be explained to them.

- All hospitals must be clean and hygienic.
- The hospital becomes home for the children for long periods of time. They would like the walls to be decorated with pictures and for a more homely and personal atmosphere to be created for them.
- The right to be loved. They requested that the nursing staff give them more love and look more at their emotional needs instead of just administering medication.
- Children from the rural areas expressed the need to have their parents close by and not to be left alone in the hospitals for months. As accommodation is a problem, they requested that the hospital authorities make provision for their parents at the hospital.
- The right to play. Toys should be made available in hospitals.
- Transport to the hospitals and doctors is, for many children, a serious concern. The children fear that they might die if they can't get to the hospital on time due to transport problems. The children suggest that the hospital authorities should give the parents a letter to give to those that provide public transport requesting that the child be taken to hospital free of charge in the event of an emergency. They stated that life is worth more than petrol.
- The right to education. The children requested that, when they are unable to attend school, provision should be made for them to continue with their education at home or in hospital.
- Education about cancer in children should be given at schools, as many children and teachers do not understand what it means to be a cancer patient. They stated that they do not want to be teased, over protected, and they do not want people to pity them.
- All children should have the opportunity to live a quality life for as long as possible, with as little pain and discomfort as possible.

The children are clearly expressing the need for their life circumstances during their illness to change. Their request to the SAHRC seems to be to look into the situation of terminally ill children in hospitals and make sure that they get adequate emotional and physical care from medical personnel. Their other requests regarding their education and easy access to hospitals seem to be a request for the SAHRC to lobby with the Departments of Health and Education to address these issues.

Although this information was derived from cancer patients, it can be hypothesised that other terminally ill children share some of the same concerns, although, depending on the disease and the individual, the concerns will also differ. When recommendations are made, it should be with regard to terminally ill children in general, although the reference will be made to cancer patients.

FOCUS GROUP WITH FERREIRASDORP MUSLIM CHILDREN

This focus group was run by Jill Swart Kruger, the Director of the Growing Up in Cities Project. This project is a program involving children, young people and governments in evaluating and improving local environments.

The focus group was run at Ferreirasdorp Primary School in Gauteng. There were 37 participants (18 boys and 19 girls) between the ages of 11 and 14 years.

It may be important to give some background about the area in which the children live to provide a context. Ferreirasdorp is in the western part of the Johannesburg inner-city. It was one of the first areas to which people flocked after the discovery of gold on the Witwatersrand in 1886. In time, Ferreirasdorp developed into a multi-cultural business and residential area with Becker Street a focal point in the area. In the apartheid era, Ferreirasdorp became an "Indian" community but retained a multi-cultural character because of its close proximity to the so-called "Malay Camp" and "Chinatown" as well as multi-racial businesses that catered for Indian, black, white and coloured people. (Jill Swart Kruger)

The Ferreirasdorp Primary School is situated on the corner of Becker and Market streets. The school is multi-racial and caters largely for underprivileged children from various racial backgrounds; most of its students are of the Muslim faith. Although the Muslim children include African and Arabic language speakers, their medium of instruction is English. The language used for the SAHRC exercise was English.

WHAT ARE OUR RIGHTS?

The right to a daily meal	The right to live
The right to a clean and healthy environment	The right not to be abused
The right to follow our own religion	The right to be taken seriously
The right to primary health care	The right to be respected
The right to a warm home	The right to caring parents
The right to a safe place to live	The right to play
The right to say NO	The right to education
The right to become something / somebody	The right not to be insulted
The right not to be fought with by other children	

The children represented the violation of their rights through a series of drawings. There were several issues and themes that were presented in the drawings and these can be divided into different categories.

PARENTS AND HOME LIFE

- Siblings are sent to different households without discussion or explanation
- Girls are beaten by their father for no reason
- Parents shout and swear at their children when they are in a bad mood
- Children do not always feel safe at home
- Children are sometimes chased away from home by abusive parents
- Some parents abandon their children
- Fathers believe they own their children and can treat them how they like

- PLAY
 - Children are forbidden to play in the only space that is available at a block of flats
 - They are forbidden to play in a city park
 - There are not enough safe places to play; children get robbed and attacked while playing

ADULT DISRESPECT FOR CHILDREN

- Two adults fight and ignore a child who begs them to stop
- Adults threaten children if they don't do what they want them to do
- Adults use verbal abuse to make children feel humiliated
- Adults damage children's property if it is in their way

LABOUR EXPLOITATION

- Some parents make their children work
- Some men make children carry heavy loads that cause damage to their backs
- Some parents make children do hard work and whip them if they don't

SCHOOL

- Parents sometimes refuse to allow children to attend school
- Teachers use corporal punishment
- Headmasters beat children who arrive late

RACISM

- Teachers tell black learners that they are monkeys, or kaffirs, and that they should go away
- People swear at black children and tell them to "voetsak"
- Black children are called "baboons" and are told to "go back to the wild"

Examples from what children said in this regard are:

"A man is greeting a child because the child looks like him, and the child that does not look like him he does not greet".

Child A - "I wish I could be just like her" (tears running down the face)

Child B - "You are so ugly, you have spots all over your face, such a long nose, electric hair, you can't speak English properly and you are so unpopular, and the worst thing is that you are black".

ABUSE BY OTHER CHILDREN

- Bullying
- Children don't treat each other equally; they torment each other because of the way they look, or dress, or speak, or because of their race

ABUSE BY STRANGERS

- Adults steal from children
- Children are tempted by strangers to take drugs
- Girls are raped

- Pellet guns and guns are sold to children without their parent's knowledge which leads to the child being introduced to violence and perpetuating the cycle of violence that the country is faced with

The issues that are illustrated by these children seem not to be particular to Muslim children. The issues seem to pertain to children in general and will therefore be analysed in that light when looking at recommendations. What was particularly interesting though is that during the workshops issues of racial discrimination did not arise; nor did issues of the way children treat each other. These two issues were presented in the focus groups by the Ferreirasdorp children as important and needing to be addressed, in addition to the violations by various adults in their lives.

What was interesting though, is that gender issues did not arise except with reference to oppressive fathers. It may be that the restrictions surrounding the girl child within the Islamic faith are taken for granted as part of the faith and therefore not envisaged as violations of their rights.

8. OVERVIEW OF THE WORKSHOPS AND FOCUS GROUPS

The UNCRC, the South African Constitution, the National Plan of Action (NPA), and the SAHRC as well as legislation and national policies effected since the new dispensation,²⁹ are tools that have created an enabling environment for children's rights delivery in South Africa. However, as can be seen from the information gathered at the Child Participation Workshops, South Africa still has a long way to go to provide a satisfactory quality of life for the children in this country. What is commendable, though, are the steps that the government and organisations such as the SAHRC and the NCRC, with the assistance of numerous NGOs and CBOs countrywide, have taken to begin a process where the issues that are affecting children can begin to be addressed.

