



Finalised Constitution of the South African National Child Rights Coalition (SANCRIC) as adopted by the members of the SANCRIC at a General Members Meeting held on 30

March 2021

Revised as at 31 March 2021

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## 1. Name of the organisation

The South African National Child Rights Coalition (SANCR) is a membership-based voluntary association of civil society organisations, activists, and children with a shared commitment to the realisation of the rights of all children in South Africa to survive, be protected, develop to their full potential and participate in decisions that affect them.

## 2. Rationale for the formation of the coalition

The Government of the Republic of South Africa (GRSA) has ratified numerous child rights treaties and development instruments which obligate it to make children's rights a national, rights-based development priority and ensure all organs of state take the required action to realise the rights of every child in South Africa. Furthermore, given the high levels of inequality in South Africa, it is duty-bound to ensure government-wide prioritization of measures to equalise the opportunities of chronically marginalised children to, not just survive, but develop to their full potential, be protected, develop to their full potential, and participate in decisions that affect them.

This duty is created by multiple child and human rights treaties, including the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC); global and regional development plans, including the United Nation's SDG agenda (2030) and the Africa Union's Agenda 2063; and national laws and policies, including the Constitution of the Republic of South Africa, the National Plan of Action for Children (2020), the National Child Care and Protection Policy (2019), the National Integrated Early Childhood Development Policy (2015) and the Children's Act, No. 38 of 2005.

Through its ratification and adoption of these instruments, the GRSA has committed to secure implementation of children's rights through the adoption of a national child rights governance system. A national system of governance that explicitly prioritises children's rights as a national development priority and compels all organs of state to mainstream the realisation of their rights across their planning, monitoring and accountability processes.

The national child rights governance system must yield a national, integrated child care and protection system that secures the provision of all services and support required by families, caregivers, and children necessary to ensure that every child not only survives, but is also protected, develops to their full potential, and participates in all decisions that affect them.

There is now an abundance of evidence as to what children require to develop to their full potential, and what disadvantaged children require to compensate for historical deficits to equalise their developmental opportunities. Similarly, the evidence and governing legal instruments are clear on government's associated responsibilities now captured in multiple global and regional policy / system's strengthening road maps such as the Nurturing Care and INPSIRE Frameworks, Africa's 2040 Agenda for Children, and the General Comments numbers 5 published by both the African and United Nation's Committees on children's rights.

The evidence is clear. Securing the survival, protection, and development of all children to their full potential requires the realisation of the rights of every child to:

- Health (not just for survival, but also for optimal development)

- Nutrition and food security (not just to prevent malnutrition) but to promote healthy growth and development (no stunting)
- Receipt of daily responsive and positive caregiving from all caregivers
- Quality learning from birth until the end of formal schooling
- Protection from abuse, neglect, and exploitation
- Security and safety in the way of birth registration and access to safe and healthy environments in which they live, play, and learn.

These rights are inter-related and inter-dependent. They must be realised through the provision of nurturing care that provides children with an age-appropriate combination of parenting, support, and services they need across this whole continuum to secure their survival, protection, development to their full potential and participation. If only some children receive only some of these services, they may well survive, but they will be at high risk of poor development.

There is compelling evidence that children's development requires realisation of their collective rights. Malnourished children, children living in poverty, children who battle disease, children who experience unresponsive caregiving, children who experience violence and children who receive little or poor quality education may survive, but they are at a very high risk of failing to develop. As such, rather than becoming the next generation of economically active citizens, nurturing parents, and strong leaders, they are at risk of being trapped in an intergenerational cycle of poverty. They are at risk of becoming the heads of the next generation of poor households that will face the same battles that their parents face now.

Sadly, this is the reality for most children in South Africa. Tackling only one or some of these challenges, such as increasing education or access to food, will have little lasting impact on overcoming accumulative deficits. Continued pursuit of a siloed, fragmented approach rather than a coherent, long-term child-centred governance agenda will further erode our human capital foundations.

The primary responsibility to provide nurturing care falls on parents and families, as supported by early childhood care and education practitioners, health care providers, teachers, social workers, and other service providers.

