



# **Submission by the South African National Child Rights Coalition to the Human Rights Council**

## **Universal Periodic**

### **Review**

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## Acronyms and abbreviations

DPME	Department of Planning, Monitoring and Evaluation
HCI	Human Capital Index
ICESCR	International Covenant on Economic, Social and Cultural Rights
MTSF	Medium Term Strategic Framework
NCCP	National Child Care and Protection Policy
NPAC	National Plan of Action for Children
ORC	Office on the Rights of the Child
SANCRS	South African National Child Rights Coalition
SONA	State of the Nation Address

# 1. Introduction to the SANCRC

1.1 The South African National Child Rights Coalition (SANCRC) is a voluntary association of 160 child rights organisations and activists united in a shared goal: Strengthening the national governance system to ensure state-wide prioritisation and action to realise the rights of all children, especially the most vulnerable, to equality and to develop to their full potential to build the human capital required for achieving sustainable, inclusive development.

## 2. The SANCRC's approach to this report

2.1 This report provides an analytical review of the limited progress made in addressing the overarching concerns raised in the 3<sup>rd</sup> UPR cycle with regards to persistently high levels of social exclusion of historically marginalised children because of the failure to realise children's interrelated rights.

2.2 The SANCRC is concerned at the lack of progress made in achieving the country's rights-based sustainable development goals as documented in its National Development Plan, of eradicating inequality and poverty.

2.3 Despite ratifying more than 20 treaties, the Sustainable Development Agenda 2030, Africa's Agenda 2063, and their domestication through inclusive policies to undo the legacy of apartheid, South Africa remains the most unequal country in the world marked by persistent patterns of exclusion along historical fault lines.

2.4 The SANCRC notes with concern the failure to address the underlying causes to bring an end to the intergenerational transmission and patterns of poverty and inequality. Notably, the failure to prioritise the realisation of the rights of historically marginalised children to, not only survive, but to develop to their full potential, so they may escape the intergenerational trap.

2.5 The GRSA has recognised that ending poverty and inequality depends on building human capital through the development of especially historically marginalised children. It has committed to do so through the realisation of children's interrelated, developmentally critical rights to health, nutrition, education, protection, and basic services.

2.6 Achieving this requires the adoption of implementation measures prescribed by the governing treaty and development instruments. Viewed holistically, they require the adoption of a rights-based governance system that will ensure state-wide recognition, prioritisation, action, and accountability for realising children's rights as a national, rights-based, development priority.

2.7 In sum, implementation of the GRSA's rights-based sustainable development responsibilities requires the adoption of a child rights governance (CRG) system of public processes and platforms through which government decisions are made, programmes developed, resources allocated and through which progress is monitored and reported against that explicitly:

- 2.7.1 Recognises children's rights necessary for their development as a national priority.
- 2.7.2 Requires all organs of state to take all necessary measures to realise their rights.
- 2.7.3 Identifies chronically marginalised children and mandates special measures to equalise their development.
- 2.7.4 Ensures all organs of state know, fulfil, and account for their responsibilities.

- 2.7.5 Monitors progress in improving the realisation of the developmentally critical rights and children's overall development, as well as reductions in inequalities.
- 2.7.6 Ensures an ongoing system's strengthening cycle that addresses gaps and challenges.

### 3. Structure of the report

- 3.1 This report will not address discreet concluding recommendation. It offers an analytical overview of the adequacy of the current governance system to address the following themes emerging from the concluding recommendations published in 2017:
  - 3.1.1. The lack of progress in addressing inequality and poverty and the underlying cause - the failure to increase the number and proportion of historically marginalised children who develop to their full potential.
  - 3.1.2 The associated implementation challenges, notably in adopting the required child rights governance system to galvanize and sustain state-wide action to equalise the developmentally critical rights of children.
  - 3.1.3 The resulting failure to equalise and realise the rights of historically marginalised children to:
    - a. Education
    - b. Nurturing care and protection.
  - 3.1.4 The persistent and systemic exclusion of children with disabilities.

