



The Vulnerability of Children

"We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made, and his senses are being developed. To him we cannot answer 'Tomorrow' – his name is today."

Gabriela Mistral^[1]

1. Introduction

Several events during the past few months have highlighted the extraordinary vulnerability of the children of South Africa. These include the sentencing of taxi driver Jacob Humphrey, who failed to stop at the Buttskop level crossing in Blackheath while driving children to school, killing ten of them^[2]; the Knysna bus disaster last August, in which 15 children drowned^[3]; the starvation of four children from the same family in the informal settlement of Verdwaal^[4]; the chaining of a child to a bed in an informal settlement in Mitchell's Plain^[5]; the long distances and difficult terrain, including the traversing of rivers, covered by children on the way to school; and the endemic violence and substance abuse experienced in many communities. In these and many other ways, our children experience multiple vulnerabilities. This briefing paper considers some of them.

2. Definitions, Conventions and Charters

A child is a person between birth and the age of eighteen. This age of majority is in keeping with the United Nations Convention on the Rights of the Child; the African Charter on the Rights and Welfare of the Child; Section 28 of the Bill of Rights enshrined in the South African Constitution, and the Children's Act 38 of 2005.

The UN Convention on the Rights of the Child was

the first international convention signed by the new democratic government of South Africa. The Convention asserts that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth".^[6] The African Charter on the Rights and Welfare of Children developed from the UN Convention, but included further clauses and protections which the Organization of African Unity (OAU) considered necessary for children in Africa. "The situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger; and on account of the child's physical and mental immaturity he/she needs special safeguards and care..."^[7] South Africa has ratified this Charter. Furthermore, South Africa has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of People with Disabilities, both of which deal in part with children.

Vulnerability is variously defined as an inability to withstand the effects of a hostile environment; being open to attack or damage; or susceptible to physical or emotional injury. Synonyms for 'vulnerable' include: exposed; defenceless; weak; unprotected; unguarded; unshielded; helpless; and powerless.^[8] It is chillingly apt that the tragic deaths of the children of Verdwaal took place in an informal settlement that translates from the

Afrikaans as 'lost'.

3. Environmental Factors

Environmental factors include both the natural and the physical environment. Storms, floods, lightning, fires, drought and extreme temperatures affect everyone, but the consequences of these natural phenomena impact differently in different locations and circumstances. Those living in isolated rural areas and informal settlements are particularly vulnerable to storms, flooding and cold.^[9] These areas are under resourced and often difficult to access. Dwellings are frequently insubstantial and thus easily damaged, leaving residents without shelter. This is also the case with many rural schools and other community structures.^[10] Children are often the ones who suffer most from the extremes of nature. The younger they are, the more they are affected by very high or very low temperatures; they are also less able to withstand periods of thirst or hunger. And in acute crisis situations such as a flood or a hurricane, children's smaller stature and frequent inability to swim, puts them at additional risk.

Many people living in both informal settlements and rural areas do not have electricity, which renders them dependent on candles and paraffin stoves for light, cooking and warmth. This is inherently dangerous. The consequences of fires that sweep through informal settlements include fatalities, severe burns, and the loss of shelter and possessions, which could include bedding, clothing, pots, crockery and cutlery, school uniforms and school books, as well as documentation such as birth certificates, identity documents and clinic cards. At an emotional level, even if physical injury is avoided, these losses can severely affect children, especially if they occur repeatedly, as they sometimes do.

The Paraffin Foundation's research indicates that the average shack will ignite in between 30 and 90 seconds after a paraffin stove is knocked over.^[11] Furthermore, shacks, like most places of dwelling, are locked, and this makes it almost impossible for the occupants to get out or for rescuers to get in. Moreover, the density of informal settlements makes it extremely difficult for the fire brigade and other emergency services to gain access to these areas. Once again, it is children that are in the greatest danger. They cannot manipulate locks or break down the walls of a shack as easily as an adult. And they are more

susceptible to smoke-inhalation and the disorientating effects of a fire, especially one that breaks out at night.

