



SANCRC newsletter

ISSUE 1: SEPTEMBER 2021

The SANCRC is a civil society coalition of like-minded child rights organisations, activists and children in South Africa advocating for realising children's rights.

The SANCRC advocates to strengthen the national child care and protection system to ensure every child receives the nurturing care they need, not just to survive, but to develop to their full potential.



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WELCOME

We are very pleased to share our inaugural bumper issue of the SANCRC newsletter. The SANCRC has been established to support collective, coordinated, and informed action to contribute to achieving our shared goal: increasing the number of children in South Africa who not only survive but develop to their full potential.

Sadly, more than half of the children in our country live in multidimensional poverty. In 2020, 60% of children in South Africa, notably the most vulnerable, were not accessing the services and support necessary to secure the nurturing care they need to develop to their full potential. This proportion is likely to have increased in the aftermath of COVID-19. As a result, we are facing a national state of emergency.

Our human capital foundations are crumbling, and our poverty and inequality set to deepen as African children, children living in poverty, children with disabilities and children in rural and other under-served areas are not receiving the health, nutrition, education, and protection they need to develop to their full potential and escape the inter-generational poverty trap that underpins South Africa's continued status as one of the most unequal countries in the world.

The cause is systemic. South Africa has not fulfilled its overarching treaty and development responsibilities to children. It has not adopted a state-wide child-sensitive system of governance that ensures all responsible duty bearers engage in deliberate child-centred planning to provide the multi-sectoral services and support necessary to enable parents and caregivers to provide children with the nurturing care guaranteed by the Constitution of the Republic of South Africa.



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SANCRC newsletter

WELCOME (continued)

The SANCRC was established in 2020 to support collective and coordinated advocacy to strengthen the system and hold all duty bearers accountable for their responsibilities. Our work is organised across 5 thematic building blocks of an effective child rights governance system:

1. [Coalition growth and development](#)
2. [Child rights governance](#)
3. [Family support for nurturing care](#)
4. [Child protection](#)
5. [Inclusive basic education.](#)

One of the most important aspects of an effective child rights governance system is access to credible, up-to-date information. The SANCRC will be working to strengthen this and in so doing enable advocacy and hold role players accountable. In addition to our website, we will be developing and publishing this newsletter every month.

We have designed the newsletter to be easily navigable. It is divided into key sections, starting with information about the coalition, followed by a standing report on progress against our common overarching, priority – reducing the proportion of children at risk of poor development. Thereafter, it is organised into our 5 core thematic areas. We will, as and when available, share information under each, on our advocacy progress, new research and laws, advocacy opportunities, and news from our members. Each section has a heading and is colour coded.



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The SANCRIC advocates to strengthen the national child care and protection system to ensure every child receives the nurturing care they need, not just to survive, but to develop to their full potential.

WELCOME (continued)

A complete and comprehensive [table of contents](#) allows you to navigate the newsletter with ease. By clicking on any of the items, you will go straight to the section in question.

In addition, each key section has a more detailed breakdown of sub-sections in a list of quicklinks listed on the lefthand-side of the page. Once again, you can click on any of these to take you directly to the relevant article, or simply click on the return icon in the bottom lefthand corner of each page to go back to the table of contents.

This newsletter provides a platform for the voice of civil society and children as well as a portal to access the rich pool of information that impacts our work. **We therefore urge all members, children, and partners, including government, research institutes and others to share any news from your organisations, developments, and opportunities that you may be aware of.** We will include this in the next issue. Please send any contributions to us at the [contact details](#) provided in the newsletter.

This newsletter will be shared with members and our partners in government, chapter nine institutions, development institutions, donors, and others. We hope it will become a valuable resource to support us in our collective work. We invite any interested civil society organisation or activist to [join the coalition](#).

- The SANCRIC Communications Working Group



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Inclusive, sustainable development requires that every child develop to their full potential. This requires realisation of their rights to health, nutrition, responsive parenting, protection, education (from birth), and social protection. Realising only some of these rights for only some children is not enough.



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OUR VISION

Our vision is a South Africa where our collective resources are managed by an effective developmental state to realise the rights of every child to, not only survive, but to develop to their full potential so that they may become active citizens of a sustainably resilient, prosperous, safe, democratic and well-run country.

More specifically, that South Africa has a child-centred rights-based national governance system that:

1. Ensures that children's rights are recognised as a national, rights-based development imperative.
2. Ensures children's rights are realised through state-wide action by every organ of state and non-government partners through the development of strong systems.
3. Ensures universal realisation of the right of every child to survive, develop, be protected and participate, especially the most vulnerable and marginalised.

OUR MISSION

Our mission is to facilitate coordinated civil society communication and advocacy for a stronger national child rights governance system that ensures that children's rights to survive, protection, to develop to their full potential and participate are recognised and advanced as a national priority by all duty bearers.

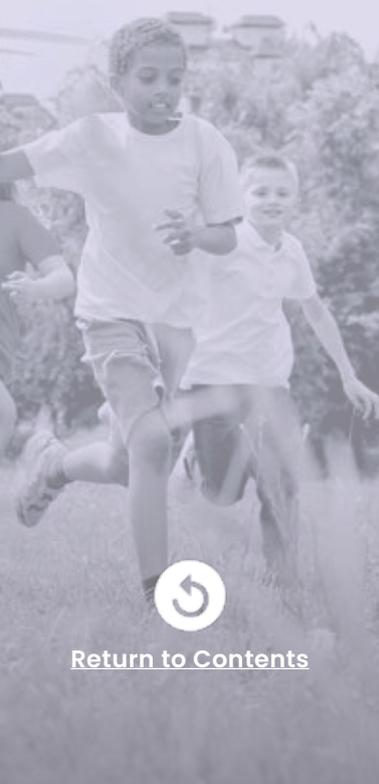
GOAL

South Africa has a child-centred rights-based national governance 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 coordinated, state-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.



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OBJECTIVES

To strengthen the following foundational building blocks of the national child rights governance system:

1. An integrated programme that provides every family and the children in their care with appropriate combinations of services and support they need to provide and receive the nurturing care required to equalise and ensure their optimal development.
2. Effective mechanisms for identifying all families and children at risk and ensuring they access appropriate quality services to enable nurturing care.
3. Effective mechanisms to ensure government-wide, 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 the provision and impact of programmes supporting nurturing care.
5. Mechanisms to secure government-wide monitoring, measurement, reporting on and accountability for provision of quality services that impact on children's rights.
6. Mechanisms to ensure ongoing improvement in provisioning to secure universal realisation of children's rights.

COALITION FUNCTIONS

1. Provide a unifying, communications, advocacy and planning platform for bringing together a broad-based coalition of organisations 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 strong 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 and shared.
4. Provide regular updates on changes, developments and processes that impact on children to the coalition members using social and other media platforms.
5. Facilitate the monitoring of responses, identification of critical challenges, and supporting and holding responsible role players to account for taking action to realise children's rights.
6. Establish platforms for collective and inclusive deliberation and advocacy to resolve challenges.
7. Facilitate civil society participation in international, regional and national decision-making and accountability processes.



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OUR MEMBERS

Our members are united in their shared vision of a South Africa where the rights of all children are realised and where no child bears the burden of poverty and inequality. Our members:

- Include a broad base of organisations and individual advocates, activists, researchers and development practitioners.
- Are located across the country in all nine provinces, in rural, urban and peri-urban areas.
- Include NGOs, faith-based organisations, community based organisations, development institutes, policy think tanks, research institutes, as well as individuals who have committed to advancing the rights of children.
- Include children and child-led organisations.

OUR LEADERSHIP TEAM

The coalition is currently led by an interim steering committee made up of select member organisations that have volunteered to support the initial coalition-building process. The role of the interim committee is to provide leadership, oversight and coordination of:

- Organisational development and management
- Strategic planning
- Resource mobilisation and partner management
- Coalition communications
- Mobilising and growing coalition membership.

The committee will be formalised and made permanent through an inclusive, democratic, and transparent nomination and election process that will take place in 2021.

The interim committee is supported by a small executive management team and secretariat providing day-to-day management, communications, and logistical support to the coalition.

Save the Children South Africa currently acts as the secretariat, providing logistical, communication and financial management support.



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JOIN THE COALITION

Any interested non-government organisation, child rights advocate or activist that shares the coalition vision is encouraged to join by simply completing and submitting the membership application form.

The membership form that can be accessed by clicking on the following link:

<https://www.surveymonkey.com/r/Y673MDG>

We would prefer all members complete the form electronically through the link provided. If you click on the link, you will access the form on the Survey Monkey platform that will enable us to develop our membership data base more efficiently and effectively.

Should you prefer, you can download the [Membership Application Form](#), complete it and send it to the coalition secretariat at the following e-mail address: infor.SANCRC@savethechildren.org.za

CONTACT US

Please feel free to contact us via the secretariat:

Save the Children South Africa:

3rd Floor
Festival Office Park
353 Festival Road
Hatfield
Pretoria
0028
South Africa

Telephone: Phone: 012 430 7772/5

E-mail: infor.SANCRC@savethechildren.org.za

Our website will be up and running soon and we will share the URL shortly.



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New research & developments

- [NIDS-CRAM reports confirm COVID-19 has deepened children's vulnerability and inequality](#)
- [Children's Institute publishes a series of advocacy briefs on the impact of COVID 19 on children](#)

New laws & policies affecting our priority

- [The 4th National Plan of Action for Children \(2019-2024\) approved by Cabinet in October 2020](#)

Advocacy opportunities

- [An advocacy strategy for the NPAC](#)
- [Planned high-level conference on child rights governance in November](#)

News from our members

OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT

South Africa has committed to ensure that all children, especially the most vulnerable and marginalised, not only survive, but develop to their full potential. Fulfilling this promise is key to meeting the country's treaty and constitutional obligations, as well as a pre-requisite to achieve our national development goals of eliminating poverty and inequality.

Building South Africa's human capital for sustainable development depends on the realisation of children's inter-dependent rights, especially the rights of the most marginalised and vulnerable, that will ensure their equal and optimal development.

This in turn depends on the provision of appropriate combinations of services across the life cycle of every child. Critical services include health care, nutrition, responsive caregiving, quality education (starting from birth until the completion of schooling), protection from all forms of abuse, neglect and exploitation, social protection, and their civil and political rights, including birth registration, access to information, the right to voice their opinions, and participate in decisions affecting them.



