



RESPONSE

June 10th, 2014

Child Protection Week

The past week, 1st – 7th June, was Child Protection Week, a time which reminds us of the vulnerability of children, and provides an opportunity to evaluate the success of our existing child protection policies and strategies, and to target areas for improvement. Furthermore, it reminds us that children themselves are bearers of rights, and that these rights are non-derogable.

South Africa has passed and ratified some important legislation and instruments regarding children's rights: the constitutional rights of children contained in section 28 of the Constitution; the UN Convention on the Rights of the Child; the African Charter on the Rights and Welfare of the Child; and the Children's Act, 38 of 2005. There is a tendency to talk about 'children', using the plural term, but the UN Convention on the Rights of the Child and the Children's Act use the 'best interests of the *child*' maxim, which is in the singular. This puts the focus on a particular child, and on each child. It is useful to think of the names of children one knows and loves when considering whether or not the protections afforded children at present are adequate and commensurate with the 'best interests of the child' maxim.

Several recent events are instructive in terms of child protection on various levels:

- The Human Rights Commission hosted a conference in May on the practice of corporal punishment in schools in blatant disregard of long-standing legislation prohibiting it;
- The publication of a report on gender-based violence in schoolsⁱ;
- Devastating fires in informal settlements in the Cape Peninsula destroyed the homes and belongings (including school uniforms and books) of hundreds, and claimed the lives of two young children;
- At Bloemhof, in North-West Province, a protracted water and sanitation crisis has led to the deaths of at least three babies and young children;
- The appalling performance of the educational system persists, with special reference to the teaching of science and maths.

Violent crimes against women and children are a continuing cause for concern, as is the government's inability to effectively prevent, suppress and prosecute such crimes.ⁱⁱ The non-performance of the various registers required by the Children's Act and the Sexual Offences Act, which were introduced to help ensure the corporal integrity of children and thus play an important role in child protection, urgently needs to be addressed.

The 19th century Congregational preacher Henry Ward Beecher observed that “children are the hands by which we take hold of heaven”. This can well serve as a reminder of the need to listen to the voices of children and the truth which they speak. Indeed, children’s participation in matters which affect them is a central theme of the Children’s Act.

The downside of the various annual weeks devoted to one or other important social need or cause is that, once they have ended, our focus tends to drift away until the following year. It is particularly unfortunate that this should happen where children are concerned. As the Catholic priest and child rights activist Donald Dunson writes, “in the faces of our children we are given the best glimpse of humanity’s future, a preview of the world to come. This is why there can be no moral issue more unifying, more urgent, or more universal than nurturing their well-being and securing their chance to embrace the life our Creator destined for them”.ⁱⁱⁱ

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ⁱ *Sexual Violence by Educators in South African Schools: Gaps in Accountability*. Centre for Applied Legal Studies, University of the Witwatersrand School of Law.

ⁱⁱ The Centre for Constitutional Rights Human Rights Report Card, 2014.

ⁱⁱⁱ Dunston, D. *No Room at the Table: Earth’s Most Vulnerable Children*, Orbis Books, Maryknoll, New York, 2003