As Cape Town community activist Bridget Nomonde Scoble said recently, "much more needs to be done to protect people, and especially growing, developing children, from the devastating and extremely long-term consequences of surviving shack fires, let alone death in or near their homes."^[12] During the course of last year the four Matewu children were burnt to death in a fire in their Khayelitsha home. Their mother, Bulelwa Matewu died two weeks later.^[13]

It is nearly fifteen years since the groundbreaking Grootboom judgement, yet children continue to live in informal settlements with little hope of any other shelter. Few informal settlements have ready access to running water. Water for drinking, cooking and washing is supplied by water tanks and the arrival thereof is frequently erratic. This can have serious long-term health consequences for children. In the same way, the lack of sanitation in these settlements is an obvious hazard, and one to which children are particularly vulnerable, especially in view of their susceptibility to gastrointestinal diseases.

4. The Child Support Grant

Presently the child support grant is R260 per child per month, and is subject to a means test. All children from birth to the age of eighteen are eligible for the grant. Since 2010 approximately nine million such grants have been approved, which translates into 45% of South Africa's children being dependent on the grant. The grant is also effectively supplemented by 'fee free schools' in some areas, while many schools have feeding schemes.^[14]

While the incremental roll-out of the child support grant has done much to alleviate child poverty and is one of the crowning achievements of the new South Africa, it is more an intervention than a solution. The grant is withdrawn once the child reaches the age of majority at eighteen, thus decreasing the household income. Young adults face an uncertain future with little chance of employment, and difficulties in accessing further education and training. Recent government figures reflect that "nearly half of South Africa's 18 to 24 year olds – the first generation educated

after apartheid ended in 1994 – are not in the education system and do not have a job”.^[15]

In any event, R260/month is pitifully little – less than R10 per day – on which to bring up a child. While a young child’s needs for certain things – food and clothing, for example – may be marginally less than those of an adult, it could be argued that such a low grant is reflective of children’s lack of a political voice. If so, this would be another instance of their vulnerability.

5. Teenage Pregnancy

There has been much speculation that young girls become pregnant so as to access the child support grant. However, a recent study conducted by the Human Sciences Research Council debunks this theory.^[16] Nevertheless, the incidence of teenage pregnancy is a matter of grave concern. “40% of all pregnancies in the country involve girls younger than 19, and about 35% of all girls will have given birth before reaching that age”.^[17] While teenage pregnancies are not unusual in first world countries such as the United States of America, in South Africa there is an alarming correlation between sexual violence and teenage pregnancy. “Local studies have shown that between 11% and 20% of teenage pregnancies are the result of rape, and 60% of teenage mothers claim to have been coerced by men who were, on average, six years older than them”.^[18]

Furthermore, the incidence of child/girl brides is sufficiently prevalent that it is legislated against in the new Children’s Act; despite this, the trafficking of girl children from rural areas to urban areas continues to be of concern. This adds another level to the vulnerability experienced by girl children.

6. Food Security

The terrible and almost inconceivable deaths of the Mmupele children of Verdwaal is an appalling indictment of our failure to provide children with their constitutional entitlements. The deaths of these young children from dehydration and malnourishment, the youngest still a toddler, is a pitiful example of the enduring lack of food security.

No one really knows why the four children went in such a determined search for Kedibone

Mmupele, older sister to the two elder children and mother to the two younger children, who had gone to find food at a farm some distance away, where her mother was. They may have followed because they were hungry and they may have followed because they were in need of comfort and reassurance; possibly both.

It must be remembered that Verdwaal is an isolated, semi-rural community made up of retrenched farm labourers and their families who had for generations worked within the typically patriarchal structure of South African agriculture, where the farmer provides not just a wage, but also food, transport and access to other social services. Families in such areas have little consciousness of their rights or of the services that are available to them; and when they are evicted they often find themselves effectively cut off from such services and opportunities. The immediate palliative measures taken by the North West Department of Social Development are to be welcomed^[19]; however, the question arises as to where the authorities were before this tragedy occurred.

While the Lichtenburg Police and Children’s Services have launched an investigation into the circumstances in which the children were left, it is important not to conflate or confuse deliberate neglect with societal or structural neglect. So many parents, and typically mothers and grandmothers, as well as other care givers, are doing the best that they can with the meagre resources available to them. It is the responsibility of the organs of government at all levels to advertise and make available the services and resources to which all are entitled – our children most of all. ^[20]

In general terms, even in the absence of such a tragic immediate outcome, lack of proper nutrition renders children vulnerable to dehydration and hyperglycaemia as well as susceptible to bacterial infections, stunted growth, and learning and cognitive disabilities, as well as delayed motor skills development, all of which compromise their short-term well-being and their long-term future.^[21]

7. Disappointments

South Africa’s reporting on the progress made in terms of the various conventions and charters to which it is party has been abysmal. The purpose of the aforesaid is to provide guidelines for planning and, more particularly, tools of evaluation and measurement of progress made

toward the realization of the rights set out therein.^[22] Similarly, the slow pace of implementation of the Children's Act is cause for concern, as is the inadequate funding made available to provide the services set out therein.