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New laws & policies affecting our priority

- [The 4th National Plan of Action for Children \(2019-2024\) approved by Cabinet in October 2020](#)

Advocacy opportunities

- [An advocacy strategy for the NPAC](#)
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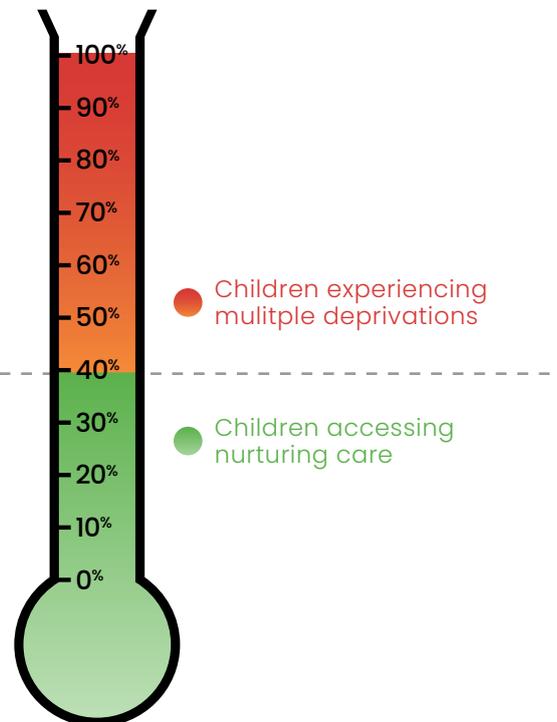
News from our members

OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT **PROGRESS MONITOR**

Pre-COVID, South Africa had already fallen behind. A 2020 study conducted by Stats SA and UNICEF South Africa - [Child Poverty in South Africa: A multiple overlapping deprivation analysis](#) - found that 60% of South Africa's children failed to access developmentally critical services - notably adequate income support, health care, nutrition and education. Deprivation and the resulting risk of poor development was highest amongst African children, children in under-serviced rural areas and informal settlements, and children with disabilities.

OUR RISK BAROMETER: CHILDREN'S ACCESS TO NURTURING CARE FOR EQUAL & OPTIMAL DEVELOPMENT

▲
The SANCRC aims to increase the proportion of children with access to nurturing care, without which they will not develop to their full potential.



As a result of multiple deprivations, UNICEF's [Country Profiles for Early Childhood Development](#) estimates that 38% of children in South Africa under the age of five years are at risk of poor development outcomes.



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OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT **NEW RESEARCH & DEVELOPMENTS**

NIDS-CRAM REPORTS CONFIRM COVID-19 HAS DEEPENED CHILDREN'S VULNERABILITY AND INEQUALITY

The latest [NIDS-CRAM reports](#) confirm that the risk of poor child development and perpetuation of inter-generational poverty and inequality along historical equity fault lines of race, geography and gender has been aggravated by the COVID 19 pandemic.

- Between February and April 2020, 3 million jobs were lost. The largest job losses were experienced by poor, rural, female, and unskilled people who have not benefited from the limited bounce back seen in WAVE 2.
- The closure of schools deepened educational inequality. Children lost an estimated 40% of the teaching year. Poor children in no-fee schools were most deeply affected for various reasons, including lack of access to remote teaching opportunities - thus deepening the educational gap between rich and poor.
- A whole cohort of young children have lost crucial early childhood education. In 2018 almost 50% of children under the age of 5 years attended an ECD programme. In 2020 only 13% attended – the lowest figure in 18 years.
- Hunger and food insecurity increased. In 2020, 32% of households reported running out of money for food. Access to food through schools dropped from 80 to 25% of children.



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New research & developments

- [*NIDS-CRAM reports confirm COVID-19 has deepened children's vulnerability and inequality*](#)
- [*Children's Institute publishes a series of advocacy briefs on the impact of COVID 19 on children*](#)

New laws & policies affecting our priority

- [*The 4th National Plan of Action for Children \(2019-2024\) approved by Cabinet in October 2020*](#)

Advocacy opportunities

- [*An advocacy strategy for the NPAC*](#)
- [*Planned high-level conference on child rights governance in November*](#)

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OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT **NEW RESEARCH & DEVELOPMENTS**

CHILDREN'S INSTITUTE PUBLISHES A SERIES OF ADVOCACY BRIEFS ON THE IMPACT OF COVID 19 ON CHILDREN

The CI has published a series of [Children and COVID 19 Advocacy Briefs](#) that provide a wealth of information on the impact of COVID 19 on children's rights and wellbeing, including:

- Child-centered COVID-19 (health) [care](#)
- [Disruption](#) of routine health services
- [Nutrition](#) and food security
- [Violence](#) and injury
- Mental [health](#) and wellbeing
- Early Childhood [Development](#)
- [Schools](#) as nodes of care and support
- Key findings and [recommendations](#).

Some of the key findings and recommendations were that:

- Overall, children's rights, interests and voices were largely neglected and invisible in initial planning processes and platforms.
- Whilst children are not as vulnerable to infection, they are especially vulnerable to adverse social and economic impacts of COVID 19.
- COVID 19 aggravated existing inequalities among children.
- COVID 19 impacted hugely on the capacity of parents and families to provide care due to increasing unemployment, poverty, hunger and violence.
- Children's access to critical preventative health care services were disrupted.
- Access to food and nutrition decreased significantly. 47% of households in the Western Cape ran out of money for food during lockdown.
- Child protection services – including the courts, police services and social services – were disrupted resulting in delayed responses to cases of child abuse.
- Many ECD programmes closed permanently, resulting in immediate and long-term harm to health, education and nutrition.
- Disruptions to education deepened educational inequalities and resulted in decreased access to food normally provided through school feeding schemes.

The briefs provide several detailed recommendations. The common message is that there is an urgent need to ensure we are better prepared in the future. This requires that the national child care and protection system be strengthened pro-actively to ensure greater resilience and appropriate humanitarian responses in the face of a crises like COVID 19 to ensure children's best interests are considered from start to end – from response to recovery.

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OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT **NEW LAWS & POLICIES AFFECTING OUR PRIORITY**

THE 4TH NATIONAL PLAN OF ACTION FOR CHILDREN (2019 - 2024) APPROVED BY CABINET IN OCTOBER 2020

Government has recognised the scale and nature of the challenge and developed a new [4th National Plan of Action for Children \(2019 - 2024\) \(NPAC\)](#). The NPAC was approved by Cabinet in October 2020. It commits to establishing a national child-rights governance system to ensure effective state-wide leadership and coordinated action to realise children's inter-dependent rights to equalise and ensure their rights to survive, develop, be protected and participate to build human capital for advancing the country's national development goals.



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News from our members

OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT **ADVOCACY OPPORTUNITIES**

AN ADVOCACY STRATEGY FOR THE NPAC

The NPAC is overseen by the Office on the Rights of the Child (ORC) currently housed within the Department of Social Development (DSD). The ORC is in the **process of institutionalizing the NPAC**. A key measure is the development of a supporting child rights advocacy strategy. The ORC has commissioned consultants to develop the strategy. Members of the SANCRC were invited to a meeting hosted by the consultants to provide inputs into the strategy development process on 26 August 2021. We will keep you posted on developments in this regard.

PLANNED HIGH-LEVEL CONFERENCE ON CHILD RIGHTS GOVERNANCE IN NOVEMBER

The SANCRC is collaborating with the ORC in the DSD, UNICEF South Africa, the South African Human Rights Commission and Save the Children South Africa to organise and host a high-level engagement on child rights governance on either the 19th or 20th of November 2021. The event will be attended by government and non-government organisations. We are expecting the Honourable President Ramaphosa to open the event with a clear commitment from the Presidency to make children's rights a national, rights-based sustainable development priority to be advanced through a national system of child rights governance that will ensure state-wide mainstreaming of support for nurturing care. The event aims to raise knowledge and galvanize state-wide commitment by all responsible role players to strengthen their own, and in so doing, the national system of child rights governance to ensure that our country's resources are collectively and efficiently directed to increasing the proportion of children who develop to their full potential. The event will be hosted in-person and remotely in Cape Town. We will share details of the event with the SANCRC as arrangements firm up.



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OUR PRIORITY: REDUCING THE PROPORTION OF CHILDREN AT RISK OF POOR DEVELOPMENT **NEWS FROM OUR MEMBERS**

We have nothing to share in this issue.



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- [Child Rights Governance](#)
- [Family Support for nurturing care](#)
- [Child Protection](#)
- [Inclusive, basic education](#)

In 2020, 60% of children in South Africa were deprived of the nurturing care they need to enjoy an equal opportunity to develop to their full potential. The 2020 [Child Poverty in South Africa: A multiple overlapping deprivation analysis](#) found that more than half of the children in South Africa failed to access the income support, health care, nutrition and education rights that are not only constitutionally protected, but essential for their development, protection and participation.

The proportion of children at risk of poor development will have increased thanks to COVID-19 and the estimated **38% of children under the age of five years are at risk of poor (and avoidable) development outcomes will have increased comparably.**¹

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 respect of only some services and rights, for only some children some of the time will not empower this and future generations of children to escape the intergenerational poverty trap that has sustained their chronic social, economic, civil and political exclusion.

No one organisation can achieve this outcome acting alone. Therefore, the SANCRC has been established and has developed a [three-year strategic plan of action](#) built upon the following five thematic priorities. These have been prioritised because they are necessary to strengthen the national system of child-rights governance and equalise and realise the right of every child to develop to their full potential:

1. [Coalition growth and development](#)
2. [Child rights governance](#)
3. [Family support for nurturing care](#)
4. [Child protection](#)
5. [Inclusive, basic education \(including early education\)](#)



Progress Monitor

- [*Our numbers are growing*](#)
- [*Our organisational building blocks have been laid*](#)
- [*We are working on strengthening and formalizing an inclusive management structure*](#)
- [*We have mobilised resources*](#)

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- [*Shonaquip shares recent developments*](#)

COALITION GROWTH & DEVELOPMENT

GOAL

To become an inclusive, broad-based civil society coalition that is an effective advocacy body with the resources, capacity, and institutional arrangements to support the fulfilment of its functions.

OBJECTIVES

1. To facilitate the democratic and transparent governance and efficient management of the coalition.
2. Grow the coalition as a broad-based, representative child rights organisation.
3. Ensure a well-informed, engaged civil society coalition.
4. Development of our member's advocacy capacity.



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COALITION GROWTH & DEVELOPMENT PROGRESS MONITOR

OUR NUMBERS ARE GROWING

The SANCRC started in 2019 as a small group of about 10 organisations that recognised the need for a national coordinated platform that would allow us to collaborate to strengthen the country's systemic responses to improve outcomes for children.

We now number more than 130 organisations and activists representing different sectors, interest groups, and especially vulnerable groups of children across the country.

We urge you to share this newsletter with your networks and encourage others to join by completing the [membership application form](#).

