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Table of Contents

Cover Page…… **1**
Table of Contents…….. **2**
List of Abbreviations…… **3**
1. Executive Summary…….. **4**
2. Introduction…….. **5**
3. Demographics of Limpopo…….. **5**
4. Methodology…… **9**
5. Research objectives…….. **12**
6. National Plan of Action for Children of South Africa…….. **16**
7. Primary Data Collection…….. **20**
8. Conclusions…… **48**
9. Recommendations…….. **51**
10. References…….. **54**
11. Annexure…… **57**

List of Annexures

Annexure 1: Extended discussion on the Development of Human and Children's Rights and Right to Participation.
Annexure 2: 7 Primary Data collected from Children aged 5-11yrs.
Annexure 3: Nsolani Discussions
Annexure 4: Myakayaka Discussions
Annexure 5: Causal Analysis Picture

List of Tables

Table 1a. Number of children in Limpopo Province
Table 1b. Comparison figures of children in Greater Tzaneen
Table 2. Participants of the CRSA
Table 3. Characteristics of Participants
Table 4. CRC Alignment of four core principles
Table 5. Alignment of NPAC with Constitution, the NDP, UNCRC and ACRWC
Table 6. Alignment of the NDP with the SDGs
Table 7. Organogram for the National Program of Action for children and reporting process for the Office of the Rights of the Child
Table 8. Action plan regarding Child Participation following the UNCRC State Party Concluding Observations 2016
Table 9. Function of Children's Rights: National Departments
Table 10. National Budget allocation for Provincial Office for the Rights of the Child
Table 11. Function of Children's Rights: Provincial Departments of the ORC
Table 12. Function of Children's Rights: Municipal Departments
Table 13. Population Demographics of the Villages involved in Primary Data Collection
Table 14. Average Annual Household income for Myakayaka
Table 15. Average Annual Household income for Greater Tzaneen
Table 16. Qualitative sampling matrix
Table 17. Summary of Children's Participation Primary Data Collection.
Table 18. Summary of Primary Data – Body Mapping by Children aged 5-11yrs
Table 19. Key to Rights Mapping
Table 20. Consolidation of Primary data from 4 different children's groups (11-18yrs).
Table 21. Causal Analysis – Why Children do not enjoy the right of participation in the Family
Table 22. Causal Analysis – Why Children do not enjoy the right of participation in the School
Table 23. Causal Analysis – Why Children do not enjoy the right of participation in the Community
Table 25. Causal Analysis for DSD and OCR
Table 26. Duty Bearer & Capacity Gap Analysis Table
Table 27. Stakeholder Analysis

List of Abbreviations

ACRWC African Charter on the Rights and Welfare of the Child
AU African Union (formally Organization of African Unity)
CBO Community Based Organizations
CP Child protection
CPP Child Protection Policy
CRB Child rights-based
CRC Convention on the Rights of the Child
CRSA Child Rights Situation Analysis
DSD Department of Social Development
ECD Early Childhood Development Centres
GBV Gender Based Violence
HURISA Human Rights Institute of South Africa
IDP Independent Development Plan
KNH Kindernothilfe
KTD196 Keep The Dream196
LRC Learner Representative Council
MDGs Millennium Development Goals
NCRC National Committee on the Rights of the Child
NCRICC The National Children's Rights Inter-sectoral Coordinating Committee
NGO Non-governmental organization
NPAC National Program of Action for Children
NPO Non-profit organization
OAU Organisation of African Unity
ORC Office of the Rights of The Child
PPA Provincial Program of Action
RBA Rights-based approach
SAPS South African Police Service
SDGs Sustainable Development Goals
SGB School Governing Board
SHG Self Help Groups
SMT School Management Team
UNCRC The United Nations Convention on the Rights of the Child

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1. Executive Summary

A Child Rights Situation Analysis (CRSA) is an in-depth analysis of the extent to which children enjoy their rights and also an analysis of the obstacles to, and enablers of, realisation child rights. This CRSA will be informed by a range of perspectives, including those of children and young people, parents, teachers, principals, and Induna's.

This CRSA provides an opportunity for Keep The Dream196 (KTD196) to solicit the information required directly from the children, from the onset and during the validations and feedback workshops so as to ensure their views are adequate and comprehensively represented.