### 4. The failure to realise children's rights to equality and to develop

- 4.1 The adoption of the 2030 National Development Plan (NDP) represented a significant step in establishing a rights-based planning framework. It states the country's two overarching goals – to eliminate poverty and inequality - and provides a road map to guide planning by all organs of state to realise them. The framework recognises that realising children's rights, notably to health, nutrition, protection, and education, is key in this regard, and calls on all role players to take concerted action to advance the country's priorities.
- 4.2 After more than 10 years the country is however no closer to achieving its goals than before the adoption of the NDP. South Africa remains the most unequal country in the world, unemployment and poverty have deepened, and patterns of exclusion remain the same, with African people, rural households, those living in poverty, people with disabilities, and children bearing the heaviest burden.
- 4.3 South Africa's 2019 SDG report confirms that poverty levels increased, and inequality levels remain amongst the highest in the world.<sup>1</sup> In 1993 the Gini coefficient was 0.66 and deteriorated to 0.68 in 2015.<sup>2</sup> In the 4<sup>th</sup> quarter of 2021, South Africa recorded its highest unemployment rate of 35,3%.
- 4.4 The reason for this is the failure to address the source of the problem. There has been very limited, progress in equalising and improving the rights of historically marginalised children to develop to their full potential to enable them to escape the intergenerational poverty and inequality trap and provide the human capital to bring about and sustain change.
- 4.5 Despite significant policies and increased spending on education and health, South Africa's Human Capital Index (HCI) - the measure of the amount of human capital that a child born today can expect

<sup>1</sup> Statistics South Africa. Sustainable Development Goals (SDGs). Country Report 2019 – South Africa. Pretoria

<sup>2</sup> Stats SA 2017 in Plagerson et al (2019)

to attain by age 18 - has stagnated at 0.43 for the past decade. A child born in South Africa today will, as in the case in 2010, be 43 percent as productive when she grows up as she could be if her developmentally critical rights were realised.<sup>3</sup>

- 4.6 The stagnating HCI is a result of the failure to realise vulnerable children's rights essential to their equal and optimal development – namely their interrelated socio-economic rights to health, nutrition, education, protection, and participation. This in turn requires that all children, especially the chronically marginalised, receive a full package of services and support in age-appropriate combinations across their life cycle and at the required quality and intensity to compensate for historical deficits.
- 4.7 This does not happen, as evidenced by the rate of multi-deprivalational child poverty. Some children receive some of the services and support they need some of the time resulting in poor outcomes and returns on investments in fragmentary, poor-quality services.
- 4.8 60% of children live in multi-dimensional poverty. They are income poor and are deprived of health, nutrition, quality education and basic services – all of which are essential to their development and movement out of poverty.<sup>4</sup>
- 4.9 Child poverty and the resulting risk of poor development are intergenerationally entrenched amongst African children, children in under-serviced rural areas and informal settlements, and children with disabilities. Multiple deprivation and the resulting risk of poor development was highest amongst African children, children in under-serviced rural areas and informal settlements, provinces with the highest levels of income poverty that fall into the former apartheid homelands, and children with disabilities.
- 4.10 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.
  - 4.10.1 Between February and April 2020, 3 million jobs were lost.
  - 4.10.2 Children lost an estimated 40% of the teaching year.
  - 4.10.3 Hunger and food insecurity increased. Access to food through schools dropped from 80 to 25% of children.
  - 4.10.4 The mental health and caregiving capacity of parents has been affected, placing children at a higher risk of violence, abuse and poor care and education.<sup>5</sup>
  - 4.10.5 The health system's diversion of resources to COVID 19 impacted on access to essential preventative and health promoting services.<sup>6</sup>
- 4.11 **Recommendations: The GRSA must:**
  - 4.11.1 **Make increasing the HCI, reduction in children's multi-deprivalational poverty and an increase in the number and proportion of historically marginalised children who develop to their full potential a national rights-based development priority.**
  - 4.11.2 **Government must engage in deliberate, coordinated state-wide planning and provisioning of services in the required combinations to reduce the number of vulnerable children who fail to develop to their full potential under the leadership of the Presidency and the**

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<sup>3</sup> [https://databank.worldbank.org/data/download/hci/HCI\\_2pager\\_ZAF.pdf?cid=GGH\\_e\\_hcpexternal\\_en\\_ext](https://databank.worldbank.org/data/download/hci/HCI_2pager_ZAF.pdf?cid=GGH_e_hcpexternal_en_ext)

<sup>4</sup> UNICEF South Africa. 2020. Child Poverty in South Africa: A multiple overlapping deprivation analysis. <https://www.unicef.org/southafrica/media/4241/file/ZAF-multidimensional-child-poverty-analysis-policy-brief-07July-2020.pdf>

<sup>5</sup> <https://theconversation.com/coronavirus-risks-forcing-south-africa-to-make-health-trade-offs-it-can-ill-afford-136301>

<sup>6</sup> <https://theconversation.com/coronavirus-risks-forcing-south-africa-to-make-health-trade-offs-it-can-ill-afford-136301>

Department of Planning, Monitoring and Evaluation (DPME) as the custodians of the National Development Plan.