OUR ORGANISATIONAL BUILDING BLOCKS HAVE BEEN LAID

Our first 6 – 8 months, starting in July 2020, were marked by a lot of organisational and strategic consultations, planning and development of our founding documents. Our hard work culminated in our first annual general meeting on 30 March 2021. Various presentations were made by our management team and thematic working groups, and the meeting concluded with the adoption of the [SANCRC's Constitution](#) and [Three-Year Strategic Plan](#).

Copies of all presentations made, as well as a recording of the session can be accessed here: <https://1drv.ms/u/s!AvUxPvnoF6h6ggc3aGvfDxA6egUz?e=Ws7DFa>



Progress Monitor

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COALITION GROWTH & DEVELOPMENT PROGRESS MONITOR

WE ARE WORKING ON STRENGTHENING AND FORMALIZING AN INCLUSIVE MANAGEMENT STRUCTURE

The coalition has commenced a process of formalizing a democratic leadership structure. The current interim committee is made up of a number of volunteers who agreed to lead the initial startup phase of the SANCRC. The objective is to replace the interim structure with a standing, representative, democratically elected steering committee made up of between 7 and 11 members. Please keep a look out for the [call for nominations](#) and [nomination form](#) that we have sent out and complete and return them as soon as possible. We encourage our members to engage actively with this process so that we can become a representative voice for the sector.

In addition to the steering committee, we have created several working groups made up of members who have experience and would like to help shape our collective:

1. Communications strategy, platforms and publications.
2. Resource mobilisation strategy and fundraising activities.
3. Child rights monitoring, reporting and advocacy follow-up framework and activities.

Any member is welcome, and indeed encouraged to join one or more of our working groups. Should you be interested in joining any of the groups, drop us a line using the coalition contact details provided in this newsletter.



Progress Monitor

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WE HAVE MOBILISED RESOURCES

One of our major priorities is to ensure that we become a sustainable, standing civil society coalition. A permanent civil society coalition is indeed a fundamental building block and pre-requisite for an effective national child rights governance system. We aim to be here for the long-run.

To achieve this objective it is essential that we secure long-term funding partners who recognise the intrinsic value of the coalition as a fundamental child rights governance building block, as well as a necessary vehicle for effective child rights advocacy.

We have made good progress, but there is still much work to be done.

We are grateful to Save the Children South Africa, Give a Child a Family, UNICEF South Africa and Kindernothilfe (KNH), CRNSA and the Nelson Mandela Children's Fund for funding our work in 2021 and / or committing to support our work in 2022.

We are working to raise sustainable funding and have commissioned a consultant to assist us in this regard. We appeal to all members to share information about any funding opportunities that you may be aware of. We further appeal to all members to consider building, as far as possible, some support for the coalition into their annual plans and supporting funding proposals.



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COALITION GROWTH & DEVELOPMENT NEWS FROM OUR MEMBERS

SHONAQUIP SHARES RECENT DEVELOPMENTS

Shonaquip is a leading member organisation that, together with the Uhambo Foundation work to uphold and protect the rights of people with disabilities through policy and needs based practice.

- Sarah Driver-Jowitt will be leaving Shonaquip Social Enterprise at the end of September.
- The Shonaquip Social Enterprise Parent Network has grown. The Impact Team has been strengthened and Shonaquip has grown an online network of over 530 participating parents. If you are interested in joining the parent network, please contact Shonaquip at info@shonaquip.co.za
- Following 7 years of engaging with partners and Ministry of Health in Botswana, Shonaquip has been contracted to run a significant wheelchair outreach service, training and wheelchair provision program which will influence the lives of thousands of children, their families, therapists and community support providers in the region.



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GOALS

To strengthen the national child rights governance system to ensure state-wide prioritisation, action and accountability for ensuring that all children, especially the most vulnerable, receive the nurturing care required to survive, develop to their full potential, be protected and participate in all decisions that affect them.

Specifically, to ensure that the public system of governance through which decisions are made as to the allocation and accountability for use of resources recognises and advances children's rights as a national, rights-based development priority.

OBJECTIVES

To facilitate, coordinate and support evidence-based advocacy by coalition members at global, regional, and national levels for strengthening the national child rights governance system through:

- a. Regular monitoring, documentation, and reporting on the status of the child rights governance system and progress in advancing the rights of children to equality and to develop to their full potential.
- b. Assessment and advocacy for improved compliance of national planning documents, frameworks and institutional arrangements with child rights governance requirements and indicators.
- c. Facilitating coordinated knowledge of, and participation in child rights treaty and development body processes.



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THE SANCRC CONTRIBUTED TO THE UNCRC'S LIST OF ISSUES FOR THE NEXT STATE PARTY REPORT

The [Committee on the Rights of the Child](#) now uses an abbreviated reporting process. Once a country has submitted an initial report, subsequent periodic reports are developed using this abbreviated process. The Committee calls for interested parties, including civil society, to make submissions to assist it develop a short, targeted List of Issues (LOI) that includes issues raised in the previously published Concluding Observations. The State Party is required to respond only to the LOI in its follow-up report.

The SANCRC worked with its member organisations to compile and submit the [coalition's submission](#) in November 2020. The SANCRC mobilised and supported its members to develop submissions raising issues specific to organisations, families and children across the coalition's thematic areas of child rights governance, family support for nurturing care, education and child protection. In addition, a dedicated session was held with children through the Children's Parliamentary processes to support the development of a separate [children's submission](#) to the UN. The thematic and children's submissions were consolidated and submitted to the UN on behalf of the SANCRC.

The Committee published its [List of Issues prior to submission of the combined third to sixth periodic reports of South Africa](#) in March 2021.

Government must report on many of the issues raised in the coalition's submission, including the following measures it has taken to strengthen the national system of child rights governance:

1. Ensure that the development and implementation of national policies affecting children encompass all areas covered by the Convention and are supported by sufficient human, technical and financial resources.
2. Amend the Medium-Term Strategic Framework 2019–2024 to include children as a national priority.
3. Implement the revised NPAC and ensure that the newly established Office on the Rights of the Child has the mandate and adequate resources to fulfil its leadership and coordination role.
4. Incorporate a child rights approach into the State budgeting process.

The LOI includes additional substantive issues raised by the SANCRC under its various thematic priorities, including support for responsive family care, protection from violence and inclusive basic education. These are listed under each of the thematic headings in the remainder of this newsletter.

The SANCRC has, since the start of the year, engaged in collective advocacy for decisive action by government to strengthen its system of child rights governance, including to advance many of the issues raised in the LOI.



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THE SANCRC ADVOCATES FOR THE EFFECTIVE LOCATION AND SYSTEMATISATION OF THE OFFICE ON THE RIGHTS OF THE CHILD

The realisation to the rights of every child to, not only survive, but to develop to their full potential depends on effective state-wide leadership, coordination and accountability for the deliberate use of the country's collective resources by all responsible government and non-government role players.

This requires transformational leadership and coordination of a state-wide child rights planning agenda. It requires that children's inter-dependent rights necessary for their equal and full development be recognised as a national development priority and realised through coordinated multi-sectoral action and accountability by all responsible role players to reduce the proportion of children at risk of poor development.

The country's 4th National Plan of Action (2019 - 2024) commits to establishing an Office on the Rights of the Child (ORC) and supporting institutional arrangements to ensure the required leadership and coordination of the child rights agenda. This is a crucial structure that will be responsible for ensuring that we, as a country, effectively direct our collective national resources to progressively increase the number and proportion of, especially historically marginalised children who develop to their full potential.

Whilst South Africa has established, dissolved, and re-established a number of child rights coordination mechanisms over the past 30 years, none of these have secured the required system of child-centred governance. 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.

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.

Changing the inevitable trajectory requires high level political leadership. It requires the President, Premiers and Mayors to make children's development an explicit national priority to be realised through the adoption of a national child rights governance system by every organ of state.

It requires that children's rights and development be made an explicit priority in the Medium Term Strategic Planning Framework and corresponding

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provincial and local plans and that the plans directly obligate all organs of state to mainstream and account for advancing children's developmentally critical rights.

In addition, it requires that appropriate and effective institutional arrangements be established and integrated across the national governance continuum and supporting machinery in place to drive all other national development priorities. This is a non-negotiable to ensure effective, efficient and impactful child-rights based planning, resourcing, implementation, monitoring and accountability within all organs of state, at all levels and within all branches of government.

The SANCRC Developed a [submission](#) and [press release](#) calling on the President and Premiers at the start of the 2021 administrative year to provide effective leadership and make children's rights a national development priority in 2021 and beyond. We called for, inter alia, the establishment of an Office on the Rights of the Child in the Presidency and the amendment of the Medium-Term Strategic Framework to obligate all organs of state to mainstream child rights planning across the governance continuum.

Since then, we have learned that it is likely that the ORC will be established in the Presidency. Whilst we welcome this move, we are deeply concerned at the proposed location of the ORC in the Department of Women, Youth and Person's With Disabilities, as well as the complete lack of transparency and consultation with CSOs, children and others on the most effective location of this all-important structure.

The SANCRC has therefore developed a further [submission expressing its concerns about the proposed location and associated risks to the effective systematisation and institutionalization of the ORC.](#) as well as the lack of consultation. Our submissions have been sent under cover of letters summarizing our position to the [Presidency](#) as well the [Portfolio Committees on Social Development](#) and the [Women, Youth and Persons with Disabilities.](#)

The SANCRC's submission raises the following concerns with the proposed location of the ORC:

1. The previous Ministry and Department of Women, Children and People with Disabilities that was established and dissolved under the former administration failed to advance and sustain an effective system of child rights governance. The location of children in the newly established Department of Women, Youth and People with Disabilities will simply serve to replicate a failed experiment.
2. There is now ample and growing evidence from comparable lower - and middle-income countries as to what is required to provide effective leadership and coordination of a multi-sectoral national priority such as children's rights. Past and the current decision as to the location,



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mandate, resources and arrangements for effective leadership and coordination of the child rights agenda have not been informed by this evidence.

3. The evidence points to the need for an independent, well-resourced, technically proficient, and sophisticated dedicated office and arrangements that can provide a combination of:
 - a. High level political leadership and authority to ensure government-wide alignment with and accountability for realising the national child rights agenda;
 - b. technical expertise and capacity for effective and strategic child rights planning, resourcing, implementation and monitoring across highly specialised domains, such as child development, education, protection and parenting;
 - c. capacity building for child rights governance;
 - d. advocacy for child rights governance; and
 - e. monitoring, reporting and ongoing improvements in the national response to realising children's developmentally critical rights.
4. This means that the structure must be located within the Presidency and must be adequately mandated and resourced – in terms of infrastructure, human and financial resources – and integrated into the national planning, monitoring and accountability machinery overseen by the Presidency and the Department of Planning, Monitoring and Evaluation.
5. There is no evidence to suggest that the Department of Women meets these requirements. Furthermore, the Department of Women, Youth and Persons with Disabilities has a significant mandate of its own to meet, a mandate that differs fundamentally from the child rights mandate. Adding to an already large responsibility before its existing responsibilities are implemented properly raises the very real risk that children's rights and the governance therefore will be invisible and diluted.