The aim of the Child Participation Workshops, which has already been elaborated upon, was to enable children to advise the SAHRC on:

- What they understand the role of the SAHRC to be;
- How they may become involved in programmes of the SAHRC; and
- What mechanisms the SAHRC needs to develop to ensure better access for children.

If one looks at the workshops as a whole, then the above-mentioned aims were achieved, but not all issues were addressed in all the workshops. In some workshops, there were transportation problems, which meant that the workshops started late and therefore not all activities could be done. In other areas, it was really an issue of what the facilitators chose to concentrate on.

When the workshops were being planned, it was stressed that there needed to be representation across racial, gender, socio-economic, religious and language lines. When one analyses the workshop process, there is a sense that black children were the dominant

²⁹ First Supplementary Report South Africa, United Nations Convention on the Rights of the Child, May 1999

race present at the workshops. One's first thought might be to state that there has been a racial imbalance. But if one takes into account the history of the country and the country's population figures in racial terms, the workshops were representative of the status quo in South Africa.

The new South Africa inherited a "racially divided, traumatised, dehumanised and child welfare negligent society" (supplementary report, 1999: p. 5). Issues of difference are a significant part of our lives in South Africa as structured by the apartheid system. The apartheid system resulted in the formalisation of difference to the most absurd levels - in fact, what may be termed the 'manufacture' of difference was crucial to the ideological underpinnings of the system. For example, black South Africans of African origin were classified into different 'tribes' regardless of whether they saw these tribes as meaningful in their self-classification. What this ensured though, was that the majority of the black 'tribes' were numerically smaller than the white population - the ideal basis for a divide and rule situation. People of mixed or Eastern origin were classified under the general rubric of 'coloured', with various sub-classifications. There were no such divisions amongst whites in spite of the fact that whites in South Africa are of diverse origins in themselves, the most notable divide being between the English speakers and Afrikaans speakers.

Before an analysis of the workshop process can be made, it is important to look at South Africa's historical background. "Children's rights delivery in this country must aim to give equal survival, protection and development opportunities to all or the majority of our children. Proceeding as if all children in this country have always enjoyed the same standard of living will only delay social change in South Africa. It is therefore necessary to level the playing field". (supplementary report May 1999: p. 5) The children supported the point of the importance of history by stating that "they have a right to know their history".

As has been stated, there were more black children represented at the workshops in general, but other races were also present. In the Western Cape, where there is a large population of coloured people, there were more coloured children represented. Racial issues were not presented as a dominant issue in the lives of the children at the workshops; they concentrated more on other issues. Where this problem arose was at a focus group done with children from a Muslim school in Gauteng. The issue of difference was presented by these children as being very significant, and needing to be addressed. They told of racial slurs by teachers and other students, being teased for one's weight, appearance and weakness - for example one's skills in a particular language.

The SAHRC has already conducted an investigation into racism in schools (Vally & Dalamba, 1999).³⁰ The process of training on non-racism at schools has been started by the SAHRC in collaboration with CARAS Trust. The fact that this issue arose in the focus groups places a further emphasis on the fact that this issue needs to be addressed with more urgency and vigour.

Most NGOs and CBOs in the country have as their client-group the so-called "previously disadvantaged" members of the population³¹, who in the majority of cases tend to be black

³⁰ SAHRC Report on Racism in Schools (see references)

³¹ There are organisations that deal with white children, but not many of these organisations were involved in the process.

and coloured people. These NGOs and CBOs were given the task of bringing children to the workshops and this could also explain why there were more of the above-mentioned racial groupings than their white counterparts.

The issue of difference also arose in the workshops in Westonaria, Gauteng, when a discussion on foreigners arose. The children were clearly articulating the views of adults in their environments as they mentioned that "foreigners get the jobs because they request less money and employers take advantage of that". A refugee child at the workshop in Durban expressed that refugee children get intimidated because of being foreign.

There was a balance in terms of gender representation, socio-economic status, and language. Children from the rural, urban and peri-urban areas were represented and although there were more Christian children represented, the focus group on Muslim children helped to give those children a voice. Children with special needs were also well represented at the workshops.

The children who took part in this Child Participation Programme clearly articulated the areas where they feel assistance is needed. The main issue that was highlighted was a need for education. They also stated the need to have human rights education included in their school curriculum. Their feeling was that education is a tool that they can use to develop themselves and which may eventually help them improve their quality of life. Although children were able to articulate their rights, a lot more work needs to be done to educate these children not only to know their rights, but also to own these rights enough to feel empowered to access help if they are violated.

The subject of education in South Africa also has a difficult past, with the legacy of Bantu Education that still lingers today. The challenge of turning the education system in South Africa around is currently being tackled.

Another topic that was highlighted by the children was the need for poverty alleviation. They spoke of the need for their parents to get jobs in order to provide for the family. They spoke about the need for their parents to get grants. They were aware that poverty has its tentacles in other spheres and therefore impacts on their lives as a whole.

The unemployment status of their parents leads to no food, inability to pay fees and possible withdrawal of the child from school. The children spoke about children who get sold off for marriage, to prostitution or for child labour because the parents are poverty stricken.

The unemployment status may also lead to the deterioration of the parent's mental health with high incidence of depression and alcoholism. In the workshops in the Northern Cape, the issue of alcoholism was raised in each workshop. They articulated that an intoxicated parent often meted out different forms of abuse to the children. This may result in the children taking to the street for refuge.

Different forms of abuse (sexual, substance abuse, physical abuse and corporal punishment) were also highlighted.

Issues affecting the following children with special needs arose and have been illustrated in the provincial reports:

- Children with disabilities;
- Terminally ill children;
- Refugee children; and
- Children in residential care.

The above issues were presented together with others, which are in the provincial reports.

It is important to note that the majority of children had never heard of the SAHRC and therefore found it difficult to engage properly in the activities where they had to create symbols representing the SAHRC or knowing when to access the SAHRC. It is evident that more work needs to be done to make the SAHRC an accessible and visible organisation in the lives of children in the country.

9. EVALUATION OF THE WORKSHOPS AND FOCUS GROUPS

The SAHRC needs to engage in programmes that will allow the organisation to be more visible and accessible to children. It was evident that children in general knew little or nothing about the SAHRC.

The national meetings

The national meeting where planning for the process took place was successful as this is where the roles of the various individuals and organisations to be involved were clarified.

All the scheduled meetings took place in all provinces and most of the meetings were well attended. There was a lot of enthusiasm from the NGOs and CBOs that attended the meetings and they were ready to form task teams and to commit to assisting with particular tasks.

There was a lot of commitment from the organisations present and they were eager to embrace and interact with the idea of the workshops.

The workshops - logistics

The workshops were generally successful as the SAHRC received answers to the questions that were asked. There were some logistical problems that arose which one can learn from if more workshops are to take place in future.