8. Conclusion

The Preamble to the African Charter on the Rights and Welfare of the Child asserts that "the promotion and protection of the rights and welfare of the child also implies the performance of duties on the part of everyone".^[23] The new Children's Act is 'intersectoral' and its success is largely dependent on the co-operation of various organs of the state and those of civil society. But so many of the so called 'born frees' – children

born after 1994 – still live in what the UN Convention on the Rights of the Child terms 'exceptionally difficult conditions' and have yet to enjoy the rights and benefits of the 'free' South Africa. We do not want another 'lost generation'.

It is worth noting that the antonyms for 'vulnerable' include protected, defended, fostered, sheltered, supported and preserved.^[24] The Minister for Women, Children and People with Disabilities, Lulu Xingwana, wrote recently "Childhood should be a happy time for all children".^[25] It is the responsibility of we 'grown-ups' to ensure that children are safe, properly fed, well-educated and happy.

**Lois Law
Researcher**

[1] Gabriela Mistral was a Chilean Poet and Nobel Prize Laureate.

[2] Jacob Humphrey was convicted on ten counts of murder and is presently out on bail awaiting sentencing. Cape Times, 31st January 2012.

[3] www.timeslive.co.za 24th August 2011.

[4] The four Mmupele children died of hunger and dehydration while attempting to follow their mother/sister Kedibone Mmupele who had set out for a neighbouring farm in search of food; 21st November 2011.

[5] News 24, 19th January 2012. A five year old boy was found chained to a bed. While the writer was researching this story a quick Google search indicated that this method of restraint is not unusual, both here and in other countries.

[6] Preamble to the UN Convention on the Rights of the Child, which was ratified by the United Nations General Assembly on the 20th November 1989 came into force on the 2nd September 1990.

[7] African Charter on the Rights and Welfare of the Child, which came into force on the 29th November 1999.

[8] The Oxford and Webster's Dictionaries, as well as Wikipedia and the Free Online Dictionary.

[9] South Africa has one of the highest lightning ground strike densities in the world. Figures from the South African weather service indicate that 28 people died after being struck by lightning between January and November 2010, including several children. Many of these lightning strikes were in the rural areas of Kwa-Zulu Natal. The Guardian, 4th January 2011.

[10] The Parliamentary Portfolio Committee on Basic Education is in the process of being briefed by the Department of Basic Education on infrastructure challenges including unsafe and mud structures.

[11] Presentation by the Paraffin Society at a Phoenix Burns Society Meeting, 2006.

[12] Email received by the writer from Bridget Nomonde Scoble on 31st January 2012.

[13] Cape Times, 31st January 2012.

[14] There was much discussion last year about the organization of school holidays as the particularly long holidays meant that children would be without the meal provided by the school. It was suggested that holiday feeding schemes should be implemented – particularly during the winter holiday.

[15] Polity, 29th January 2012.

[16] Study by Stephanie Brockerhoff of the Studies in Poverty and Inequality Institute, and Dr Miriam Altman of the HSRC; Fair Lady, June 2011.

[17] 'Teenage moms face a litany of ills' Mail and Guardian Health, February 3 to 9, 2012.

[18] See 14 above.

[19] 257 Verdwaal children were immediately registered for the Child Support Grant; Sowetan, 6th December 2011.

[20] Particularly the Departments of Social Development; Women, Children and People with Disability; Education; Home Affairs; Human Settlements; and Health.

[21] Sunday Times, 28th July 2002.

[22] The Parliamentary Portfolio Committee is to be briefed by the Department of Social Development on signed international agreements on 28th February 2012.

[23] African Charter on the Rights and Welfare of the Child, 29th November 1999.

[24] See Footnote 6 above.

[25] 'South Africa's Children - A Review of Equity and Child Rights', March 2011. The review was undertaken by the South African Human Rights Commission and UNICEF South Africa.