The SANCRC therefore requests:

1. That the responsibility for leadership and coordination of child rights governance not be located in the Department of Women, Youth and Persons with Disability.
2. That an independent Office on the Rights of the Child be established in the Presidency to provide leadership and coordination of the national child rights governance agenda.
3. That an initial, interim structure be established and tasked with developing the institutional architecture of the office based on a thorough review of the evidence of what works, appropriate feasibility studies and meaningful consultation.

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CHILD RIGHTS GOVERNANCE PROGRESS MONITOR

THE SANCRC DRIVES THE DEVELOPMENT OF A CHILD RIGHTS MONITORING, REPORTING AND FOLLOW-UP FRAMEWORK

The SANCRC advocated for, and established, in collaboration with the SAHRC, UNICEF South Africa and the ORC, an inclusive national child rights monitoring, reporting and follow-up (NCRMRFU) steering committee.

We engaged with core partners – UNICEF and the SAHRC – on the need to establish a NCRMRFU framework to fulfil the country's treaty implementation responsibilities through the systematic collection, analysis and use of data to strengthen responses to reduce the proportion of children at risk of poor development in South Africa. We agreed that, whilst there are many monitoring tools covering various children's rights, we do not, as a country have one consolidated high-level framework with a dashboard of appropriate indicators to measure our progress in establishing a national child rights governance system, realisation of core rights, and the impact of our collective measures on improving development, protection and participation outcomes for children, and ultimately measure how we are doing as a country in building our inclusive human capital foundations for sustainable development.

A [**concept note**](#) was developed and data, monitoring and advocacy leaders from across government and non-government were invited to join a national, multi-sectoral task team to establish a shared, national framework.

Representatives from the SANCRC, DSD's ORC, UNICEF South Africa, Stats SA, Parliament, DPME and research institutes responded to the invite and met in early September 2021. There was broad consensus on the following issues.

- a. We agreed to establish a national inclusive Steering Committee to oversee the development of a NCRMRFU framework.
- b. The framework will be made up of a dashboard of high-level indicators cutting across our rights-based development responsibilities and processes for systematic collection, analysis and use of data to inform our planning by all role players for improving outcomes for all children in South Africa.
- c. All role players will use the same framework to collect, analyse and develop their own reports and use the information through their own processes for strengthening state-wide responses.



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CHILD RIGHTS GOVERNANCE PROGRESS MONITOR

THE SANCRC HAS ESTABLISHED A SANCRC WORKING GROUP FOR CSO CHILD RIGHTS MONITORING, REPORTING AND FOLLOW-UP ADVOCACY

Critically important advocacy mechanisms for holding government to account for realising children's rights as a rights-based, sustainable development priority through an effective child rights governance system are international, regional and national reporting processes.

The Government of the Republic of South Africa (GRSA) has ratified several child rights treaties and endorsed the global and regional sustainable development agendas. In so doing, it has committed to take all necessary measures to implement children's rights, with priority given to the most vulnerable, to build the country's human capital to achieve inclusive, sustainable development.

To this end, the GRSA has committed to establish a national system of child rights governance that will secure the necessary leadership, knowledge, capacity, resources, and coordinated action by all responsible role players (both government and non-government) to ensure implementation of children's inter-dependent rights that are essential for their well-being and development.

The GRSA's implementation or governance responsibilities are as follows:

- To establish a national child rights governance system that will ensure state-wide prioritisation and realisation of children's rights.
- The establishment of a national leadership and coordination structure at the highest political level with the required power, mandate and authority to lead, coordinate, support and hold all role players accountable for fulfilling their respective responsibilities.
- The development of a National Plan of Action and the adoption of supporting laws and policies mandating and compelling government-wide action.
- The communication of the responsibilities of all role players, and the development of their capacity to fulfil these.
- The development of programmes of support to provide appropriate combinations of services to address risks and ensure the provision of care children need to develop to their full potential.
- The development of special programmes to equalise the opportunities of historically and emerging groups of vulnerable and marginalised children and families.
- The allocation of adequate, and efficient use of public resources to ensure implementation.



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- The ongoing monitoring, reporting, analysis of blockages, and continuing improvement of implementation and realisation of children's rights to equality and optimal well-being and development.

Government is duty-bound to take regular stock of progress and report:

- To child rights treaty and sustainable development oversight bodies at the level of United Nations and the African Union between every 4 – 5 years.
- Internally to Parliament, the Presidency, and the Department of Planning, Monitoring and Evaluation (DPME) on progress in advancing children's rights and in so doing, build the nation's human capital foundations for rights-based, sustainable development.
- To chapter nine institutions like the South African Human Rights Commission (SAHRC).
- To the courts of the country when called upon to do so through litigation.

These reporting processes are critical elements of an effective child rights governance system. They are a means to an end, and not an end in and of themselves. They must be designed to drive a cycle of ongoing system's strengthening and improved outcomes for children.

To achieve the intended purpose, the monitoring and reporting processes must assess:

- Compliance with all required implementation measures;
- Realisation of all inter-dependent rights; and
- Ultimately improvements or deterioration in the proportion of children who develop to their full potential, especially those at greater risk.

Reporting processes must further identify strengths and challenges and ensure that findings made by oversight structures are routinely integrated into government's annual and medium-term planning cycles to inform ongoing improvements in the system and realisation of children's rights.

The system's strengthening purpose of the reporting process is supported by the publication of concluding observations and recommendations by the treaty or review body after it has received and engaged with the State's report, civil society's shadow reports and reports from other bodies like the SAHRC.

Civil society organisations are crucial role players in the system's strengthening cycle.

CSOs are mandated and required to participate in all processes and platforms to ensure the development, implementation, monitoring, reporting and continuing improvement of government's responses to ensure progressive improvements to secure the rights of all children.

The SANCRC has established a child rights monitoring, reporting and advocacy working group to plan, support and ensure robust and inclusive

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civil society participation in the monitoring, reporting and follow-up advocacy process to ensure that systems are strengthened to realise the rights of all children in South Africa. Our working group is made up of a number of member organisations who will support the development of the national monitoring, reporting and follow-up framework reported on above and support the coalition members use the framework to engage in routine monitoring, analysis, the development of its own reports and advocacy to address identified gaps and challenges. Specifically, the working group will:

1. Support our members understand the accountability structures, platforms, and processes at a national, regional, and global level.
2. Support the development of draft guidelines for members to engage in ongoing monitoring, analysis of data, reporting and presentation of submissions.
3. Review and input into draft reports and submissions.
4. Sign off on coalition submissions and reports.



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SUMMARY OF THE GRSA'S TREATY AND DEVELOPMENT REPORTING RESPONSIBILITIES

The following table provides an overview of Government's main global, regional and national monitoring and reporting responsibilities and due dates for the next reports.

The items marked in red represent reporting deadlines that have already passed. The coalition will communicate with government on its responsibilities, apply pressure for it to submit reports, and collect, analyse and compile reports to share with government, treaty bodies and other structures.

Those in yellow represent imminent opportunities that the coalition make maximum use of and through the timely collection, analysis and compilation of data, reports and recommendations.

INTERNATIONAL / REGIONAL TREATY BODIES		
Opportunity	Process	Dates
Convention on the Rights of the Child	<ol style="list-style-type: none"> 1. Submission of State Party Report 2. Submission of CSO shadow report 3. Written inputs to the State report 4. 93rd Pre-session and children's meeting 5. 92nd session 	<ol style="list-style-type: none"> 1. 15th June 2022 2. 1 September 2022 3. October 2022 January 2023
Optional Protocol on the Involvement of Children in Armed Conflict (CRC-OPAC)	Submission of periodic report	As for the CRC
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (CRC-OPSC)	Submission of periodic report	As for the CRC
ACRWC	Periodic Report	2022
Convention concerning Minimum Age for Admission to Employment. (ILO No. 138)	Periodic report	2022
Worst Forms of Child Labour Convention, 1999 (No. 182)	Periodic	2022



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Opportunity	Process	Dates
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Initial Report	2023
Universal periodic review	Periodic report	2022
Convention on the Rights of Persons with Disabilities (CRPD)	Submission of State Party Periodic Report	2022
UNESCO Convention against Discrimination in Education	Submission of periodic State Party Report	2020
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Periodic report	31 Oct 2023
International Covenant on Civil and Political Rights (ICCPR)	Periodic report	2020 2024
SDGs	South Africa Progress Report	2024
African Peer Review Mechanism / Africa's Agenda 2063 / Agenda for Children 2040	Progress report due	2022



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NATIONAL MONITORING AND REPORTING OPPORTUNITIES		
Opportunity	Process	Dates
Parliamentary question to duty bearers	<ol style="list-style-type: none"> 1. National assembly questions to President 2. National assembly question to cluster 	<ol style="list-style-type: none"> 1. 2 Nov – 10 December 2021
Medium term budget <ol style="list-style-type: none"> 1. Pre-budget public submissions to Treasury 2. Medium term budget policy statement and adjusted budget 	<ol style="list-style-type: none"> 1. Written submissions to Treasury with regards to how ensure national priorities are funded in mid-term budget review 2. Presentation of the MT Budget speech in Parliament 	<ol style="list-style-type: none"> 1. 19 September 2021 2. 2 November <ol style="list-style-type: none"> 1. By end November
NCOP debates on special issues	<ol style="list-style-type: none"> 1. Debate on dealing with abuse and rape and teen pregnancy 2. Ministerial briefing on school drop-out 	<ol style="list-style-type: none"> 1. 11 November 2021 2. 16 November 2021
SONA and SOPA / opening of Parliament	Presentation of SONAs and SOPAs	Mid-January 2022 – opening of Parliament
National and provincial budget statements and division of revenue bills	Presentation of budget policy and national budget and provincial budgets	Mid-February 2022
Review of 2022 APPs and departmental budgets	Portfolio committees review and debate Ministerial / Departmental Annual Performance Plans and budgets	1st quarter 2022
Parliamentary Portfolio Committees review of sectoral progress	Portfolio and select committee reviews of progress on Annual Performance Plans	2nd and 3rd quarter



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THE SANCRC DEMANDS TRANSFORMATION OF THE BUDGETING PROCESS TO GUARANTEE CHILDREN'S RIGHTS

The SANCRC has engaged in ongoing advocacy to ensure deliberate and strategic child rights budgeting at all levels of government.