However, the GRSA bears a prior legally enforceable duty to take all measures necessary to enable the provision of nurturing care across the caregiving continuum. Where parents and caregivers are unable to provide nurturing care because of factors such as poverty, lack of knowledge, trauma, mental illness, and toxic stress, the state is obliged to provide an appropriate package of support to overcome the risks and enable nurturing care. To fulfil this duty, it must, and has committed in terms of the National Child Care and Protection Policy to develop a national, integrated child care and protection system that provides a continuum of promotive, preventative, and therapeutic care and support that responds to risks to guarantee the provision of nurturing care.

The GRSA has committed, in terms of the National Child Care and Protection Policy, to adopt a developmentally oriented system of child care and protection that offers three levels of support:

1. A universal suite of services necessary to enable all caregivers to provide nurturing care (for example, a national parenting support programme, early care and education and schooling system and health system)

2. A system that guarantees the identification of all families and caregivers whose capacity to provide nurturing care is potentially compromised, and provide additional compensatory measures to mitigate the underlying risks to secure nurturing care, prevent poor outcomes, and in so doing equalise the opportunities of children at risk of poor development.
3. Where families and children fall through the preventative net, the GRSA has committed to establish an effective child protection system that will identify children who experience deprivations, abuse, neglect, and poor development outcomes, and provide the required, quality therapeutic and restorative services to ensure the resulting harm is mitigated and the child's nurturing care and developmental trajectory restored.

Fulfilling this commitment requires a national, integrated, multi-sectoral system of governance that ensures that children's rights are visible and mainstreamed across the national governance continuum. It requires that children's rights (notably their developmentally critical rights) are considered and advanced across government's planning continuum by all organs of state.

Fulfilling the state's promises to children is not the responsibility of one or two departments or levels of government: it is a government-wide responsibility that requires high level national leadership and coordination to secure the required levels of unity of purpose, action, and accountability.

For this reason, the GRSA is obligated to, and has committed to establish a national child rights governance system that is adequately politically positioned, mandated, resourced, and supported to ensure government-wide prioritisation, actioning of and accountability for realising children's developmentally critical rights.

The GRSA has failed to engage in the required child-centred governance, and as a result, has a weak national child care and protection system that is ill-equipped to realise the rights of every child, notably the most vulnerable. Most vulnerable families and children do not access the support needed to ensure the provision and receipt of nurturing care. This is evidenced by the low rates of access to essential services across the nurturing care domains, the low rates of access to the full package of services required to respond to accumulative risks, and the high levels of avoidable and preventable deaths, illness, malnutrition, development delays and disabilities, poor educational outcomes, violence against children and their low levels of participation in decisions that affect them among South Africa's historically marginalised groups.

The problem is structural in nature, and requires an equally structural, transformational response. Addressing this challenge and changing the developmental trajectory of children and the country requires effective advocacy to strengthen the national child care and protection system. Strengthening the country's track record in only one or some of the domains and for only some children will not bring about the sustainable change that will enable this generation of children to escape the intergenerational poverty trap.

Advocacy must transform the national system of governance to secure a developmentally oriented, transformational child care and protection system. This in turn requires a child-centred national governance system under the leadership of a capable developmental state.

South Africa has an active child rights sector made up of many civil society organisations and activists. However, the sector tends to work in siloes, focusing on improving the realisation of specific rights, such as education, nutrition, protection or health. To bring about lasting change the sector must work collaboratively to strengthen the national integrated system to ensure routine access by all children and their families to the full suite of services required to secure their equal and optimal development to their full potential.

No one organisation can achieve this outcome acting alone. Therefore, the child rights sector has come together under the banner of the South African National Child Rights Coalition (SANCR). The coalition has been established to provide a unifying platform for collective and coherent advocacy for government-wide, child-centred governance to secure and sustain a national, integrated, developmentally oriented child care and protection system as the bedrock of the developmental state upon which our National Development Plan depends.

### 3. Vision, Mission, Goals and Objectives

#### 3.1 Vision

The rights of every child in South Africa, especially the most vulnerable, to survive, be protected, develop to their full potential and participate in decisions that affect them are realised.

#### 3.2 Mission

To facilitate coordinated civil society communication and advocacy for a stronger national child rights governance **system** that ensures that children's rights to survive, be protected, develop to their full potential and participate are recognised and advanced as a national rights-based, development priority by all role players.

#### 3.3 Goals

South Africa has a child-centred rights-based national governance system that sustains a developmental national child care and protection system that:

1. Ensures compliance with child and human rights treaty obligations
2. Ensures that children's rights are recognised as a national, rights-based development imperative
3. Ensures government-wide action and accountability for realising the rights of every child, especially the most vulnerable and marginalised, to survive, develop to their full potential, be protected, and participate in all decisions that affect them.