- 4.11.3 The GRSA must monitor and report regularly to oversight structures such as the UN, the AU and national structures like Parliament, the Human Rights Commission and civil society on progress in reducing the levels of multi-dimensional poverty for historically vulnerable groups, and in improvements in the HCI, rather than only on access to and realisation of isolated services and rights such as education, or health, or basic water and sanitation.
- 4.11.4 Individual sectors must action their responsibilities in a coordinated way to ensure planning and provisioning of the whole package, and the respective sectors must report on the progress.
- 4.11.5 The profiling of children's development as a national development priority, the required responsibilities among different role players, their accountability and reporting on improvements must be institutionalized within the national governance machinery established to lead and ensure concerted state-wide action and accountability for all other national development priorities.

## 5. Underlying implementation challenges: an inadequate CRG system

- 5.1 Whilst the NDP provides a child-centred rights-based planning framework, this has not been adequately institutionalized within the national governance system. This impacts fundamentally on the ability of the GRSA to fulfil its treaty and development responsibilities.
- 5.2 The GRSA has not adopted the required CRG system to ensure effective and impactful implementation of its rights-based development commitments to realise the rights of all children, especially the most vulnerable to develop to their full potential.
- 5.3 Key treaties have not been ratified, including:
  - 5.3.1 The Third Protocol to the Convention on the Rights of the Child on a Communication Procedure; ILO's Maternity Protection Convention; Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa
  - 5.3.2 South Africa has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) subject to the reservation that education is not immediately realizable.
- 5.4 The GRSA has developed and adopted several policies acknowledging its duty to provide the combinations of services described, mapped out responsible role players and their responsibilities, and committed to establishing a CRG system. These include:
  - 5.4.1 The National Plan of Action for Children
  - 5.4.2 The National Child Care and Protection Policy
  - 5.4.3 The National Integrated ECD Policy
- 5.5 All these instruments domesticate the CRG responsibility and require state-wide mainstreaming of, and accountability for fulfilment of their child rights responsibilities by all organs of state. However, the CRG imperative has not been adequately integrated into the current bigger national governance architecture established to advance other national development priorities to provide the required levels of state-wide leadership, coordination, and accountability for advancing this priority. The following gaps and challenges are of concern:
  - 5.5.1 There is not high-level recognition and leadership by the Presidency and DPME of children's equal and optimal development as a rights-based sustainable development national priority. The President's 2022 State of the Nation Address (SONA) and the supporting national budget presented made no mention of children or their

development. The only mention of children in the SONA address was a reference to challenges some children face with having to cross rivers to get to school.