The SANCRC made a [Submission to Parliament on the 2020 MTBPS and 2020 Second Adjustments Appropriation Bill](#). The 2020 mini-budget represented a critical advocacy opportunity to highlight the importance of child-rights budgeting in our rapidly deteriorating national fiscal context. Pre-COVID, South Africa faced an accumulation of factors, including corruption, looming recessions and weak administration of funds across the different levels of government that adversely affected the availability, allocation, use and accountability for funding of support for children's nurturing care and development. COVID-19 deepened the deficits alongside a growing need for financial support from families, businesses and communities who experienced severe financial hardships as a result of the protracted lockdown.

Government-wide child-centred, or at the least, deliberate child-sensitive budgeting is a legal and developmental imperative for which government is responsible and must account. It is however one of the weakest areas of our child rights governance system. Almost all concluding observations published by the AU and UN treaty bodies over the past decade have highlighted the inadequacy of South Africa's budgeting processes. Despite these observations, and even though the ever-increasing funds allocated to social spending have seen ever-reducing returns for children, there has been little, if any, transformation in the national, provincial and local budgeting processes and priorities to ensure government-wide implementation of its responsibilities to enable nurturing care. This is one of the fundamental reasons for the ever-increasing proportion of, especially vulnerable children, at risk of poor development outcomes.

The SANCRC has made a crucially important submission to the Appropriations Committee on the Medium-Term Budget Policy Statement (MTBPS) 2020 and 2020 Second Adjustments Appropriation Bill highlighting the responsibility of government to allocate and ensure the use of adequate resources to realise children's rights protected by the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC).

South Africa has ratified the CRC and the ACRWC, has endorsed the Sustainable Development Goals, and was a driver of Africa's Agenda 2063, all of which commit the GRSA to ensure the adequate allocation and use of its financial resources to realise children's protected rights to survive, be protected, develop and participate.

Ratification of these treaties attracts an explicit suite of responsibilities when it comes to public budgeting as set out in detail in the [United Nation's General](#)



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Comment 19 (2016) on Public Budgeting for the Realisation of Children's Rights. These include the duty to:

1. Prioritise the realisation of children's rights in all budgeting decisions.
2. Take all children's rights into consideration throughout all stages of their budget processes and administrative systems at the national and subnational levels.
3. Allocate adequate resources to ensure the implementation of all policies and programmes necessary to secure the rights of all children.
4. Invest in national programmes and services that will support families, caregivers and communities provide the nurturing care and protection children need, not just to survive, but develop to their full potential.

General Comment 19 reiterates that the duty to prioritise children in the budget is not only a legal duty, but an absolute development imperative. It is only if children's rights are realised, notably for children in historically and chronically marginalised households, that there is any meaningful prospect of building the human capital required to achieve the country's goals of eradicating poverty and inequality to secure inclusive sustainable development.

In light of these duties, the SANCRC raised the following points:

1. We recognised and appreciated the resources that were allocated through the COVID 19 response and in the Medium-Term Budget policy statement that benefited children, including the following:
 - a. Improvements in the supply of electricity
 - b. Infrastructure development at local levels
 - c. Increased investments in the Social Housing Programme through subsidies in the amount of R 2.2 billion for poor families
 - d. Children in low income families will benefit from the tax deductions their working caregivers can make against provident fund contributions
 - e. The extension of the Social Relief of Distress Grant to end January 2021
 - f. An additional R 1 billion to be allocated to food aid to address the hunger crises in South Africa.
 - g. Significant investments in increasing job opportunities for young teaching assistants in public fee-paying schools and government-subsidised private schools
 - h. The R 600 million rand allocated for the employment of early childhood development and social workers.



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2. We however expressed concern about the following deficits and challenges in the medium-term budget and the resulting implications:
 - a. The reduction of provincial equitable shares by 4% over the next 3 years, alongside the historical provincial inequities and inefficiencies. This is likely to impact negatively on the provision of critical services for the realisation of children's rights, notably in the poorer provinces where the need is so much higher.
 - b. The reductions in the provincial equitable shares are especially worrying when viewed against the decline, in real terms, in the budgets annually for the next 3 years for education (3,5%), health (1,5%), and social development (2,2%). The combination is likely to see a contraction in availability and quality of these key services.
 - c. Historically there has been inadequate allocations to promotive and preventative services for children.
 - d. Material support for caregivers is a proven developmental intervention. In this regard, the temporary increases in the child support and other grants during COVID 19 were welcomed. However, we are concerned that this was a temporary measure and inadequate in the context of extremely high levels of unemployment.
 - e. The trend of increasing allocations in high-intensity statutory services to provide therapeutic, responsive services once children are already in trouble continues.
 - f. Increased investments in human resources without improving other elements of the protection system. It is well-known that social development services cannot be provided to children in need because of, not just too few social workers, but inadequate infrastructure to enable them to do their work, and systems to enable planning, identification and provision of services to vulnerable children. There is an urgent need to invest in strengthening the whole system, not just parts of it.
 - g. Securing system's strengthening investments, the prioritisation of children, and improved equity across provincial and local planning and budgeting requires strong national leadership and coordination of the child rights agenda. In this regard we welcomed the National Plan of Action for Children and the establishment of the Office on the Rights of the Child (ORC). However, we expressed concerns about the small budget allocated to the ORC to fulfil its central rights-based development mandate. The ORC budget is much smaller than the budget allocated for institutions supporting other vulnerable groups, such as women and people with disabilities.



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Our key conclusions and recommendations were:

- To urge the committee to consider these crucial gaps that are fatal to South Africa's recovery and long-term development, and urge that measures be put in place to secure the prioritisation of developmental budgeting for the realisation of the rights of children.
- In this regard, we welcomed the introduction of Zero-Based Budgeting in 2021 – 2023. It raises several significant risks – but also opportunities if the risks are managed. It offers a significant opportunity for correcting past imbalances and inequities and for putting in place a strategic programme of action for securing environments for the provision of nurturing care and protection for vulnerable children in South Africa. The evidence is overwhelming – investments in children's survival, development, protection, and participation is essential for the recovery and sustainable growth of the country. Zero Based Budgeting offers an opportunity for the prioritisation of and securing these investments in the current context of fiscal constraints and competing priorities. However, realising this opportunity will require significant leadership and skill in translating the evidence into well-structured, evidence-based, motivated and costed promotive programmes. If we do not have this leadership and skill, Zero Based Budgeting could see significant reductions in strategic, promotive child rights programme funding.
- It is of the utmost urgency that children's rights programmes proven to expedite children's well-being and the long-term health and wealth of the country be adequately funded. These include programmes for:
 1. Child nutrition -especially the prevention of stunting.
 2. Health care – not just for survival, but development of children in their earliest years.
 3. Programmes to support responsive, quality nurturing parenting.
 4. Quality early learning from birth and continuing across the life cycle of the child.
 5. Protection services that prevent risks through strong, protective families and communities.
- Critically, we must see increased investments in system's strengthening initiatives. We cannot see piecemeal improvements in only parts of the system – as this will erode the evidence base for increased child budgeting. This in turn requires increased investments in strengthened child rights leadership and technical capacity ahead of the introduction of Zero Based Budgeting to maximise the opportunity it represents to increase investments in children's rights.



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The SANCRC made a submission to National Treasury on system's strengthening measures to secure children's rights through child-sensitive budgeting.

In September 2021, the National Treasury called for written submissions from civil society as part of its pre-budget consultations. The call asked two questions:

1. What improvements can be made to the Budget to deal with the challenge of long[1]term fiscal sustainability?
2. In light of limited resources, how should South Africa finance key priorities?

The SANCRC lodged its [written submission on a strategic and coherent fiscal policy](#) that will continue to grow human capital for sustainable, inclusive development on 17 September 2021. The SANCRC was asked, as one of 8 organisations, to participate in a day of dialogue and make an oral submission. The opportunity was gladly accepted and used to emphasise the need for structural reform of the budgeting process to become an integral and supportive building block of the child rights governance system.



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CHILD RIGHTS GOVERNANCE NEW RESEARCH & DEVELOPMENTS

ACPF PUBLISHES A FRAMEWORK FOR MONITORING CHILD RIGHTS

The African Child Policy forum recently published a [Framework for Monitoring Child rights Implementation at a National Level \(2021\)](#). The document provides a useful overview of governments' child rights treaty implementation responsibilities and guidance on how these can be monitored and the information used to hold governments accountable for strengthening their systems.

PMG PUBLISHES ARTICLE ON EFFECTIVE EXECUTIVE ACCOUNTABILITY

The Parliamentary Monitoring Group (PMG) has published a [very useful report](#) on how effective Parliament question and answer procedures in South Africa are in ensuring oversight of the Executive's fulfilment of its treaty, constitutional and development responsibilities.



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CHILD RIGHTS GOVERNANCE NEW LAWS & POLICIES AFFECTING OUR PRIORITY

THE UN COMMITTEE ON THE RIGHTS OF THE CHILD COMMITS TO A GENERAL COMMENT ON CLIMATE CHANGE

The United Nations Committee on the Rights of the Child resolved to prepare its next General Comment under a working title “Children’s rights and the environment with a special focus on climate change”.

Over the coming months the Committee will consult with States, outside experts, interested parties, and especially hundreds of children to produce its General Comment No 26 on children’s rights and the environment with a special focus on climate change. This General Comment will provide authoritative guidance to the governments of the 196 countries that have ratified the Convention on the Rights of the Child. In addition, it will serve as an impetus for global-level change and as a powerful tool for children and young people as well as their advocates to hold governments and other relevant actors accountable.

Click here for more information: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27139&LangID=E>



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CHILD RIGHTS GOVERNANCE ADVOCACY OPPORTUNITIES

STATE-PARTY REPORT DUE TO THE AU ON THE ACRWC

The Department of Social Development is currently preparing its periodic report on implementation of the ACRWC. Civil society will have the opportunity to develop a shadow report. The SANCRC will facilitate consultations and develop a collective shadow report. We will keep you posted on relevant dates and procedures once the State party report is available for engagement.

MINI-BUDGET

The national mid-term budget policy statement and budget will be delivered by the Minister of Finance in mid-October 2021. This provides a further opportunity for the coalition and its members to advocate for structural budgetary reforms for the effective and efficient funding of equitable support for nurturing care.