#### 3.4 Objectives

The objectives of the coalition are to strengthen the following foundational building blocks of a child rights governance system that sustains a developmentally oriented child care and protection system:

1. An integrated programme that provides every family caring for children and the children in their care with the complete suite of services they need to provide and receive nurturing care across five core domains / rights:
  - a. Health care for survival, prevention or illness and disability and promotion of healthy development
  - b. Nutrition to prevent malnutrition and ensure healthy growth and development

- c. Responsive caregiving that ensures children receive age-appropriate love, care and protection through positive parenting that responds to children's needs
  - d. Education from birth until a child completes their schooling/ enters post-schooling education
  - e. Security and safety through access to basic services to ensure a healthy environment, birth certificates and identity documents, social protection, and protection from abuse, neglect, and exploitation
2. Effective mechanisms for identifying all families and children at risk and their needs, and mechanisms to ensure their access to appropriate quality services to enable nurturing care
  3. Effective mechanisms to ensure government-wide and coordinated planning and provisioning of the required combinations of services to children and their families
  4. Adequate human, financial and infrastructural resources to plan, provide, deliver, monitor, and report on delivery and impact of the required quality programmes
  5. Mechanisms to secure government-wide monitoring, measurement, reporting on and accountability for access to the required quality services that make an impact on children's rights
  6. Mechanisms to ensure ongoing improvement in provisioning to secure universal realisation of children's rights.

#### 4. Thematic focus areas and working groups

The Management Committee will, through a process of consultation with members, from time to time identify a number of thematic focus areas that requiring strengthening to realise the coalition's goal and which the members agree could be strengthened through their collective efforts.

Each thematic focus areas will be managed by a thematic working group made up of member organisations working in the respective areas and who choose to join the thematic group in questions. Each thematic working group will identify a thematic lead and co-leading organisation that will share responsibility for coordination of the development and implementation of the thematic strategic plan to contribute to the wider coalition objectives, goals, and vision.

#### 5. Functions of the coalition

1. Provide a unifying, communications, advocacy, and planning platform for bringing together a broad-based coalition of organisations that would like to collaborate in advancing a shared vision of a strong national, child rights governance system that realises the rights of every child in South Africa.
2. Draw on our collective networks, knowledge, expertise, and materials to build a stronger civil society movement.
3. Establish a web-based resource hub for the children's sector where all relevant information will be housed and can be freely accessed.
4. Facilitate the sharing of information amongst members, but also between members and government, the media, development partners and business.
5. Provide regular updates on changes, developments and processes that impact on children to the coalition members using social and other media platforms.
6. Facilitate the monitoring of responses, identification of critical challenges, and supporting and holding responsible role players (government and non-government) to account for appropriate redress.
7. Enable and facilitate the identification of critical gaps and challenges in current responses through interactive engagement with coalition members.

8. Establish platforms for collective and inclusive deliberation and advocacy to resolve challenges.
9. Facilitate civil society participation in international, regional and national decision-making and accountability processes.
10. To provide a platform for enabling children's agency through their informed participation in coalition advocacy and communications initiatives.
11. Generate evidence and facilitate its use to strengthen the national child rights governance system.

## 6. Coalition membership, structure, and management

### 6.1 Legal Status

The SANCRC is a voluntary association with its own legal identity which is separate from its individual members and will continue to exist even if the members change. It may own property, enter contracts, and sue or be sued in its own name. It is governed by this Constitution and overseen by the management structure described in the following paragraphs.

### 6.2 Membership

The SANCRC is a voluntary association of like-minded organisations, individuals, including children, and other legal entities united in their commitment to realising the shared, stated vision, goals, and objectives.

Any such entity may join the coalition, subject to their completion of the membership application form and adherence to the SANCRC's code of conduct. The Management Committee may from time to time determine conditions and criteria for membership and refuse applications for members that do not comply with such conditions and criteria.

Membership does come with benefits and responsibilities. The benefits, which include access to information, capacity development, more effective advocacy, and networking opportunities, amongst others, will only be realised if members fulfil their shared responsibilities. Responsibilities include participating in coalition meetings, activities and decision-making processes, the sharing of information, capitalizing on networks, sharing of knowledge and expertise, resources and energy to strengthen the collective capacity of the group to mount and sustain effective advocacy for strengthening the national system of governance to secure the realisation of the rights of all children.