At the meetings held in Kwazulu-Natal and the Western Cape, attendance was initially not good and a second meeting was held in order to try to get more people on board. After the second meeting had been held, planning then ensued.

In the North West Province, the first meeting was well attended but the NGOs did not participate in further planning. The NCRC representative stated that she felt this was as a result of lack of resources in NGOs and therefore organisations felt that they needed transport money in order to be able to attend meetings. This resulted in a very slow planning process.

It is important to think about the allocation of finance to NGOs to assist with communication and transportation costs. Some of the NGOs were extremely committed, but because they did not have the means were not able to adequately assist.

In the Northern Cape, budgetary problems arose, as the cost of transportation was high due to the structure of the province. This is an issue that needs to be taken note of in future, so that the budget can be adjusted accordingly to suit the needs of the province.

Involvement of support services

It emerged that in some workshops there were issues that the children raised which needed to be dealt with sensitively and by the appropriate professionals, as the facilitators were not equipped to deal with certain issues that came up. In the respective workshops where children faced difficult circumstances, the facilitators referred the cases to social workers.

In the case where one of the children with physical and speech disabilities was being sexually assaulted by the other child, the facilitators did not deal with this issue. It would have been useful to have a social worker or a psychologist at the workshops.

If future workshops are organised, it is recommended that the above professionals be contacted to participate in the workshops, or to be available for referral purposes.

The structure of the day

Facilitators reported that the day was long for the children. There were a lot of activities in the one day, which was draining for the children.

The workshops sometimes started later than the allocated time because of distances that needed to be travelled by the children

There are two options that can be put forward about how the workshops could take place in future.

- A one-day workshop with a follow-up session
- A three-day workshop, where the activities are spread out, and more can be included. This period of time will allow the children more time to develop trust and for a working group to be built up. It will also allow more time for the children to become familiar with the issues and to depart with a better understanding of what the SAHRC is.

Facilitation

It was important to have the SAHRC representatives present at all workshops. Having an SAHRC representative present allowed for proper monitoring of the process. In addition, if there were facts that were being misrepresented, they had the opportunity to correct these. For example at the workshop in Wellington where one of the facilitators was in favour of corporal punishment, the SAHRC representative was able to step in and present the issue in relation to child rights as opposed to an individual subjective view.

It is important to have an SAHRC member at any future workshops of this kind to ensure that data is collected and delivered to the project co-ordinator. Due to the fact that this was a national project, facilitators needed to be flown from eight provinces to convene at the ninth province. To maintain constancy, a training package was developed by Ms. Swift

for the facilitators, and in addition a format was provided for the scribes in order to standardise the collation of data. Training of facilitators took place on the 25th January 2000.

Facilitators were trained and they then had to return to their provinces to train their assistants. It would be useful, if future workshops are to be arranged, for the training of facilitators to be included in the budget, as this is a very important aspect of the workshops. More time was needed for training as the programme was too crammed for some facilitators to cope with.

At the workshop in Witbank, there were NCRC youths present who assisted with facilitation. It is reported that this worked very well, because the children were able to relate to their peers and therefore were more expressive when being addressed by their peers. It is recommended that children or youths be trained as co-facilitators if other workshops are conducted in future. This will also allow for more active participation by the children and alter the power dynamics as they will be both participants and facilitators.

There were some behaviours presented by the children, and also some things which were said by the children, which were reported, but little or no attempt was made to understand these statements better. It would have been useful if particular behaviours and statements made by the children had been explored more thoroughly as one would have a better understanding of how the children understood or perceived particular issues. When facilitating a process of this kind in future, it will be important for the facilitators to probe the issues more, as this may also help in eliciting more information.

The skills levels of facilitators need to be taken into consideration at future workshops.

Children with disabilities

In three of the workshops there were children with physical disabilities who did not have wheelchairs. This is a problem that needs to be investigated, to find out how many more children with physical disabilities do not have wheelchairs and what is being done about it. As was correctly expressed by one of the children at the Westonaria workshop, "I have a right to a wheelchair".

Children with disabilities were excluded from some or all activities because of their disabilities. One of the facilitators suggested that disabled children should not be engaged in activities with children who do not have disabilities. They should be separated. This issue can be debated, but for the purposes of the workshop and in the interests of the rights of the child, the aim is not to separate children because of their differences, but to get them to co-operate together and embrace their differences.

Facilitators need to have the skills to deal with the children's differences and work with those.

Gender issues

The children were aware of gender differences and the power dynamics that exist. They pointed out that as male and female, they have equal rights. What was interesting though

is that in two of the workshops when they were asked to create a symbol of the SAHRC, they made a man or a superman who is the protector of their rights.

The children have been socialised with the idea that the man is the more powerful being and the protector. So, although the children are aware of their rights, they also maintain the strong value systems that they have been socialised with.

Focus groups

Misunderstandings arose in terms of the list of focus groups. Some organisations had the impression that all children listed in the focus groups had to be present at the workshops. In addition, due to the concentration on focus groups, there was a tendency to forget that other children not listed there should also be included. These issues were clarified through a document that was developed by the Child Participation Programme Co-ordinator, specifically designed to clarify major issues that people in the provinces were struggling with.

One of the problems seemed to be that at the first meeting there was an information overload. It may have helped to have a follow-up meeting with a staff member / Commissioner from the SAHRC being present.

Children with special needs

From the information derived from the workshops and focus groups, it is apparent that children have special needs that have to be taken into consideration. For children living on the street, they have a particular lifestyle and the timing of the workshop in the Northern Province for example, was going to affect their access to food that night as there was the possibility of them missing the afternoon shoppers who would normally give them money or a meal. For the terminally ill children, they had to be seen individually or in pairs because of the nature of their illness. The special needs of children need to be taken into consideration when developing the programme for workshops of this nature.

In addition, although it is important for children with special needs to be present at the workshops, participating with other children, they need their individual voices to be heard and their individual needs expressed without being swallowed by the needs of the group.

Other Lessons Learnt

It was evident from most of the workshops that children knew very little or nothing at all about the SAHRC. Their difficulty in being able to visualise the SAHRC symbolically, even after an explanation of the SAHRC's function, is evidence of this lack of knowledge about the Commission. What has been learnt from this is that the SAHRC needs to take more steps than it has done already to become an organisation that is a living, accessible and visible part of the children's lives.

Some of the children were not briefed before departing for the workshops on what the day was going to be about. What this resulted in were some unrealistic expectations, for example, the expectation that they would be told how to pass grade 12. One of the important things about child participation is that the children be informed about the process prior to the meeting. Having this information is empowering for them as they know what to expect and can possibly interact better.

Art was used as the main form of communication. It would have been useful to allow for the use of other mediums of communication, such as dance, drama or poetry for example, as not all children are good at art.