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CHILD RIGHTS GOVERNANCE NEWS FROM OUR MEMBERS

SHONAQUIP ADVOCATES FOR BUDGETING FOR CHILDREN WITH DISABILITIES

One of our members, Shonaquip, also made a [written submission to National Treasury](#) as part of its pre-budget consultations in September 2021. The well-written submission was shared with and endorsed by many of our members. Shonaquip was also offered the opportunity to make an oral submission on 21 September 2021 to raise critical concerns about ensuring adequate and effective funding for ensuring the rights of children with disabilities.



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FAMILY SUPPORT FOR NURTURING CARE

GOAL

To strengthen the system of integrated and comprehensive support provided to parents, families, and caregivers to enable their provision of nurturing care to secure the development of children in their care to their full potential.

OBJECTIVES

1. To strengthen government-wide operationalisation of the National Child Care and Protection Policy and the National Integrated ECD Policy.
2. Strengthen the enabling legal framework to provide nurturing care to promote children's development and prevent abuse and poor development outcomes.
3. Strengthen the sustained availability of and equitable access to essential programmes to enable the provision of nurturing care, including:
 - a. Health and nutrition for development and prevention of disability and stunting; and
 - b. Parenting support for responsive caregiving.
4. Strengthen human resources capacity for child-centered developmental planning, provisioning, resourcing, monitoring, and system's strengthening.
5. Increased allocation of public resources to support implementation of a package of promotive and preventative support services for enabling nurturing care.
6. Strengthen information management and monitoring systems to ensure:
 - a. The identification of families and children at risk and their referral for support
 - b. The monitoring and reporting of family / caregiver access to the package of support required to enable nurturing care and children's access to all nurturing care domains
 - c. The dissemination and use of data by all role players to improve planning and provisioning for support for nurturing care.



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FAMILY SUPPORT FOR NURTURING CARE PROGRESS MONITOR

FAMILY SUPPORT FOR NURTURING CARE HAS BEEN PROFILED ACROSS ALL ADVOCACY PRODUCTS

Family support for nurturing care is central to transforming society. It is only through extended, sustained, comprehensive family support to enable parents and caregivers understand and provide children with nurturing care that we will see a meaningful reduction in the proportion of children at risk of poor development.

The SANCRC has, in every submission and engagement, whether to Parliament, the Presidency, Treasury or the media, highlighted the need to shift towards a pro-active system of family support that addresses, not only income poverty, but equally so, strengthens capacity for responsive caregiving to build South Africa's human capital.



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FAMILY SUPPORT FOR NURTURING CARE PROGRESS MONITOR

FAMILY SUPPORT FOR RESPONSIVE CARE PROFILED IN THE SANCRC'S SUBMISSION TO THE UN

The issue of pro-active, comprehensive family support as the bedrock of children's and national development was a key feature of the [SANCRC's submission to the UN](#) and several pertinent questions were raised for inclusion in the LOI that government should report on.

The submission noted government's National Child Care and Protection Policy (NCCPP) (2019) adopts a developmental approach and requires the state to promote children's care and development through the provision of an appropriate package of support to enable parents, families and caregivers to provide their children with the nurturing care and protection they need. However, implementation of the policy commitments has been frustrated by a number of factors, including the following:

1. Families in South Africa face multiple adversities and require a combination of support and services to overcome these. These are often not provided in the appropriate combinations to meet the needs of families and children in different contexts. This is largely because of the lack of an inadequate system for identification of families and children at risk and mechanisms for assessing their needs and ensuring the appropriate package is provided. This challenge is aggravated by the persistent siloed approach within government to the planning and provision of family support for nurturing care.
2. Whilst some of the services are available, many are not accessible to the most vulnerable children, or where they are accessible, the quality of public services provided is much poorer for vulnerable children.
3. Critical services and support to secure the provision of nurturing care and protection are not available at scale, and are not available to meet the needs of especially vulnerable groups. Notable in this regard is the lack of a national, sustained programme of family and parental/caregiver support to provide responsive caregiving, and the lack of specialised family support programmes tailored to meet the needs of families caring for children with disabilities, children with substance abuse problems, children with behavioural problems, and children of teen parents.
4. South Africa is unique in that it has very high numbers of children that live with kin – that is extended family members rather than their biological parents. This has created an enormous challenge for the system. The large number of kinship care families has placed an enormous burden on social workers, courts and related service providers, crowding out children really in need of statutory protection. In addition, the majority of kinship carers are also not able to access the system and have been left without adequate support. The National Child Care and Protection Policy and Social Assistance Act make provision



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for addressing this problem, but it remains unclear when they will be operationalised and the Children's Act must be amended to align with the revised policies.

5. Adoption is a key mechanism for securing alternative family care for children in need of care and protection. The Children's Act (38 of 2005) and the Adoption Policy Framework and Strategy (DSD, 2010a) prioritises adoptions as a preferred form of permanent alternative care. However, adoption numbers remain relatively low when compared to other forms of alternative care and sadly the numbers show a consistent decline. Current proposed amendments to the Children's Act are set to aggravate the situation and make adoption more costly, administratively onerous and serve to further deter adoption as a viable family-based alternative.
6. Despite the policy recognition of family care as the preferred option and institutional care as only a measure of last resort, in practice policy makers and practitioners continue to adopt institutional-centric thinking and practices. The challenges driving this problem include the absence of a clear and explicit deinstitutionalization policy, the inadequate developmentally-oriented training of social workers, and the lack of accurate and updated data on the number of children in alternative care settings, including institutions.
7. Unfortunately, the quality of care provided in many child and youth care centres, notably those run by government, is inadequate to ensure children receive the nurturing care and protection they require.
8. Once placed in institutional care, the lack of universal and quality parenting and family support programmes makes it difficult to place children back in safe and nurturing families.

The SANCRC posed the following questions for inclusion in the LOI against which government must report:

1. What measures have been taken to strengthen the national system of developmentally-focused family support to identify and provide all families caring for children at risk with an appropriate combination of supportive services to enable the provision of nurturing care?
2. What measures are in place to improve access to support for vulnerable families to access quality developmentally essential services, such as families and children in rural areas, children with disabilities, foreign migrant and unaccompanied children, and others?
3. What measures are in place to develop and implement a population scale programme of parenting and family support for responsive caregiving for all families, and for additionally vulnerable families



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including teen parents, parents of children with disabilities, children with behavioural difficulties, families whose children have been removed and placed in alternative care?

4. What measures have been taken to implement the policy and legislative provisions to strengthen family support for kinship carers?
5. What is the plan and process for addressing the challenges preventing adoptions?
6. Please advise on plans to adopt and pursue an explicit policy of deinstitutionalisation supported by appropriate family support programmes and human resources development?
7. What measures are being taken to improve the availability and quality of alternative care settings to ensure they provide nurturing care and protection?
8. What measures are being taken to improve information management systems to enable accurate monitoring and planning for the provision of nurturing care for children in need of alternative care?



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THE SANCRC MADE A SUBMISSION TO THE UN ON CHILDREN'S RIGHTS AND ALTERNATIVE CARE

In July 2021, the SANCRC made a [submission to the UN for consideration during the Day of General Discussion on children's rights and alternative care](#) highlighting issues, causes and recommendations for strengthening systems to:

- Prevent the unlawful and unnecessary removal of children from families because they lack the means to provide the nurturing care and protection children need to realise their rights;
- ensure families receive adequate support to enable them to provide children with the nurturing care across their life course;
- ensure, where removal into alternative care is necessary, that children are lawfully removed and placed in the most appropriate, family-like setting for the shortest possible time and receive nurturing care and protection;
- ensure that all alternative care providers are supported, enabled and monitored for providing quality nurturing care and protection of children in their care.

[General Comment Number 5 \(2003\) on the General Measures of Implementation](#) and the 2010 [UN Guidelines for the Alternative Care of Children](#) require the State to develop an effective, developmental child-care and protection **system** that:

1. Recognises and protects the right of every child to receive the family / parental care required to ensure their survival, protection, development to their full potential and participation in decisions that affect them;
2. ensures the identification of vulnerable families and children at risk, a mechanism for assessing underlying causes, and ensuring they all receive the material and other forms of parenting support required to address the risks so that children remain with their families and receive the nurturing care and protection required;
3. ensures that children whose families are absent or unwilling to care for them are placed in the most appropriate form of alternative care for the shortest time possible, as a temporary measure until reunification with their family or permanent placement with a family is possible after an inquiry and court order;
4. ensures that all alternative care settings are registered, provide and are supported and monitored to provide quality nurturing care and protection in a family-like setting appropriate to the child's age and needs, so as to ensure they develop to their full potential;
5. ensures that non-family-like institutional settings are progressively replaced with long term family care alternatives;



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6. ensures effective family reunification, reintegration, and after-care support and /or systems to ensure the child is permanently placed in a family-based care setting such as adoption, long-term foster care, formal kinship care, or guardianship where there is no parental care.

South Africa has taken several legal measures to give effect to its international implementation responsibilities. However, a significant gap remains between policy commitments and the reality on the ground.

In this light, the SANCRC recommended that the Committee:

1. Consider the development of clear and unambiguous guidelines (General Comment) on the system's strengthening measures across all 7 systemic building blocks that must be taken by State Parties to fulfil their implementation responsibilities to:
 - a. Strengthen families to enable the provision of nurturing care and protection;
 - b. protect children from unnecessary alternative care;
 - c. increase the availability, accessibility, and use of family and community-based alternative care options, including foster care, kinship care and adoption;
 - d. where necessary ensure all children in alternative care are placed in family-based or family-like settings where they will receive the nurturing care and protection they are entitled and would ordinarily receive from their parents.
2. Provide clear definitions on core, undefined critical terms and concepts such as family-like and family-based care, and institutions.
3. Develop clear guidelines for progressive national deinstitutionalization strategies that secure the best interests of children and ensure the identification, provision of support and oversight of all alternative care providers to secure the progressive establishment of family-based, and family-like alternative care settings that provide all children with nurturing care and protection.
4. Institutionalize monitoring, reporting and follow-up on the specified guidelines through treaty reporting guidelines and regular visits and progress reports by a special rapporteur on family strengthening and progressive deinstitutionalization.
5. Appoint a dedicated special rapporteur on the subject of family support, alternative care and deinstitutionalization.



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UNICEF PUBLISHES THE CHILD NUTRITION REPORT, 2021 – FED TO FAIL?

UNICEF has published a critically [important report](#) that puts the spotlight on the link between child nutrition and development. It identifies poor nutrition as a one of the “greatest obstacles to ensure children not only survive but thrive.” The report provides a comprehensive review of children’s diets. It concludes that, globally, the failure to ensure children’s optimal nutrition, especially in the earliest years, is resulting in the failure of children’s rights and eroding human capital foundations. The challenge lies in their diets, the inability of families and parents to provide the required nutrition, and the failure of governments to provide the required family and caregiver support to secure the right to nutrition and development.