- 5.5.2 The Medium-Term Strategic Framework (MTSF) 2019 – 2025 is the operational plan for the current administration’s realisation of national development goals. It makes explicit mention of the inclusion of women, youth, and people with disabilities as a national development priority and creates an explicit duty on all organs of state to mainstream and account for improving the social inclusion of these targeted groups. The MTSF is silent with regards to children, their development and inclusion as a development priority and there is no comparable government-wide duty to mainstream children’s rights through a child rights governance process.
- 5.5.3 The MTSF and the supporting national framework for monitoring and improving realisation of national development goals does include fragmentary indicators related to some children’s rights and services – such as health and education but does not measure and report on access to a full package of services, multi-dimensional poverty, and improvements in the HCI or reductions in multi-deprivational child poverty.
- 5.5.4 Statistics South Africa does not produce regular statistical reports on children’s multi-deprivational poverty, changes in the HCI or changes in equalising the development opportunities and outcomes of vulnerable children.
- 5.5.5 The monitoring and oversight frameworks of national structures such as Parliament, the DPME and the SAHRC equally review government’s progress and planning for children in a fragmented way. Parliament, DPME and the SAHRC, amongst others, do not monitor improvements in overall development outcomes for children, especially marginalised groups, but tend to focus on individual rights, programmes, and services.
- 5.5.6 For example, Parliament is structured across portfolio committees which review sector performance, rather than overall outcomes for children. There is no integrated select committee to review and hold the executive accountable for improving children’s equality and development holistically and in an integrated way.
- 5.5.7 This is a product of the current institutional arrangements. the MTSF is organised into priority outcomes aligned to individual rights. The DPME monitors progress against these, rather than the overall impact on children’s equality and development and has no mechanism in place to ensure the holistic results are fed into subsequent planning cycles to improve nurturing care for all children, especially those who are historically marginalized.
- 5.5.8 An inter-ministerial committee has been established to coordinate treaty monitoring and reporting, but it is fragmented and is not integrated into the routine governance machinery to ensure that treaty monitoring, and reporting is conducted holistically to assess progress in improving equality of opportunity and outcomes for children, or to ensure that results are integrated into annual planning cycles to strengthen the system and responses to address gaps underlying poor outcomes.
- 5.5.9 The NPAC adopted in November 2021 does make provision for strengthening institutional arrangements supporting CRG, notably the establishment of an Office on the Rights of the Child (ORC). It is essential that this office be integrated into the national machinery for advancing national development priorities if it is to fulfil its functions effectively and support the institutionalization of CRG. This requires that it be in the Presidency and DPME, and that it be supported with an appropriate mandate and adequate technical, financial, and human resources. The process for making the decision as to where to locate the ORC has not been transparent or consultative. The SANCRRC understands that a decision has been taken to locate it in the Presidency, but that it will



not be supported by adequate resources to fulfil its function.

5.5.10 The current budgeting process and outcomes have not supported the effective, equitable and efficient implementation of government's rights-based developmental responsibilities. Lack of resources have impacted on the adequacy of the supporting institutional arrangements as well as the development and delivery of adequate and effective programmes to secure the equal and optimal development of all children. There is an urgent need for a child-centred budgeting process that complies with the State's implementation responsibilities as prescribed by, for example, General Comment number 19 on child rights budgeting. This has resulted in serious underfunding of developmental programmes and of oversight structures such as the SAHRC. These deficits have been aggravated by the economic recession in the post-Covid period, extraordinary high levels of corruption in South Africa and the large degree of discretion between provinces as to what they choose to resource.

5.5.11 Civil society is an important role player in promoting and protecting children's rights in South Africa. It does so through advocacy, service provision, monitoring and reporting, and follow-up on the state's treaty implementation responsibilities. Civil society recognises itself as a rights-based development partner and works collaboratively with government in planning and provisioning of services through various coordinating forums and through service level agreements with specific departments. The fulfilment of civil society's role has been limited by several factors including the following:

5.5.11.1 Inadequate funding of civil society by government to provide quality services at scale

5.5.11.2 Inadequate communication by government with regards to developments impacting on children's rights. For example: a. Departmental websites are not updated to enable access to all relevant policies, laws and programmatic information and there is inadequate.

5.5.11.3 There is no centralised or accessible point of access across government that provides a comprehensive overview of the country's treaty and development commitments, reporting deadlines, treaty body sessions, concluding observations and follow-up actions.

5.6 **Recommendations: The GRSA must:**

**5.6.1 Ratify outstanding treaties and withdraw its reservation to the ICESCR.**

**5.6.2 Ensure the ORC is established in the Presidency through a consultative process with full participation of civil society. Ensure it is adequately mandated, positioned, resourced, and integrated into the national planning system established for galvanizing and ensuring government-wide accountability for advancing national development priorities.**

**5.6.3 Ensure that the current and next MTSF explicitly recognise and identify increasing the HCI and the number and proportion of children who develop to their full potential as a national development priority with an explicit government-wide duty to mainstream and account for the realisation of their rights across the governance continuum.**

**5.6.4 Adopt a child-centred budgeting approach that will enable monitoring and measurement of South Africa's compliance with rights-based budgeting commitments to support the child-rights developmental agenda.**

**5.6.5 Equalise provincial and local inequities in resource allocation, developmental budgeting, and efficiency in the use of resources to ensure adequate funding of developmentally essential children's programmes for marginalised groups.**