The evaluation of the workshops by the children and facilitators was done in a rather haphazard way. If workshops of this nature are to take place, more care needs to be taken in developing more stringent evaluation methods, as it is this evaluation that will assist us in learning from mistakes made.

If a process like this one is to be carried out it will be important to involve schools and relevant government departments. These institutions were not really brought on board in this process.

Religious groups were also not invited to join in the process. Some Christian groups were involved as they run NGOs, and the Muslim children were represented by the focus group. It is important that all religious groups be given the opportunity to participate in future activities of this nature.

Following the focus group that was run with Muslim children, the facilitator gave a summary report to the principal of the school. The principal, after reading the report decided that the issues presented were very important and he plans to run a workshop with his staff. It would be useful if summary reports are made available to other caregivers who were a part of this process as they may be able to use the information in a way that will benefit them and the children that they care for.

10. SUMMARY OF RECOMMENDATIONS FROM CHILDREN

Communication

- The SAHRC should develop a phone service for children. This can be in the form of a hot line or toll free number where children will be able to talk about violations of their rights or be referred to appropriate services;
- Set up a referral service for children;
- There should be SAHRC offices in all provincial regions, so that the SAHRC can become more accessible to children; and
- Have complaint forms and boxes with the SAHRC symbol at the following places: the post office, clinics, schools, churches, local shops and police stations.

Public awareness and education

- SAHRC should work with the community on children's rights awareness programmes;
- SAHRC to campaign at schools on children's issues;
- SAHRC to educate teachers about children's rights;
- Debates and competitions in schools involving children's rights;
- Create a time at church to talk to parents and other children on children's rights and human rights

- Promote the SAHRC and children's rights through drama, role-plays, poems and song;
- Platforms should be created for children and parents to sit and discuss issues that are affecting them regarding children's rights;
- SAHRC must educate parents about different kinds of children's grants, because most parents in rural areas don't seek help or information and, as a result, children end up suffering;
- Human rights should be part of the school curriculum;
- Detailed programmes on teenage pregnancy and drug abuse; and
- SAHRC should campaign against the use of drugs by children.

Programme development

- More workshops should be developed in order to continue the child participation process;
- A committee of children in each province should be developed. It will be the job of the children on the committee to assist in the promotion of children's rights;
- Inspect schools to make sure teachers do not abuse children; and
- SAHRC should support youth camps and youth development programmes - perhaps this can be done by the Youth Commission.

Media

- Use of the media to promote children's rights so that other children can learn as well;
- Discuss the issues on television shows like KTV, YO'TV and CraZE; and
- Radio talks to educate other children on rights and the SAHRC.

Administration of justice

- There should be programmes aimed at empowering the communities to deal with people who fail to raise their children properly or use children in pursuance of their interests. For example, a child being obliged to work for his/her father's employer; or children being forced to prostitution in order to feed the family; or a girl child being forced to drop out of school and marry because her parents need the money or cattle in the form of a dowry;
- SAHRC must engage the Department of Safety and Security to ensure that police are trained to deal with children's problems. For example, if a child reports a case, the police will not take the child seriously unless there is an adult to corroborate the facts. This puts tremendous pressure on children, especially in abuse cases where a close relative is involved. The same offender might be the one the police expect to confirm what the child alleges has happened;
- The SAHRC should address cases where parents accept money from alleged rapists in exchange for not laying a charge against the individual;
- Humane treatment to children in prisons;
- Train the police on how to handle children living on the street;
- Parents who abuse children should be reported to the Commission; and
- The SAHRC should take those who abuse children's rights to court.

Children of asylum-seekers

- The SAHRC should address the problems of refugee children, e.g. intimidation, delays in granting refugee status to parents, thus affecting their stability and access to places like schools; and
- SAHRC to take 10% of civil servant's salaries for refugees.

Lobbying

- SAHRC should encourage the establishment of more child care facilities;
- Raise money for children's issues;
- SAHRC to lobby for better health care facilities for children;
- SAHRC, via the NPASC, should pressurise the government to provide shelter for poor parents to house their children, especially those living in informal settlements or shacks;
- The SAHRC must ensure that the government initiates poverty relief programmes;
- SAHRC, via the NPASC, should encourage the Department of Sport to provide sports facilities in all areas irrespective of whether they are rural or urban;
- SAHRC should ensure that the elderly are taken care of because many children live with their grandparents;
- SAHRC to force the government to stop the faction fights in Pondoland;
- There is a need for more psychologists and social workers to work with children's issues;
- There should be electricity at all schools and kitchen facilities for children to eat at school; and
- Tell the government to provide proper water and electricity.

Institutional care

- The children's home protects their basic rights such as shelter, food, education, medical care and protection. Can the SAHRC assist in supporting the home in the protection of their rights?
- Children in institutions should be allowed to visit their host families
- Do training on human rights with those who work in children's homes so that they can work with the children with increased sensitivity.

Children with special needs

- Address the health and emotional needs of terminally ill children and the conditions that they have to cope with in hospital (ref. to focus group on children with cancer)
- Provide wheelchairs for children with disabilities;
- Provide the homeless with shelters; and
- Help take children off the street by talking to them and providing shelter.

11. FINAL RECOMMENDATIONS

Education

The SAHRC should initiate meetings with the Department of Education to explore the possibility of certification by SAQA of other methods of learning and skills training, in order to enhance other potential that is not strictly academic.

The Advocacy Unit of the SAHRC conducted an audit on organisations that have human rights training. It is recommended that this audit be looked at to identify which of those NGOs provide training on child rights specifically. In order to strengthen and promote initiatives currently underway, it is recommended that the relevant NGOs be challenged and encouraged to continue their current work involving child rights and to target schools to set up programmes focussing on child rights training.

The Advocacy Unit of the SAHRC should do an audit of tertiary institutions to determine which are doing human rights training. This audit would be done with a view to contributing to an integrated approach to human rights training within the educational system as a whole.

The SAHRC should initiate discussions with the Department of Arts and Culture for consideration of children's museums and interactive places of learning for children in order to maximise its impact. Other structures and programmes addressing causes of crime must be in some cases strengthened and in other cases developed.

The SAHRC shall put in place an internship programme aimed at developing capacity for students in the field of human rights with specific focus on child rights. It is recommended that 2 interns be appointed annually. This internship programme should be extended to the provincial offices, so that children's issues can be dealt with at a provincial level.

Monitoring

The Section 5 Committee members should take on the responsibility of extracting information on child rights issues from the socio-economic rights report. This information should be compiled into a booklet that encompasses the socio-economic rights of children. The Section 5 Committee should use this booklet to advise on child rights issues, as an indicator and as a lobbying tool.

It is further recommended that the Section 5 Committee members include in every issue of Kopanong, the SAHRC newsletter, a section on current and proposed legislature as refers to children to ensure compatibility with international human rights standards. This will ensure ongoing monitoring of legislature.