Any interested organisation can join by completing the membership form.

Once the form is completed, the member will be included in the coalition database and receive regular communications, have electronic access to resources, opportunities to raise issues and challenges that you are experiencing and frustrating effective responses to children, and participate in thematic dialogues coordinated through working groups to strengthen responses through shared strategies and activities.

Membership will terminate if:

- The member organisation is dissolved
- An individual member dies
- The member resigns



- The member is removed by a resolution of the Steering Committee provided that the member is given at least fourteen days' written notice of the Committee meeting at which the resolution will be proposed and is invited to make written or verbal representations at the Committee meeting.

Every member will enjoy equal voting rights.

An annual strategic planning and reflection meeting of members will be convened in the first quarter of every year, and an annual general meeting of members will be convened in the last quarter of each year.

## 6.3 Management structure

### 6.3.1 Steering committee

Several initial organisations came together in June 2020 to establish the Coalition.

The coalition is currently led by an interim steering committee made up of 10 member organisations that volunteered to serve in this role. The interim steering committee members are listed in Annexure A. The role of the interim committee has been to provide leadership to establish, finalise and sign off the coalition's initial platforms, institutional arrangements, and key documents, including this Constitution and the SANCRC's initial strategic plan, budget and funding proposals, as well mobilise civil society organisations to join.

The interim committee will be replaced by an elected permanent standing committee of no less than 7 and no more than 11-member organisation representative or individual members. The Steering committee will include representatives from child-led organisations. The Steering Committee members will be elected by the full membership through an inclusive, democratic, and transparent nomination and election processes.

Nominated members must confirm acceptance of their nomination to be included in the vote.

Steering committee members will be responsible for the strategic leadership of the coalition. Members will serve for a period not exceeding two years. Steering Committee Members may be removed or resign:

1. Through submission of a letter of resignation of the committee member from the steering committee
2. If the member organisation which the person represents resigns from the coalition or if the organisation is dissolved
3. If the Steering Committee adopts a resolution for removal of the steering committee member for contravention of the coalition code of conduct or other coalition rules, provided that the member is given at least fourteen days' written notice of the Committee meeting at which the resolution will be proposed and is invited to make written or verbal representations at the Committee meeting.

Steering committee members will have an equal vote in all decision-making proceedings. Decisions will be made by a majority vote (50% plus 1) of the Steering Committee provided a quorum of 50% of Steering Committee members is present and participates.

Steering committee members are required to participate in at least 75% of Steering Committee meetings and decisions. If no quorum is present, no valid decision can be taken by the Steering Committee.

The Steering Committee will meet quarterly. The Steering Committee may be called for ad hoc meetings over and above the 4 quarterly meetings.

The Steering Committee will be responsible for, inter alia:

- Overseeing a process for any amendments to this constitution
- Signing off on the SANCRC's strategic plans, budgets, annual and financial reports
- The removal of any Steering Committee member or coalition member
- Committing the SANCRC to pursue or defend any litigation

The Steering Committee will be chaired and co-chaired by a chairperson and deputy chairperson nominated and elected by the steering committee members. The chair and co-chair positions will rotate every 12 months.

The role of the Chairperson will be to:

1. Facilitate meetings and coordinate effective communication among Steering Committee Members.
2. Speak on behalf of the SANCRC
3. Sign documents on behalf of the SANCRC
4. Ensure that records of all Steering Committee meeting agendas, minutes, decisions made, and actions taken are collated by the executive management committee and secretariat and made available to Steering Committee and Coalition Members.

#### 6.3.2 Executive management team and secretariat

The steering committee will be supported by an executive management team and secretariat that will provide the day-to-day management, communications, and logistical support to the coalition.

The executive management team is made up of the thematic leads and co-leads of the thematic focus areas and the secretariat organisation.

A member organisation will serve as the coalition secretariat, providing logistical, communication and financial management support. Currently the role is played by Save the Children South Africa. The secretariat organisation will serve for a term of 3 years whereafter a new secretariat organisation will be nominated, selected, and appointed by the Steering Committee. The existing secretariat may be reappointed for a further term. The secretariat organisation may also resign its role, provided it provides a 3-month notice period in writing to the Steering Committee.

The executive management team will meet bi-monthly and will meet on an ad hoc basis to address matters arising.

Decisions will be made by the executive management team members by consensus.