- 5.6.6 Take decisive measures to combat corruption and prosecute offenders.
- 5.6.7 Oversight structures, including Parliament and the SAHRC must be institutionally strengthened to monitor progress in increasing the number and proportion of children who develop to their full potential and the HCI. They must be adequately mandated and resourced to fulfil these functions.
- 5.6.8 Specifically, Parliament must establish a standing committee on children's rights rather than deal with the issue through the current suite of fragmentary portfolio committees.
- 5.6.9 Improve the relationship between government and civil society to enable it to fulfil its oversight, supportive service provision and advocacy function effectively by:
  - 5.6.9.1 Improving access to updated information on children rights, policies, and programmes across all government departments to civil society, including children
  - 5.6.9.2 Improving funding of the civil society sector.

## 6. Educational inequalities: a key impediment to realising rights

- 6.1 Equal access to inclusive, quality basic education from birth until the completion of formal basic education is a non-negotiable for equalising and ensuring children's development.
- 6.2 The failure to realise this right for historically marginalised is a key factor to the persistently high levels and patterns of inter-generational poverty and inequality that impede inclusive and equitable child and national development.
- 6.3 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.
- 6.4 The SANCRS refers the Council to a detailed submission made a member of the coalition, the Equal Education Law Centre, for full and further statistics and analysis of the causes of the persistent inequities in education in South Africa. A copy of their full submission is attached to this submission as annexure A.
- 6.5 The GRSA has taken considerable steps to strengthen the inclusive education system and to equalise access for the most marginalised. It has, for example:
  - 6.5.1 Adopted Education White Paper 6: Special Needs Education ("White Paper 6"), a 20-year inclusive education policy 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.
  - 6.5.2 The adoption of pro-poor policies such as the no-fee and school fee exemption policies, 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.
  - 6.5.3 A universalised year of pre-school (Grade R) to improve the school readiness of many children who had not benefited from quality early child development.
- 6.6 Despite these measures, there has been limited progress in addressing educational inequalities and exclusions across historical fault lines. South Africa still has a dual education system. One that is inclusive and provides quality education for the socially included and another for the socially excluded. Most poor, African children, children in rural areas in the former homelands

- and children with disabilities do not receive quality education from birth until the completion of schooling.
- 6.7 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.
- 6.8 The underlying causes of this challenge include the following:
- 6.8.1 ECD in the pre-school years remains largely privately provided and resourced.
  - 6.8.2 The inclusive basic education system is ill-defined to exclude ECD and focusses primarily on disability rather than all forms of exclusion.
  - 6.8.3 The inclusive education policy has not been systematised adequately.
  - 6.8.4 The foundational requirement for an effective system requires is a well-defined enabling policy and legislative foundation that defines the scope of inclusive basic education and the associated roles and responsibilities for which role players can be held accountable. The current enabling framework is weak, and the supporting institutional arrangements are fragmented across ECD (DSD), Special Needs Education and Social Cohesion directorates in Education. They do not share a common framework. Their mandate and responsibilities are ambiguous, outdated, and no longer based on pertinent evidence.
  - 6.8.5 White Paper 6, which currently governs elements of inclusive education is not a law. It is also based on outdated evidence and does not include ECD.
  - 6.8.6 There is no early learning legislation to ensure inclusion and clarify roles and responsibilities – made more complex in the light of the pending function shift.
- 6.9 The fundamental challenge is the weak legislative environment. It is a fatal impediment to effective systematisation and implementation of inclusive basic education because resources, programmes, infrastructure, monitoring, and quality improvement follow clear policy mandates.
- 6.10 **Recommendations: The GRSA must:**
- 6.10.1 **Adopt evidence-based policies and laws that are adequately systematised to ensure their equitable and effective resourcing, implementation, and monitoring to ensure the educational inclusion of the most vulnerable and marginalised from birth and the provision of quality education that will equalise and optimise their development to their full potential.**
  - 6.10.2 **Review and revise White Paper 6 to clearly articulate updated policy goals, accompanied by a concurrent commitment to timeously enact legislation to give effect to revised policy provisions.**
  - 6.10.3 **All policies must be elevated to the status of legislation with clear legal entitlements must be enacted, either through a stand-alone statute, or amendments to the existing legislation.**
  - 6.10.4 **Ensure that inclusive ECD is provided for in all policies and provisions to secure inclusion of the most marginalised in quality education from birth.**
  - 6.10.5 **Ensure the full systematisation of the national inclusive education policy with the support of adequate institutional arrangements, programmes, financial and human resources, the required infrastructure, and an information management system to inform evidence-based planning and monitoring of implementation to improve access and quality of education for all, but especially the most vulnerable, excluded groups.**