The SAHRC's Commissioners have conducted inspections of schools. It is recommended that this programme be carried out on an ongoing basis, and that inspection of residential facilities be added to the programme.

Information

The SAHRC should compile a directory of services for children. This directory should be available at the SAHRC and other significant points that are frequented by children.

Communication

More campaigns with the media must be undertaken by the SAHRC. Meetings should be initiated with the South African National Editor's Forum (SANEF), the South African Broadcasting Co-operation (SABC), ETV, the Children's Broadcasting Forum and other media fora. This report could also serve as a basis for more substantive reporting on children's recommendations.

It is recommended that the recommendations from this report be sent to parliament.

It is also recommended that the full report be sent to the parliamentary portfolio committee on children, youth and people with disabilities, headed by Ms. Henrietta Bogopane.

Letters should be written to relevant government departments, NGOs and other organisations to inform them about the children's recommendations, in order to encourage them to take the necessary action that will serve to implement the recommendations. For example, a letter to the Minister of Sport to lobby for the development of more sport facilities for children in rural and disadvantaged communities.

Training

Ongoing training of professionals that work with children, for example the Child Protection Unit, teachers and childcare workers, is required to maintain a human rights approach in one's daily activities. These training programmes should serve to educate and sensitise caregivers and members of the community on the issues that relate to children's rights.

Local Government

It is recommended that the SAHRC liaise with child friendly cities to encourage current children's projects and to promote the establishment of more children's projects.

Child Participation Activities

The SAHRC should consider conducting elections for children. This should be done in collaboration with government departments and organs of civil society.

The child participation workshops were successful. It is recommended that the SAHRC run other workshops, which could serve as part of a public awareness and educational programme for children. Children can also play a more pivotal role in the planning process and can be used as co-facilitators.

Regional and International Instruments

The Section 5 Committee is to consider all observations and treaty remarks as they relate to the South African context.

It is recommended that the South African government ratify the Covenant on Socio-Economic Rights (ICESCR).

12. SUGGESTIONS FOR THE DEVELOPMENT OF A STRATEGY

Preamble

A child exists in a context with caregivers and other individuals in the community playing a part in the child's life. As a result, the following suggestions have been made with that in mind. What has also been taken into consideration is the fact that services should not be duplicated and an acknowledgement that the SAHRC has already started implementing some of the things that were suggested by the children in their recommendations.

- The SAHRC should embark on a long-term strategy to develop a focal point for children within the SAHRC.
- The development of a focal point for children within the SAHRC needs to be done in recognition of the NPA, civil society, and existing national initiatives as they relate to children. For example, the Day of the African Child.
- The work relating to children will be done in recognition of the various cultural, linguistic and other differences that pertain in South Africa.
- The SAHRC should liaise with UNICEF to ensure that their situation analysis has a human rights base.
- The SAHRC should encourage and support efforts by churches, the business sector and other organs in the creation of a global movement for children.
- The SAHRC should develop monitoring mechanisms, in addition to the socio-economic protocols, that encourage the identification of violations of children's rights, so that referrals can be made to the appropriate structures.
- The Legislation Monitor of the SAHRC should, on an ongoing basis, keep up with developments in legislature that have an effect on children's rights.
- The SAHRC should initiate meetings with local government structures and other organs of civil society to ensure service delivery on child rights.
- The SAHRC should encourage NGOs to ensure meaningful participation of children, through events such as parliamentary debates, to enable children to raise their concerns directly.

References

- Desmond, C (2000) "Children depend on deeds, not words". *Children First*, Vol. 3 (28): p. 1-2.
- Dwivedi, K. (1996) "Race and the child's perspective," in R. Davie, G. Upton and V. Varma (eds.) The Voice of the child: A handbook for professionals. London: Falmer Press.
- First Supplementary Report – South Africa – United Nations Convention on the Rights of the Child. (May 1999).
- Flekkoy, M. (1991) A voice for children: speaking out as their Ombudsman. London: UNICEF / Jessica Kingsley publishers.
- Hammad, S. (1999) "The CRC: 'Words on paper' or a reality for children? – A case study of Jordan". *The international journal of children's rights* – vol. 7, (3) pp. 215 – 237.
- King, M. (1996) "Against Children's Rights" *Acta Juridica*, vol. 28: pp. 28 – 50.
- Knutsson, K. E. (1997) Children: Noble causes or worthy citizens? England: UNICEF / Ashgate Publishing Limited.
- Mbeki, T. (July 1997) "Statement of Deputy President Thabo Mbeki, at the workshop: reporting on the implementation of the Convention on the Rights of the Child."
- Melton, G. & Limber, S. (1992) "What children's rights mean to children: children's own views", in M. Freeman and P. Veerman (eds.), The ideologies of children's rights. Netherlands, Martinus Nijhoff Publishers.
- Morrow, V. (1999) "We are people too: Children's and young people's perspectives on children's rights and decision-making in England." *The International Journal of Children's Rights*, vol. 7 (2): pp. 149 – 170.
- Mosikatsana, T. (1998) "Children's rights and family autonomy in the South African context: A comment on children's rights under the final constitution". *Michigan Journal of Race and Law*: pp. 341 – 392.
- Pepeteka, T. (1999) 'I am the street child', in M. Sihlangu, "Aftercare keeps a child off the street." *Children First*, vol. 3 (26): pp. 10 – 13.
- Ramsden, N. & Vawda, C. (2000) "Still there to be seen and not heard?" *Children First*, vol. 3 (28): pp. 1 – 2.
- Robinson, S. & Biersteker, L. (1997) First Call – The South African children's budget. Cape Town: IDASA.
- South African Human Rights Commission Policy Paper – Child Rights (1997 # 1).

Tilley, A. & Robinson, S. (1998) 'The impact of socio-political and economic transformation on Children's rights in South Africa (joint paper)', in Child Research 2000 – A call for action. Report of the International Child Research seminar held at the Institute for Child and Family Development, University of Western Cape.

Vally, S. & Dalamba, Y. (1999) "Racism, 'Racial Integration' and Desegregation in South African Public Secondary Schools." Johannesburg, South African Human Rights Commission.

"WHAT DO YOU THINK?" Children reporting their views on respect for their rights. Report of the Preparatory Meeting: Brussels, Belgium – 17 – 19 December 1998. UNICEF Regional Office for Europe.