This CRSA is the analysis by KTD196 to understand how well South Africa is progressing towards achieving the specific child rights goals to which it is committed when ratifying the United Nations Convention on the Rights of the Child (UNCRC) and whether those goals are being realised and enjoyed by the children in Greater Tzaneen region where the study took place.

The focus will be on:

- Article 2: Rights to non-Discrimination
- Article 5: Rights and duties of parents and legal guardians
- Article 12: Right to express their views and have their views listened to
- Article 29: Right to holistic education that develops the whole child.

This CRSA provides an opportunity to map the roles and assess the capacities of those with responsibility for children's rights – be they Parents, Teachers, Principals, Circuit Managers, Induna's, and Ward Councillors who reside within the focus areas of the CRSA.

The purpose of this study is to explore:

- Identify the international, national and provincial laws in place that promote Children's Rights to participation
- Using Article 12 as a framework for the research through which to view Article 2,5,28 and 29.
- Identify the causes/violations that are currently experienced by children and hinder them from realising their rights
- Using a participatory approach analyse the existing relationships between rights holder and duty bearers to identify ways to achieve positive changes.
- Identify stakeholders who could contribute to improving the realisation of children's rights and helps to generate effective strategies for collaboration
- Interrogate the implementation of those rights through various stakeholders.
- Ultimately, from the analysis to design a project to progressively enjoy the scope rights under review.

Finally, conclusions and recommendations will be made within the scope of the KTD196 project.

2. Introduction

Keep The Dream196 (KTD196) is a Non-Profit Organization (NPO) based in Tzaneen, Limpopo South Africa that has been functioning since 2003 within Greater Tzaneen sub-district primarily and expanding steadily to Vhembe, Capricorn and Mopani Districts. KTD196 works primarily with children, their parents through the children's groups and the Self-Help Groups (SHG); the Induna's within the villages where the children's groups operate; finally, through partnerships with other Non-Governmental Organizations (NGO) and Community Based Organizations (CBO's).

KTD196 works with children aged from **5-7; 7-11; 11-18yrs and 18+** using the Scouts South Africa's youth development program, which has been extensively modified to include a Rights Based Approach (RBA); and for children from resource poor communities to be able to join the program. Children's Rights are used as a basis for the work that is implemented where ever possible and a special focus is on meaningful participation, best interest of the child, non-discrimination and survival rights of the child.

The children's program focusses on small group work where everyone actively participates. We use cascade training to ensure everyone is active and requires every child to be engaged. The primary management structure of the groups includes the children as the executive committee (Court of Honor) and so ensures the children's needs are being met.

Over the years we have had a considerable effect on the Scouts South Africa (SSA) and their programs for cubs (7-11yrs), scouts (11-18yrs) and rovers (18-36yrs). The program now caters for rural, disadvantaged, impoverished children. KTD196 was instrumental in introducing District Participatory events for the children to have their say on the program, this became a national event through SSA.

Adults are trained formally in the Scouting and in how KTD196 operates, during the training adults are encouraged to go the Induna/Chief and introduce the project raise awareness about KTD196 and the children's program. By introducing KTD196 and engaging with the community leaders we have built a solid relationship over time with the leaders and when possible, we offer training when funding is available. All adult leaders in our children's program are vetted against the sexual offences register.

KTD196 works primarily with orphan and vulnerable children however anyone can join. We have approximately 25% who are orphans while the remaining children are seen as vulnerable due to residing in rural areas. Meetings are held with volunteer scouters and parents to discuss issues that are being raised in the communities, we also hold meetings with the Court of Honor (Executive Committee for the Scout Group) and identify activities or issues that the children would like to be addressed, when resources are available.

This project continues on the heels of the Scouts Program using the same mechanisms such as small group work, large group work, learning by doing, child participation and community service activities. The program has been developed based on the issues identified by the Home-Based Care Volunteers in 2003 and the children's focus group which was held. All the issues within the province continue to be issues today i.e., high levels of: teenage pregnancy; school dropout; suicides; crime and drug and alcohol addiction except with the children within our program.

The lack of resilience in children is considered the major apex of these conditions.