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CHILD PROTECTION

GOAL

Every child in SA, documented or undocumented including children with disabilities, is protected from all forms of violence.

This requires that South Africa adopts and implements an effective developmental child care and protection system that addresses the challenges that impact on the ability of families to care for and protect children, as well as ensure the protection and reintegration of children who fall victim to violence.

Therefore, the goal of is to strengthen the systematisation, and in so doing, the implementation of the developmental child care and protection system provided for in the National Child Care and Protection Policy.

OBJECTIVES

1. Strengthen the systemic implementation of the Child Care and Protection Policy to ensure availability and access to quality services to protect all children from violence.
2. Secure increased human and financial resources to secure promotive and preventative services, reduce the need for statutory protection services and ensure quality statutory services are available to all who need them.



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CHILD PROTECTION PROGRESS MONITOR

THE PROTECTION OF CHILDREN FROM ALL FORMS OF VIOLENCE PROFILED IN THE SANCRC'S SUBMISSION TO THE UN

The issue of more robust and effective responses to protect all children from violence and abuse was profiled in the [SANCRC's submission to the UN](#) and several pertinent questions were raised for inclusion in the LOI that government should report on.

The submission noted South Africa has and continues to battle very high levels of violence, abuse and neglect of children. This is a significant challenge as it impacts, not just on the right to protection, but children's survival, development and their participation.

Home and school environments present significant risks. It is in these environments, where they are meant to be protected and nurtured, that children regularly experience corporal punishment, cruel and humiliating forms of punishment, emotional and verbal abuse and neglect, and bullying. More than half of parents in South Africa regularly use corporal punishment or smacking their children, and 33 per cent report using a belt or other object when administering punishment. It is not just corporal punishment that is pervasive in homes: 84 per cent of child rapes are perpetrated by relatives, friends, acquaintances and neighbours.

The causes of violence are now well-documented. They are structural and systemic, and in most cases violence and abuse is completely preventable through the provision of a package of support as defined in the WHO's INSPIRE Framework. This includes legal protection including the prohibition of corporal punishment and the criminalisation of all forms of abuse as prescribed by the CRC and Optional protocols, education and behaviour change interventions to support the laws, material support, access to services, parenting education and support and access to responsive services where children fall through the safety net. The focus and the bulk of the country's resources should be directed towards prevention. This is more effective and efficient in reducing violence and as such reducing the need for expensive formal statutory protective services.

The challenge in South Africa is that there has, and continues to be inadequate investments in the prevention of violence through appropriate laws and multi-sectoral programmes aligned to the INSPIRE framework.

Our submission raised the following questions for inclusion in the LOI.

1. What measures have been taken and what progress has been made in adopting legislation prohibiting corporal punishment in the home and the development and adoption of complementary education and behaviour changes strategies?



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2. What are government's plans for developing and rolling out at the required scale, a comprehensive prevention programme aligned to the INSPIRE framework?
3. Has a programme been developed and costed? Will the prevention programme be adequately resourced, and if so, what is the envisaged time frame for full resourcing of the package?
4. Please explain how issues pertaining to violence against children are going to be implemented under the existing framework of the NSP and GBV Council?
5. What measures are being taken to strengthen the statutory protection system, including:
 - a. Improved availability of services in under-resourced areas
 - b. Increased human resources
 - c. Increase equipment and infrastructure such as cars, computers
 - d. Information management, including the digitisation of the case management system?
6. What measures have been taken to address the growing risk of online sexual and commercial exploitation and abuse of children?



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CHILD PROTECTION NEWS FROM OUR MEMBERS

REPSSI INVITES ALL MEMBERS TO REGISTER AND PARTICIPATE IN THE 2021 PSS FORUM

REPSSI has extended an invitation to all interested members and friends of the coalition to register and participate in the 2021 Regional PSS Forum and South Africa PSS Forum that will take place from 13 – 15 October. It will take a hybrid in-person and remote form. The forum objectives are to:

- To create dialogue that will lead to the development of innovations and integration in programmes that promote the mental health and psychosocial wellbeing, or thriving, of girls, boys and youth in Africa.
- To highlight MHPSS as an integral part of the humanitarian response in emergency situations and humanitarian aid as well as development programmes.
- To improve the quality and increase the capacity of MHPSS practitioners in the development and humanitarian sectors.
- To promote learning and dissemination of knowledge in the MHPSS field.
- To facilitate research collaboration, learning communities and communities of practice across disciplines, sectors, and initiatives to promote resilience in girls, boys, youth, families and communities.
- To influence policy formulation and implementation to promote mental health and psychosocial wellbeing of children and youth.
- To provide a platform for children and youth to share their experiences and innovations to develop solutions which facilitate thriving.

For further information, please click here: <https://repssi.org/events/>



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INCLUSIVE, BASIC EDUCATION

GOAL

Inclusive basic education from birth until the completion of formal basic education is a non-negotiable for ensuring the rights of children to survive, develop to their full potential, be protected, and participate. As such it is a foundational building block of a rights-based developmental child-care and protection system – and a foundational building block of the coalition's vision and goal.

The failure to realise the rights of all children to inclusive basic education sustains the patterns of inter-generational poverty and inequality that impede inclusive and equitable child and national development. Children living in poverty, in under-serviced rural and peri-urban areas, the youngest children aged 0-2, children with developmental delays and disabilities, ill children, children involved in child labour, teen parents and other vulnerable groups experience chronic educational exclusion.

The goal of this thematic area is therefore to eliminate educational exclusions and inequalities that drive intergenerational poverty and inequality by strengthening the enabling policy and legislative framework.

OBJECTIVES

1. To strengthen the enabling policy and legislative framework for a coherent, coordinated well-resourced single inclusive basic education system.
2. To advocate for the development and adoption of a national inclusive basic education policy and supporting laws – to replace White Paper 6 and consolidate the multiple policies in places.
3. To advocate for the development and adoption of a robust inclusive early education policy and law.



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INCLUSIVE, BASIC EDUCATION PROGRESS MONITOR

THE RIGHT TO INCLUSIVE EDUCATION FROM BIRTH PROFILED IN THE SANCR'S SUBMISSION TO THE UN

The right to inclusive education from birth was profiled in the [SANCR's submission to the UN](#) and several pertinent questions were raised for inclusion in the LOI that government should report on. The submission included extensive inputs made by core education members, including the Equal Education Law Centre. The word limits imposed by the UN meant that we had to summarise the rich and critically important submissions made. We were however able to attach the [full submission developed by the Equal Education Law Centre](#) as an annexure to the main report.

The overriding concern raised in our submission was that until South Africa addresses educational disparities, it will not see a reduction in the proportion of children who develop to their full potential.

The members of the SANCR are concerned that many of the recommendations made by the Committee to address this problem have not been addressed. The coalition highlighted the following problems and challenges:

1. The Ministry of Education framed an overarching policy response to address the educational exclusion of its most vulnerable children as far back as 2001 when it adopted Education White Paper 6: Special Needs Education ("**White Paper 6**"). White Paper 6 established a 20-year inclusive education policy framework that was meant to ensure access to quality education for all children, notably the most vulnerable who had been and continued to be excluded because of their race, class, gender, disability, religion, culture, sexual preference, learning styles and language. The White Paper sought to ensure that all ordinary public schools were supported and able to respond to the needs of all learners, including those requiring extra support because of learning or physical disability, social disadvantage, cultural difference or other barriers to learning. In addition, it made provision for establishing enough, adequately resourced special schools for learners with severe disabilities.
2. In addition, the White Paper was supported by a number of pro-poor policies such as the no-fee school policy for schools in the poorest quintiles and school fee exemptions for poor learners attending schools in wealthier areas, the school nutrition programme, an increased per learner allocation in no-fee schools and ring-fenced funding for addressing infrastructure backlogs for basic services and safe buildings in schools in the poorest provinces.
3. The Department of Basic Education has also universalised one year of pre-school (Grade R) to improve the school readiness of many children who had not benefited from quality early child development.



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Despite the many measures in place, South Africa has not made significant progress in addressing educational inequalities and exclusions across historical fault lines. Thus it is still the case that the majority of poor, Black African children, children in rural areas in the former homelands and children with disabilities do not receive quality education. Many girls from these vulnerable groupings continue to be at risk of pregnancy and dropping out of school, and the poor quality of Grade R means that the large numbers of young children that do not access quality early development before Grade R are not any better prepared for formal schooling. Indeed, studies have shown that the quality is so poor as to deepen inequalities.

The inequalities have deepened in the context of COVID 19. The social, economic, and political context has deteriorated significantly as a result of the measures taken by government to contain its spread. It is estimated that children have lost 40% of the academic year, and that it will take until 2031 to return to our pre-pandemic learning trend.

The key concerns listed point to a failure on the part of the Government of the Republic of South Africa (GRSA) to act effectively on the recommendations in the Committee's 2016 concluding observations:

1. Inclusivity as envisaged in White Paper 6 and supporting strategies has not been realised for marginalised children, and especially children with disabilities. Many children with disabilities are excluded from school, and despite the commitment to reasonable accommodation, many children continue to be placed in special schools rather than included in schools that are adequately supported to fulfil their right to education.

In 2015, Human Rights Watch reported that children with disabilities continue to face enormous challenges when accessing education, including discrimination, when accessing all types of public schools. In 2019, Human Rights Watch also reported that an estimated 600 000 children with disabilities were not attending any type of school in South Africa, but that accurate government data on this did not exist.

The reasons for this include the fact that the White Paper has never been comprehensively regulated through binding legislation and this has resulted in the inadequate resourcing and provisioning of inclusive education, with limited, if any accountability. In addition, White Paper 6 is now outdated and needs to be revised.

In addition, the pro-poor policies applicable to ordinary public schools do not include children with disabilities. Poverty and school fees remain a major barrier to access to education for children with disabilities. The existing legal framework on inclusive education in South Africa does not make provision for free education for learners attending special schools.

2. Poverty remains one of the biggest barriers to education and the no-fee and fee exemption policies as well as the per-learner funding threshold



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are not adequately resourced or implemented to overcome this barrier.

No fee schools are not permitted to charge fees but they may raise additional funds through voluntary contributions. There are ongoing reports of parents and guardians being forced to pay donations in spite of this being prohibited.