GLOSSARY

CBO	Community Based Organisation
DICAG	Disabled Children's Action Group
NCRC	National Children's Rights Committee
NGO	Non-Governmental Organisation
NPA	National Plan of Action
NPASC	National Plan of Action Steering Committee
OAU	Organisation of African Unity
Radda BarnenSwedish	Save the Children
SAHRC	South African Human Rights Commission
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Emergency Fund
WDYT	What Do You Think Programme

13. APPENDICES

APPENDIX 1

LIST OF ORGANISATIONS THAT PARTICIPATED IN THE CHILD PARTICIPATION PROGRAMME

PROVINCE	ORGANISATION	ADDRESS	TELEPHONE & FAX
Gauteng	Centre for the Study of Violence and Reconciliation		(011) 403 5657
	National Para-Legal Institute	Npi@sn.apc.org.za	(011) 403 6810
	National Community Based Para-Legal	Ncbpa@icon.org.za	(011) 403 0702
	National Children and Violence Trust	Ncvt@iafrica.com	(011) 789 2480 (011) 789 2478
	National Children's Rights Committee	Ncrc@mweb.co.za	(011) 807 7474 (011) 807 7477
	National Association of Child Minders		(011) 935 1015 (011) 935 4089
	NIPILAR	Zakes@nipilar.org.za	(012) 328 5901 (012) 328 5831
	SA Congress for Early Childhood Development		(012) 322 0601 (012) 322 9379
	SA National Council for Child and Family Welfare		(011) 339 5741 (011) 339 8123
	UNOHCHR	Ssaid@un.org.za	(012) 338 5018 (012) 320 4353
	Afrika Cultural Centre for Children's Museum	Africac@global.co.za	(011) 833 2323 (011) 833 2324
	National Progressive Primary Health Care Network	Pphcnjhb@wn.apc.org.za	(011) 403 4647 (011) 403 2517
	Gauteng Department of Agriculture, Conservation and Environment	Melinda@gpg.gov.za	(011) 355 1900 (011) 333 0667
	Vukani Youth Club	P. O. Box 1881 Tembisa 1628	(011) 394 3611
	Emfuleni Shelter for Street Children	890 Miller Rd., Evaton	(016) 591 1296 (016) 933 6603
	Bugrado Edutrade Project	3603 Zone 13 Sebokeng 1982	(016)594 8647
	Midrand Child Welfare Society	P. O. Box 920 1685 Halfway House	(011) 315 3522 (011) 805 5746

	SOS Children's Village, Ennerdale	P. O. Box 992001 1825 Odin Park	(011) 855 1000 (011) 855 1024
	Mercy Ministry Redemption Centre	P. O. Box 192 1825 Ennerdale	(011) 855 2893 (011) 855 1753
	Growing Up in Cities	P. O. Box 314 2006 Auckland Park	(011) 837 5089
	Mthonjeni	1343 Ramphomane str.	(011) 755 1515
	Ikageng – Zakheni	P. O. Box 1315 1780 Westonaria	(011) 755 1583
	Noluthando Creche	G29 Spook Town Bekkersdal	
	Phakamani Creche	G29 Spook Town Bekkersdal	
	B. I. C.	836 Xuma Street Bekkersdal	(011) 755 3452
	DICAG	9912 B Mophiring Str. 1804 P. O. Orlando	(011) 936 8834 (011) 982 9117
	Johannesburg Child Welfare Society	P. O. Box 2539 2000 Johannesburg	(011) 331 0171 (011) 331 1303
	Emdeni Children's Home	Private Bag X4 1868 P. O. Kwa Xuma	(011) 934 3705
	FAMSA West Rand	P. O. Box 11 Izwelethini 1866	(011) 766 3283
	Childline	P. O. Box 32453 2017 Braamfontein	(011) 484 1070 (011) 484 0771
	Orlando Family Health Clinic	Orlando Clinic P. O. Orlando 1804	(011) 935 7557 / 1118
	Twilight Children	31 – 37 Van Der Merwe Str., Hillbrow	(011) 484 1590
	Motheo Pre-school & After Day Care	P O Box 83 Daveyton	(011) 424 6124
	C. P. S. A.	P O Box 3007 1500 Benoni	(011) 424 3201 (011) 424 5595
	WILDD	P O Box 1487 Johannesburg 2000	(011) 836 5656 (011) 836 5620
	Thandeka Day Care	P O Box 3007 1500 Benoni	(011)424 3201
	Dorah's Dancers	3426 Zone 10 P O Meadowlands 1852	(011) 988 6056
	SANCCFW SANCCFW (Vaal)		(016) 421 1901
	Transvaal Memorial Institute	P O Box 30703 Braamfontein 2017	(011) 484 0961 (011) 484 0963
	Edenvale Child and Family Care Society	P O Box 1314 1610 Edenvale	(011) 452 5940 (011) 452 8573

	Ekupholeni Mental Health Centre	P O Box 124182 1451 Alrode	(011) 909 2929
	Ratanda Children's Rights Committee	P O Box 201 Heidelberg	(016) 343 8819 (016) 341 6458
	Women Against Community Abuse (WACA) Advice Centre	247 Zone 16 0208 Ga-Rankuwa	(012) 700 0511 (012) 700 0515
	Believing Child and Family Organisation	P O Box 64 Meadowlands 1852	(011) 936 9903
	Vaal Pastors for Schools	P O Box 5323 1900 Vanderbijl Park	(016) 931 7851
	South African Congress for Early Childhood	77 De Villiers Str. Joubert Park	
	Cotlands Baby Sanctuary	134 Stanton str. 2190 Turffontein	(011) 683 7200 (011) 683 2609
	Lithalelanga Creche	T. V 706 Holomisa Str. Bekkersdal	
	Kagiso Student Youth Centre	8755 Mmusong Avenue 1754 Kagiso II	(011) 410 6837 (011) 410 6838
	Khanya Family Centre	P. O. Box 13333 Katlehong 1432	(011) 905 0915
	Eben-Ezer Child Care & Community Centre	P O Box 3909 1930 Vereeniging	(016) 591 1754
	Youth Outreach	P O Box 2754 Kagiso 1754	(011) 660 3778 (011) 660 7474
	St. Joseph's Home	Cnr. Good & Herman Str., Triomf	(011) 673 5126 (011) 673 8592
	Joint Street Children's Project (Riverlea Action Team)	155 Bembezi Str. Riverlea No. 5 Cozy Corner	(011) 474 6948 (011) 474 2041
	Gauteng SSDF Forum	P O Box 442 1830 Ennerdale	(011) 855 9534 (011) 855 1753
Northern	Beulah		(015) 293 5075
	Lebowa – Kgomo LYAHAS		(015) 622 4026
	Bakgaga ba ga Mothapo		(015) 267 0108
	NPCC		(015) 268 2579
	Child Welfare		(015) 297 4019
	KBE		(015) 298 6989
	Makotse Woman's Org.		082 473 0559
	Dept. of Health and Welfare		(015) 290 9097
	Northern Province NGO Coalition		(015) 295 3542
	NICRO		(015) 297 7538