The executive management team will be responsible for:

- Day to day management of the coalition, its membership, communications, and strategic plan
- Mobilising and securing resources for the coalition
- Monitoring and reporting on the progress and finances of the coalition.
- Ensuring the development, publication and distribution of donor reports when required

- Ensuring the development, publication and distribution of an annual financial and narrative report for the SANCRC within six months of the end of the financial year.

### 6.3.3 Financial management and partner management

The SANCRC will mobilise resources to support the implementation of its strategic plan. Funding raised in support of the coalition's strategic plan will be used to further the coalition goals and objectives implemented through activities organised under the relevant thematic areas.

All funding agreements and the management of the resources and partner relationships and reporting requirements will be managed through select member organisations that are willing to fulfil this role and that have robust and effective financial management processes and institutional arrangements in place to guarantee ethical, efficient and effective use of resources. Currently two member organisations provide the financial management. They Save the Children South Africa and Give a Child a Family, both of which are long-standing registered organisations with robust and transparent financial management systems in place.

Additional and/or alternative member organisations may fulfil this financial management role provided:

1. They have and can satisfy the Steering Committee that they have adequate financial management systems in place to ensure the ethical and dedicated use of resources received for coalition purposes
2. They are prepared to sign and manage funding agreements on behalf of the SANCRC and procure services in fulfilment of the terms of the agreement
3. They are prepared to manage and report on use of the funds to the coalition Steering Committee and the resourcing partner in question
4. They provide a resolution by their management board agreeing to fulfil the role in question
5. The Steering Committee approves their financial management role on behalf of the coalition.

The Executive Management Committee and secretariat will be responsible for monitoring and developing annual financial and narrative reports for the SANCRC that provide a consolidated overview of all resources mobilised, spent and results achieved. Organisations that serve a financial management role will provide all information required to enable fulfilment of this responsibility.

## 7. Income and Property of the Association and indemnity of members

Steering Committee members and members of the executive management team have no rights in the property or other assets of the coalition solely by virtue of their being members or office-bearers.

Members or office-bearers are not liable for any of the obligations and liabilities of the coalition solely by virtue of their status as members or office-bearers.

The income and property of the Association shall:

1. Be used solely for the promotion of its stated objectives.
2. Not be paid or distributed directly or indirectly to any person, or to any member of the Association or office-bearers, except as reasonable compensation for services rendered to the Association or reimbursement of actual costs or expenses reasonably incurred on behalf of the Association.

Subject to the provisions of any relevant law, members of the Association or appointed delegates shall be indemnified by the SANCRC for all acts done by them in good faith on its behalf.

Office-bearers are not personally liable for any loss suffered by any person because of an act or omission which occurs in good faith while the office-bearer is performing functions for or on behalf of the organisation.

Subject to the provisions of any relevant law, no member of the SANCRC or appointed delegates shall be liable for the acts, receipts, neglects, or defaults of any other member SANCRC, which occurs in the execution of the duties of his or her office, unless it arises as a result of his or her dishonesty, or failure to exercise the degree of care, diligence and skill required by law.

## 8. Amendment of the Constitution

The terms of this Constitution may be amended, the name of the SANCRC may be changed and the Coalition may be dissolved by resolution of two-thirds (2/3) of the coalition members present at a General Meeting.

Any such meeting must be preceded by at least twenty-eight (28) days' notice of the Meeting that states the nature of the resolution to be proposed.

## 9. Dissolution of the SANCRC

In the event of the dissolution of the SANCRC, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst members but shall be transferred by donation to some other non-profit organisation which the Steering Committee considers appropriate and which has objectives the same or similar to the objectives of the Association.

## Annexure A: Interim steering committee members

The interim steering committee member organisations are:

1. Child Rights Network for South Africa
  - a. Felistus Motimedi
2. Child Welfare South Africa
  - a. Julie Todd
3. Community Chest
  - a. Yumna Martin
4. D G Murray Trust
  - a. Iris Nxumalo-de Smidt
5. Give a Child a Family
  - a. Monica Woodhouse
6. Graca Michel Trust
  - a. Richard Montsho
7. Kindernothilfe
  - a. Phil Donnell
8. NACCW
  - a. Donald Nghonyama
9. Nelson Mandela Children's Fund
  - a. Charity Nsha
10. Save the Children South Africa
  - a. Emmanuel Modikwane
  - b. Litlhare Rabela