## 7. The right to nurturing care and protection

- 7.1 Ensuring that all children develop to their full potential depends, in the first instance, on the receipt of nurturing care and protection from their caregivers, including their parents, families, and community members.
- 7.2 It is the responsibility of government to establish a developmental child care and protection system that prioritises services to support caregivers overcome barriers to provide the nurturing care their children need.
- 7.3 The Government adopted the National Child Care and Protection Policy (NCCPP) in 2019 that recognises and commits to implementing a developmental child care and protection system that focusses on supporting parents and caregivers to empower them to provide care for the promotion of their children’s development and prevention of poor outcomes and harm.
- 7.4 The developmental approach requires the state to promote the right of children to a family environment 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. It also requires that all children are cared for in families and the alternative care remains a measure of last resort.
- 7.5 There are several challenges in operationalising this developmental policy:
  - 7.5.1 Families in South Africa face multiple adversities and require a combination of support and services to overcome these. Whilst several supportive services are made available, they are not provided in the appropriate combinations to meet the needs of families and children. This is largely because of the lack of an adequate 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.
  - 7.5.2 Whilst some of the services are available, many are not accessible to the most vulnerable children, or where they are accessible, the quality is poorer for vulnerable children. Families and children living in poverty, in rural areas, in under-serviced informal areas, foreign migrant and unaccompanied children, and children with disabilities face daily challenges in accessing birth certificates, grants, early childhood care and education services, health care, rehabilitative services and assistive devices, and quality education.
  - 7.5.3 Critical services and support 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.
- 7.6 **Recommendations: The Government must:**
  - 7.6.1 **Ensure implementation of the developmental childcare and protection system provided for in the National Child Care and Protection Policy by strengthening the following systemic building blocks:**
    - 7.6.1.1 **The enabling legal framework mandating state-wide, coordinated action to enable nurturing care and protection across the caregiving continuum**
    - 7.6.1.2 **The provision of sustainable, scaled-up integrated programmes of support for enabling nurturing care and protection across the caregiving continuum –**

- homes, families, ECD centres, schools, alternative care settings, communities, business, and the media – to promote wellbeing and prevent harm, and only where this fails, provide statutory protective services
- 7.6.1.3 Adequate human resources and infrastructure for planning, provisioning, monitoring, and quality improvement of the developmental system in government and non-government partner organisations
  - 7.6.1.4 Adequate financial resources to fund the developmental system with the lion’s share going to promotive and preventative services
  - 7.6.1.5 Integrated and aligned information management systems to inform planning, monitoring, and quality improvement of the developmental system.
- 7.6.2 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.
  - 7.6.3 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.
  - 7.6.4 Develop and implement a population scale programme of parenting and family support for responsive caregiving for all families, and for additionally vulnerable families including teen parents, parents of children with disabilities, children with behavioural difficulties, families whose children have been removed and placed in alternative care.

## 8. The persistent and chronic exclusion of children with disabilities

- 8.1 This report has highlighted the persistent exclusion of multiple groups of historically marginalised children. This section of the report highlights the degree, systemic and structural nature of the exclusion of children with disabilities.
- 8.2 Children with disabilities continue to experience significant discrimination and persistent social exclusion. This is because they and their families are routinely denied access to developmentally essential services and support.
- 8.3 It is estimated that only 1% of children with disabilities access ECD services.
- 8.4 More than half a million children are estimated to be out of school.
- 8.5 Preventative, promotive, and therapeutic health services including assistive devices are not available through the public health system because of inadequate systems and funding, resulting in many avoidable and preventable disabilities.<sup>7</sup> In 2016, a member of the SANCRRC, Shonaquip & Uhambo were approached by the Department of Health in the Northern Cape with an appeal to fund devices. At the time, the Department had over 800 people (children and adults) on their waiting list in need of mobility devices and no funding available for the next 12 months.
- 8.6 Children with disabilities are 3 – 4 times more likely to be victims of violence and abuse and are often repeat victims. 10 percent of children with disabilities, compared to 6 percent of other children experience physical abuse and 23 percent compared to 13 percent are neglected. Children with disabilities are at great risk of abuse violence and neglect in their homes.