	Western Bush	P O Box 1333	
	Ithuseng Community Association		(015) 355 3418
	Classic Recreation Council		(015) 291 1515
	Central Region NCRC		(015) 267 0093
	Letaba School for the Handicapped	P. O. Box 23 Letaba 0870	(015) 303 1655
	Jane Furse	P O Box 131 Jane Furse 1085	
	Regional Coordinator Health and Welfare: NPA		(015) 633 7113
	SAGDA		(015) 291 5111
	Place of Safety		(015) 283 1181
	SATAWU		(015) 287 7890
Kwa Zulu Natal	Streetwise	P. O. Box 2530, 3600 Pinetown, Richmond Rd., Marianhill	(031) 703 2666
	Tree		
	Bethshan Children's Home		
	NICRO		
	St. Vincent Home	Private Bag X12, 3605 Ashwood	(031) 700 2054
	Genetic Services (Downs Syndrome Association)		
	Durban Children' Society		
	St. Philomenas Home		
	Cheshire Homes Durban		
	Black Sash		
	Practical Ministries		
	SA National Council		
	Childline Family Centre		
	Children First		
	Human Rights Committee		
	Department of Justice		
	Pinetown Child Welfare	P. O. Box 42, 3600 Pinetown	(031) 701 3288
Mpumalanga	Council of Churches		(013) 752 8409
	Ermelo Minister's Forum		082 364 1481
	Cancer Association		082 952 5572
	MCWH: Child Health		(013) 752 8085
	Masibambane		(013) 755 2068
	Ntataise Lowveld		(013) 750 1960
	Department of Health		(013) 752 8081

	ATICC		(013)759 2167
	Masakhane C. C. Organisation		(013) 753 3691
	South African Congress for ECD		(013) 755 1691
	NICRO		(013) 755 3540
Northern Cape	Rethuseng Day Care Centre		(053) 8711539
	B.E.S.T	City Hall, Kimberley	(053) 831 7300
	Thutong ya bana		(053) 861 5028
	YAADAC		(053) 874 4971
	Association for the Physically Disabled	3 Church Str. Kimberley	(053) 833 3315
	Kimberley Child Care	P O Box 1144 Kimberley	(053) 831 2536
	Northern Cape Educare Trust	P O Box 3197 Kimberley	(053) 833 3640/1
	Re Tlameleng School	P O Box 2646 Kimberley	(053) 871 3289
	DPSA	3062 Miti Str. Galeshene	(053) 831 1192
	Boitumelo School	P O Box 9661 Kimberley	(053) 872 0809
	ACVV	P O Box 922, Kimberley	(053) 842 0833
	Christina Kiddie	91 Hallatt Weg Kimberley	(053) 831 2413
North West	NGO Coalition		(018) 381 6258
	SAUF		(018) 462 1467
	Child Welfare SANC		(018) 290 7376
	SAPS		
	Welfare		(018) 384 3258
	Lesedi Advice Centre		(018) 384 3674
	Department of Labour		(018) 384 2033
	Kgomotso Child Shelter		(053) 927 6159
	Child Care Service		(012) 254 1375
	Ondersteuningsraad		(018) 462 6096
	TOAC		083 477 1869
	Bak. Advice Centre		(018) 632 9361
	Disability Forum		083 477 1869
Eastern Cape	Bulelani Children's Project	Private Bag X542, Cala, ERF 737, Bo Str.	(047) 877 0609
	NCBPA		
	East London Child Welfare	P. O. Box 11030, Southernwood 5213	(043) 722 1258

	King William's Town Child and Youth Care	1 Syringa Street, King William's Town	(043) 642 1932
	Masizakhe Children's Home		
	Lifeline / Childline	P. O. Box 11061, Southernwood, East London	(0431) 437 266
	National Children and Violence Trust	16 Belgrave Rd., Southernwood, East London	(043) 743 5884
	Nontutuzelo Public School		
	Khokela Early Learning Centre Cradock		
	Khululeka C. E. D. C Queenstown	10 Queen's Drive, Queenstown	(048) 881 1290
	Siyakhana – Umtata		
	Umtata Child Abuse Resource Centre	P. O. Box 53108, Umtata 5099	(047) 531 1103
Free State	ADP		
	KCFWS	P O Box 621, Bothaville 9660	082 662 1633
	MHEDC	Private Bag X41 Bloemfontein	082 350 2983
	PHACODEP	P O Box 9641 Bloemfontein	(051) 432 3409
	Technikon Free State		(051) 507 3040
	SASPCAN	P. O. Box 23175, Kagisong, 10429 Phelindaba, Bloemfontein	(051) 405 1338
	Info. Age Computer Service		
	BTCC		
	Department of Health: Gender Unit		
	CCECR		
	Ikemeleng Trust		
	Democracy for All		
	BCPA		
	Oranje Hospital		
	Early Childhood Development		
	Masego Legal Advice Centre		
	Re a kgona Special Needs Care Centre		
	MLAC		

Western Cape	Grass Roots Educare Trust		
	Klein Karoo Bronne Sentrum		
	Safmarine M P Complex		
	SAVO		
	Boland West Association		
	Winelands Primary Forum		

APPENDIX 2

The Workshops

Framework

Melinda Swift and associates designed the framework for the workshops.

Purpose:

To put into action the SAHRC's recognition that children have a right to have a say in their own affairs.

Objectives:

- To share information with children on the SAHRC, human rights and children's rights;
- To enable children to advise the SAHRC on what children's issues are, and how to better protect children's rights;
- To enable children to advise the SAHRC on how to become more accessible to them;
- To enable children to advise the SAHRC on how children could support the SAHRC programmes and projects.

Target:

- 30 children per workshop between the ages of 9 - 13 years;
- Children selected by CBOs and NGOs and especially from hard to reach groups.

Language and approach:

- It is assumed that the children will be from multiple language groups;
- The workshops will place an emphasis on activities that can encourage full participation from all participants, minimise verbal inputs and overcome possible language barriers between participants.

Assumption:

- That the participants will already have some understanding of their rights.