A judgment handed down in 2017 permitting a single parent to apply for a partial or full fee exemption, even in the case of the other parent failing or refusing to provide their particulars ("**Saffer judgment**") was an important victory for single parents, however the regulations relating to the exemption of parents from payment of school fees in public schools have yet to be amended to implement this ruling.

The South African government has determined that schools are funded at nationally determined per learner amounts, which must be paid by provincial departments of education. In a recent meeting of the Portfolio Committee of Basic Education, the Financial and Fiscal Commission noted that various provincial departments of education have been funding schools below the nationally determined per learner amount since 2014.

3. Infrastructure backlogs have not been adequately dealt with and large numbers of children continue to attend unsafe and unhygienic schools that do not provide an enabling teaching and learning environment.

Despite clear deadlines in the Infrastructure Norms and Standards, the National Education Infrastructure Management System ("NEIMS") report reveals that there remain a number of schools with pit latrines and with an unreliable water supply. In the latest NEIMS report, there are still 3164 schools across South Africa with pit latrines as their only form of sanitation.

A lack of capacity in provincial departments of education has resulted in a reliance on implementing agents, that in many instances, have failed to deliver construction projects as planned. Poor data collection which often results in poor planning across national and provincial education departments has also had a bearing on the provision of school infrastructure.

Concerningly, we have seen a decrease in the national Department of Basic Education's ("DBE") budget, which has resulted in cuts to school infrastructure grants, amongst other things. While government has adopted austerity measures and reduced social spending, a partial reason for reductions to education budgets relates to the inability of education departments to spend their funding efficiently and effectively. Often, particularly with some infrastructure grants, money has been returned to National Treasury because it was not spent.

4. Lack of transport for children living far from schools remains a key barrier despite the adoption of a scholar transport policy in 2015. There



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are ongoing concerns regarding the lack of stakeholder co-operation between the provincial departments of education and transport and the failure to allocate roles and responsibilities to national and provincial departments of education and transport. A failure of government departments to cooperate, a lack of dedicated funding and a lack of accurate data on the extent of the need for scholar transport is impacting on the extent to which learners who require transport are able to access it. A lack of scholar transport affects learner attendance at school and places their safety at risk, which affects learners' ability to realise their right to education. The national Learner Transport Policy contains significant gaps which have hampered the effectiveness of the policy.

5. Inadequate access to early childhood development and education is a major driver of the perpetuation of educational inequalities. The majority of children in South Africa do not have access to quality early childhood development (ECD) services. Currently, 3.2 million children are not accessing any ECD programmes and only 626 574 or 25% of the children who need it are obtaining subsidised learning. Of the children who are able to access some form of ECD programme, 2.9 million children are in unregistered programmes, which fall outside the regulatory net.

The reasons for this are many and the current regulatory framework (in particular, the Children's Act, 2005) has failed to address, but rather aggravated inequalities. It does not create an enabling environment to ensure equal access to quality early childhood education.

Amongst other things, the Act:

- Fails to enable implementation of the National ECD Policy.
- Imposes a complicated dual registration process on ECD programmes and partial care facilities.
- Does not recognise the need for different types of ECD programme provisioning.
- Requires compliance with excessively burdensome and unattainable requirements, making registration and access to funding almost impossible.

The proposed amendments to the Children's Act introduced through the Children's Amendment Bill in 2020 fail to address core challenges facing the ECD sector, and in some cases, exacerbate existing challenges.

6. Teen pregnancies remain a key barrier to education. Findings presented during a recent meeting of the Portfolio Committee on Basic Education, cite teenage pregnancy as one of the contributing factors for school drop-out. There are ongoing reports of pregnant learners being excluded from school due to inconsistent school policies.

The draft National Policy on the Prevention and Management of Learner Pregnancy in Schools was developed to address this issue. It



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was published for public comment in 2018 (“draft policy”). There are concerns that the draft policy does not provide sufficient information to facilitate effective implementation. However, a final policy has still not been published and it is unclear to what extent the issues raised will be addressed in the final policy.

7. There are ongoing reports of learners being subjected to degrading and inhumane forms of punishment in schools despite the fact that corporal punishment is a criminal offence in terms of the South African Schools Act, 84 of 1996. Despite the publication of the Protocol to Deal with Instances of Corporal Punishment in Schools, there has been inadequate monitoring of implementation of the protocol.
8. The increasing involvement of private or non-state actors in the ownership and management of schools has brought with it a range of concerns relating to equity, access, quality and equality in education in South Africa. In its work, the EELC frequently assists clients in situations where independent schools withhold reports, refuse to provide transfer documents, or expel learners for the non-payment of fees.

Poor regulation of private involvement in education results in failure to ensure adequate standards are implemented in schools owned and managed by private actors.

In October 2018, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) recommended that South Africa intensify its efforts to improve the existing regulatory framework to define the roles and responsibilities of private sector actors and its efforts to monitor the education provided by such actors.

Our submission raised the following questions for inclusion in the LOI.

Children with disabilities

1. What are the GRSA's plans to review White Paper 6 and develop and adopt binding legislation (through an Inclusive Education Act, for example) to enable an adequately resourced and equitable system of inclusive education?
2. What measures have been taken to develop and adopt binding norms and standards for resourcing inclusive education?
3. What timelines and indicators for implementation will be put in place?
4. What measures are planned to ensure equity in allocation and use of resources to fund inclusive education across provinces?
5. What progress, if any, has been made on ensuring the functionality of existing full service schools, and what measures are in place to expedite this process?



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6. What steps will be or are being taken to address the issues raised in respect of full service schools and to assess the viability of full service schools in enabling a holistic, inclusive education system?
7. What plan is in place to improve conditions generally, and the provision of specialists in particular, in special schools for their conversion into resource centres?
8. What steps will be taken to put adequate data collection and analysis systems in place regarding enrolments?
9. What steps will be taken to ensure free quality education for learners with disabilities?
10. What legislative and policy measures are being taken to ensure that the full range of issues relevant to the rights of children with disabilities are taken into account in all aspects of planning, resourcing, and provisioning? What timelines and indicators for implementation will be put in place?

Children living in poverty

1. How will the South African government ensure schools comply with the requirements for voluntary contributions?
2. When will the South African government amend regulations giving effect to the *Saffer* judgment?
3. How will the South African government ensure that all provinces fund schools in accordance with the nationally determined per learner amounts?

Infrastructure backlogs and inequalities

How and according to what timelines will the South African government:

1. Ensure effective oversight of education infrastructure spending and ensure that sufficient financial resources are allocated for the completion of infrastructure projects?
2. Build capacity in provincial departments of education to implement and manage infrastructure projects and prevent an over-reliance on implementing agents?
3. Urgently address infrastructure backlogs and comply with the deadlines as contained in the Infrastructure Norms and Standards?
4. Ensure universal compliance with norms and standards for school infrastructure, appropriate sanitation and access to water and electricity?



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Transport

How will the South African government:

1. Ensure scholar transport is adequately funded across provinces?
2. Exercise oversight to ensure that all provinces publish adequate, comprehensive scholar transport policies?
3. Ensure accountability and transparency of spending on scholar transport?
4. Ensure there is accurate data on the extent of the need for transport?
5. Ensure that learners attending schools of parental choice are not excluded from this service?
6. Ensure that learners with disabilities are given priority when considering learners who qualify for transport?

Inadequate access to early childhood development and education

1. What measures will be taken and according to what timeframes to ensure that the ECD regulatory framework adequately addresses current challenges?
2. When will government make its detailed plans for the imminent migration publicly available for engagement?

Teen pregnancies

1. When will the South African government finalise the draft policy, including finalising and publishing the accompanying proposed Implementation Plan?

Corporal punishment in schools

1. What monitoring mechanisms are in place to ensure implementation of the Protocol to deal with Instances of Corporal Punishment in Schools?
2. What plans are in place to ensure educators, learners and parents are aware of the prohibition on corporal punishment and the effects of corporal punishment on learners?



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INCLUSIVE, BASIC EDUCATION NEW RESEARCH & DEVELOPMENTS

DBE AND DSD REPORT TO PARLIAMENT ON THE ECD FUNCTION SHIFT

On 25 August 2021, the DBE and DSD [**reported to Parliament**](#) on progress in the shift in responsibility for ECD provisioning from the DSD to DBE. In summary:

- The President has signed the Proclamation relating to the transfer of powers of the ECD Function from the Minister of Social Development, to the Minister of Basic Education.
- The two Departments established various governance structures to ensure a seamless transfer of responsibilities.
- The Departments have further reached consensus on the scope of the function shift.
- Provisions from both Chapter 5 (only as it relates to ECD programmes) and Chapter 6 of the Children's Act, 2005 (Act No. 38 of 2005) have been identified for transfer.
- In preparation for the implementation journey, the following activities will be undertaken:
 - An ECD Census will be conducted
 - The South African Early Years Index and Baseline Assessment will be undertaken
 - There will be a stakeholder engagement dialogue series.

A NATIONAL ECD CENSUS LAUNCHED ON 26 AUGUST 2021

On 26 August 2021, the DBE launched the [**ECD census 2021**](#). It aims to collect data on all ECD programmes in the country to better understand and plan for the ECD landscape in South Africa. The Census 2021 will count all registered and non-registered ECD programmes to build a data management information system for the ECD sector and also marks a significant milestone as the Department of Basic Education prepares for the ECD function shift from the Department of Social Development. Information gathered as part of the census will be used to integrate ECD into the DBEs' Education Management Information System (EMIS) and thus expand the provision of education support programmes as well as play-based learning. Funded by the LEGO Foundation, the data and indicators will also establish a baseline for assessing the quality of learning through play in South Africa.



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NEW LAWS & POLICIES AFFECTING OUR PRIORITY

We have nothing to share in this issue.



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INCLUSIVE, BASIC EDUCATION NEWS FROM OUR MEMBERS

EELC PUBLISHES EDUCATION MONITORING BRIEF

The Equal Education Law Centre publishes a regular newsletter on developments, progress and challenges in the education sector. We urge all members to read this rich resource at: <https://eelawcentre.org.za/wp-content/uploads/monitor-brief-16-1.pdf>



ENDNOTES

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- ¹² Equal Education Law Centre. A Report on the State of Education: Trends and issues characterising the education sector over the last 5 years (2014-2019), pg 35. Available at: <https://eelawcentre.org.za/wp-content/uploads-report-on-the-state-of-education-pdf/>
- ¹³ Ilifa Labantwana’s analysis of the Stats SA General Household Survey 2018. Available at: www.statssa.gov.za/publications/P0318/P03182018.pdf.
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- ¹⁵ Portfolio Committee on Basic Education. Meeting summary: Zero-dropout Campaign. Available at: <https://pmg.org.za/committee-meeting/31112/>