<sup>7</sup> [https://shonaquipse.org.za/wp-content/uploads/2022/02/SIOC-cdt\\_Consolidated-project-report-2021.pdf](https://shonaquipse.org.za/wp-content/uploads/2022/02/SIOC-cdt_Consolidated-project-report-2021.pdf)

- 8.7 There are few, if any day care and parenting support programmes educating parents on caring for children with disabilities and the importance of positive parenting and the risk of physical punishment to their survival and development. The words of a mother shared with Shonaquip speak to the challenges: *Good day everyone mommy's I need your help I had a full time nanny and she was mistreating my daughter so I told her I had found a school for my daughter and had to let her go so she took me to CCMA court date on the 2 June for unfair dismissal please help because this lady used to lock my daughter inside the house and lastly she left my daughter with a neighbor coz she want to leave.*
- 8.8 Lack of access to appropriate information, education and accessible referrals are key barriers to providing nurturing care. The mother of a child with CP shared her frustrations with a parenting support network: *May I get advice on what can make my 10 years old daughter to sleep? She is a CP diagnosed and so energetic that she doesn't like sleeping. She can spend 24 hours without sleeping. As I'm speaking now, she is talking nonstop and wants me to respond otherwise she gets angry and screams if I keep quiet. It's really affecting me mentally because I can't rest. Doctors can't help me. Please advise*
- 8.9 The cost of caring for a child with disabilities is much higher than for other children, yet not all children benefit from additional financial support or where it is provided, it does not cover the costs of care and associated costs, such as transport. For example, the costs of caring for a child with mobility impairment is R 23 000, compared to R3,054 for a child with no disability. In addition, the cost of transport suitable to accommodate wheelchair users along with their carers and mobility devices is prohibitive for many and leads to non-adherence at scheduled reviews. Moreover, the opportunity costs of a parent who could work but must be at home to care for a child with a disability is significant. The value of the disability grants is lower than required, and not all children can access this benefit.<sup>8</sup>
- 8.10 Where there are infringements of their rights, there is inadequate specialised and technically proficient oversight and accountability structures with the required disability mandate and expertise.
- 8.11 **Recommendations: Government must:**
- 8.11.1 Strengthen the national CRG and national child care and protection systems to ensure that caregivers caring for children with disabilities are supported and empowered to provide the nurturing care and protection their children need to develop to their full potential.**
- 8.11.2 Ensure that the national governance system explicitly identifies the development of children with disabilities as a national development priority.**
- 8.11.3 Ensure that the national governance system is adequately supported by laws, technical capacity, human resources, infrastructure, and financial resources to ensure action – planning, provisioning, and monitoring and accountability - by all organs of state for realising their responsibilities to provide support for nurturing care and protection to parents, families and affected children with disabilities.**
- 8.11.4 Ensure that the programme of support provided to families addresses the full suite of risks and challenges preventing them from providing nurturing care, including:**
- 8.11.4.1 Parenting support, day care, education, identification, referrals, and parent networks for responsive caregiving**

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<sup>8</sup> <https://shonaquipse.org.za/barriers-to-inclusion-a-case-study/>

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- 8.11.4.2 Access to early childhood care and development**
- 8.11.4.3 Appropriate health care and nutrition**
- 8.11.4.4 Access to transport**
- 8.11.4.5 Adequate material support based on the needs of the child and family in question**
- 8.11.4.6 Inclusive, quality education**
- 8.11.4.7 Protection and alternative care services**
- 8.11.4.8 Specialised planning, reporting, monitoring, oversight, and accountability structures within government to ensure appropriate provisioning of the full package of care to realise children’s development is routinely and sustainably provided.**
- 8.11.5 Develop a disability strategy for young children.**
- 8.11.6 Develop an inclusive education policy, supporting laws and institutional arrangements that are adequately resourced for ensuring access to quality education for all children with disabilities.**
- 8.11.7 Ensure provinces allocate and use funds to equalise access to adequate health care for children with disabilities.**
- 8.11.8 Develop and sustainably provide quality parent support programmes to address the heightened risk of children with disabilities to abuse, neglect and exploitation.**
- 8.11.9 Amend the social security policy to ensure that all children with disabilities access the social assistance needed to ensure their development and inclusion.**