TIME	ITEM & PROCESS	RESOURCES
09h00-10h00	Arrival and light breakfast Toilet break	
10h00-10h25	SESSION 1 <ul style="list-style-type: none"> • Introduction • Getting to know you game (stand in a circle, throw a ball and each person who catches says their name loudly) • Short explanation of the day's activities • Explaining the purpose / objectives of the day (that the SAHRC want to ask children for advice) • Setting of house rules 	Ball Flip chart and kokis
10h25-12h00	SESSION 2 <ul style="list-style-type: none"> • Understanding Human Rights • Children's Rights & the SAHRC • <u>Picture / collage</u>: Exercise on "What should children have a right to": participants break into 5 groups of 6 to draw a group picture / collage. • <u>Group discussion</u>: the children report back on their drawings / collages. • SAHRC / Facilitators share pictures of each of the rights (or groups of rights) • Discussion on making sure we all agree on what a right is. 	Coloured paper, crayon, kokis, scissors, glue, large sheets of paper, water paint, brushes, etc. Pre-prepared / existing educational material of rights presented visually.
	Toilet break	
12h00-12h20	SESSION 3 Energiser <ul style="list-style-type: none"> • Lion, snake, mouse story / etc. 	
	SESSION 4 <ul style="list-style-type: none"> • SAHRC/Facilitators share visual representation of the SAHRC as the body in charge of making sure the rights are protected. • Suggestion: SAHRC explain themselves in terms of a symbol or character - can be developed during the facilitators training. 	Suggestion: Pre-prepared cartoons / pictures from the SAHRC. Perhaps use some of the SAHRC educational material
12h20-13h00	Lunch <ul style="list-style-type: none"> • Pre-prepared lunch to be ready • Participants to be left to talk and play 	Portable tape cassette / CD player & music
	SESSION 5 Energiser - clapping game / fruit salad game	

<p>13h00-15h00</p>	<p>SESSION 6 Advice to the SAHRC 6a Game - Divide children into boys and girls Read the story of Bongani to the children. Ask them to identify when they think his rights have been abused. 6b</p> <ul style="list-style-type: none"> • <u>Poster / art piece - Develop a campaign to build awareness and communication amongst children and adults of the activities of the SAHRC:</u> "So, the SAHRC want to do all of these things to help children, how are we going to tell other kids and adults?" • Ask the participants in groups according to age to develop posters or any other representation of a possible strategy. Facilitators to assist the groups in choosing a strategy / strategies (to facilitate and not direct). • Children to move around and view each other's ideas and explain them to the group (island / sea game). <p>6c</p> <ul style="list-style-type: none"> • <u>Group discussion - How can children participate in helping develop the SAHRC activities?:</u> All participants to engage in a group discussion using the microphone prop as in a T.V. interview. 	<p>Symbol for the SAHRC</p> <p>Coloured paper, crayon, kokis, scissors, glue, large sheets of paper, water paint, brushes, card board, boxes, etc.</p> <p>Micro-phone</p>
	<p>SESSION 7 Energiser / toilet</p>	
<p>15h00-15h15</p>	<p>SESSION 8 Way Forward</p> <ul style="list-style-type: none"> • Short explanation about how this information will be used and way forward (to be explored during the facilitators training) • Request for permission from the children to use their ideas and / or pictures (children who want their pictures must be allowed to take them) 	<p>Resource packages for the participants in multiple languages with contact details of the SAHRC and other organisations</p>

15h15-15h30	SESSION 9 Evaluation and Closure <ul style="list-style-type: none"> • Participants to evaluate the workshop by means of any number of evaluation methods (happy and sad faces / trees and apples / pictures and stories etc.) • Close the workshop with a song and by means of standing in a circle and patting each other on the backs or suchlike exercise 	
15h30-16h15	SESSION 10 Facilitators Evaluation <ul style="list-style-type: none"> • Facilitators to meet and discuss the workshop and note issues that may have arisen • Discuss the way forward (logistics, report, future activities with the children) 	

INTRODUCTIONS:THE BALL GAME

INSTRUCTIONS

Ask all the children to stand in a big circle. Tell them that when the ball is thrown to them they must say their name and something that they like to do. The rest of the group should then repeat it before the ball is thrown to someone else.

The facilitator should start e.g. "My name is Buti and I like to play soccer", the rest of the group then say "His name is Buti and he likes to play soccer" and then throw the ball to one of the children. Encourage the children to think of something original that they like doing and not to all say the same thing. Continue until all the children have had a couple of turns.

ENERGISER 1

THE LION, MOUSE AND SNAKE STORY

INSTRUCTIONS

Tell the children that you are going to tell them a story... with a difference. They must listen carefully and each time you say the word LION they must all roar and hide behind their chairs, when you say MOUSE they must all scream and jump on their chairs, and when you say SNAKE they must all make a hissing noise and lie on the ground.

THE STORY

One day Mpho the MOUSE was walking through the forest. He was feeling a little sad and lonely and was hoping to find one of his friends to talk to. As he was scuttling along he heard a rustling in the bushes, he was very scared because he thought it might be hissing Sid the scary SNAKE or even worse the LION. He stood very still and sure enough out came Sid the SNAKE. Mpho the MOUSE was terrified "Please, please Mr. SNAKE do not eat me I'm a poor little MOUSE and am so thin I would make a very small meal, let me go on my way Mr. SNAKE and I'll not bother you again". Well Sid the SNAKE started to cry "Oh I wish you animals would stop being so scared of me. It is Leo the LION you should be scared of. I just want to be your friend". Well Mpho the MOUSE was so relieved he started to laugh and sing. "Oh I'll be your friend we must just be careful not to come across Leo the LION". So off the SNAKE and the MOUSE went into the forest being sure not to come across the scary LION.

STORY ABOUT CHILD RIGHTS

INSTRUCTIONS

Explain to the children that you are going to play a game. Remind them that in the morning they talked a lot about rights of children. Now you are going to tell them a story about a boy called Bongani. Every time you think that one of Bongani's rights is being ignored / abused they should bang on the drum and run and get the SAHRC (this will be the SAHRC symbol / character you introduced in the morning session). The child must bring it into the group and then decided what they think the SAHRC should do to help Bongani.

Each time they mention a right that is being ignored / abused it should be written up and checked against the list made in the morning.

Write up the ideas the children have had for what the SAHRC should do.

ALTERNATIVES

If you want to you can split the children into gender groups and tell slightly different stories focussing on a girl/boy OR split them into teams and make it a competition

I once knew a child named Bongani. He was born in a shack in Johannesburg and his mother tells funny stories of how his crying was so loud that he woke up all the neighbours.

Bongani's mother did not have a job at that time, so there was no money for food. She got sick and then she could not breastfeed Bongani and that made him cry even more.

But, Bongani had a strong heart and even after the worst winter when he was 3 and got very sick, he managed to get better and that was without any medicine because they could not afford to buy any.

When Bongani was 7, he went to school. School was a lot of fun, with new friends and a big bag full of books. In his second year Bongani's teacher was a very thin and tall man with big shiny shoes, just like the ones Bongani wished for when he was a grown up. The master shouted a lot and called the children stupid and one Friday he even gave all the boys a beating with a long ruler for not wearing proper school uniforms.

When Bongani was about to start grade 3 his mother told him that he would not be able to go to school because he had to stay home and look after his little sister. His mother had piecework and was not allowed to take the baby with her.

Bongani missed his friends a lot and wished every day for someone to play soccer with. He was very lonely and sometimes frightened of being alone, especially when his mother did not get home until after it was dark.

During the day when Bongani's mother was at work, Bongani and his baby sister had to look after themselves and some days there would not be enough food, so Bongani would give what little food there was to his sister.

Bongani did not give up hope. He dreamt that one day he would be able to go back to school again and then he would study hard and become a famous doctor.