3. Demographics of South Africa

In mid-2018, South Africa's total population was estimated at 57.7 million people, of whom 19.7 million were children under 18 years. Children therefore make up 34% of the total population.[1] The distribution of children across provinces is slightly different to that of adults, with a greater share of children living in provinces with large rural populations. Together, KwaZulu-Natal, the Eastern Cape and Limpopo accommodate almost half of all children in South Africa. Gauteng, the smallest province in terms of physical size, has overtaken KwaZulu-Natal to become the province with the largest child population: 21% of all children in the country live in Gauteng. Gauteng also has the largest share of the adult population (28%) and the largest share of households. The child population of Gauteng has grown by 42% since 2002, making it the fastest growing province.[2]

[1] South African Survey 2016 –Institute of Race Relations 2016
[2] South African Survey 2016 –Institute of Race Relations 2016

There have also been striking changes in other provincial child populations since 2002. The number of children living in the Eastern Cape has decreased substantially (by 14%), while the number of children living in the Western Cape has risen by 22%. The North West has also seen a substantial increase of 19% in the child population since 2002.[3] A rise in the child population is partly the result of population movement (for example, when children are part of migrant households or move to join existing urban households), and partly the result of natural population growth (new births within the province).

We can look at inequality by dividing all households into five equal groups or income quintiles, based on total income to the household (including earnings and social grants) and dividing that by the number of household members, with quintile 1 being the poorest 20% of households, quintile 2 being the next poorest and so on. Quintile 5 consists of the least-poor 20%. Two-thirds of children live in the poorest 40% of households (i.e. the poorest two quintiles). The gender split is equal for children. In terms of the apartheid-era racial categories, 86% of children are African, 8% are Colored, 4% White and 2% Indian.[4]

These population estimates are based on the General Household Survey (GHS), which is conducted annually by Statistics South Africa. The GHS collects data on about 20,000 households and over 70,000 individuals. The population numbers derived from the survey are weighted to the mid-year population estimates using weights provided by Statistics South Africa. Using previously weighted data (the 2013 population model), it appeared that the child population had remained fairly stable, with a marginal reduction of 0.2% in the population size between 2002 and 2015. However, there was considerable uncertainty around the official population estimates, particularly in the younger age groups.[5]

In 2017 Statistics South Africa updated the model and recalibrated the mid-year population estimates all the way back to 2002 and re-released the data with new weights in 2018. The Children Count team re-analyzed all the data retrospectively. Based on the recently revised weights it appears that child population has grown by 8%, increasing from 18.1 million in 2002 to 19.7 million in 2018.[6]

South Africa continues to experience high levels of child inequality and poverty, poor educational outcomes, and a high (albeit decreasing) infant mortality rate, especially among marginalised and vulnerable children. 60% of children live in households earning less than R575 per person per month, and racial disparities persist, with 67% of black children living below this line compared to 2% of white children (Statistics South Africa, 2011).[7]

According to South African Police Service (SAPS) Annual Report 2010/2011, between 2006/7 and 2010/11 54,000 children per year were reported to be victims of violent crime; moreover, it is widely acknowledged that rates of reporting are low. Sexual abuse is the single-largest category of abuse against children, accounting for almost half of all reported cases of abuse per annum. SAPS crime statistics show that, of the 28,128 sexual abuse cases against children reported in 2010/2011, 61% of offences were committed against children younger than 15 and 25% involved young children aged 0–10 years.[8]

3.1 Demography of the Province

Limpopo Province is situated in the northern part of the country with an estimated population at 5.799 million people[9]. Limpopo is the fifth most populated province in the country[10]. Limpopo province consists of five districts namely Capricorn, Sekhukhune, Mopani (where Greater Tzaneen is), Vhembe and Waterberg.

Table 1a. Identifies how many children are under the age of 18yrs in Limpopo and the male female ration. The next statistic identifies those children under and over 10yrs of age, and finally those that live with their parents as the mean for looking at the Number of Children in Greater Tzaneen Table 1b.

3 http://www.childrencount.uct.ac.za/indicator.php?domain=1&indicator=1#1
4 http://www.childrencount.uct.ac.za/indicator.php?domain=1&indicator=1#1
5 http://www.childrencount.uct.ac.za/indicator.php?domain=1&indicator=1#1
6 http://www.childrencount.uct.ac.za/indicator.php?domain=1&indicator=1#2
7 UNCRC State Party Report 2016 page 92
8 UNCRC State Party Report 2016 page 206
9 Provincial profile: Limpopo Community Survey 2016 Report number 03-01-15 www.statssa.gov.za
10 South African Survey 2016 –Institute of Race Relations 2016

Table 1a. Numbers of Children in Limpopo Province[11]

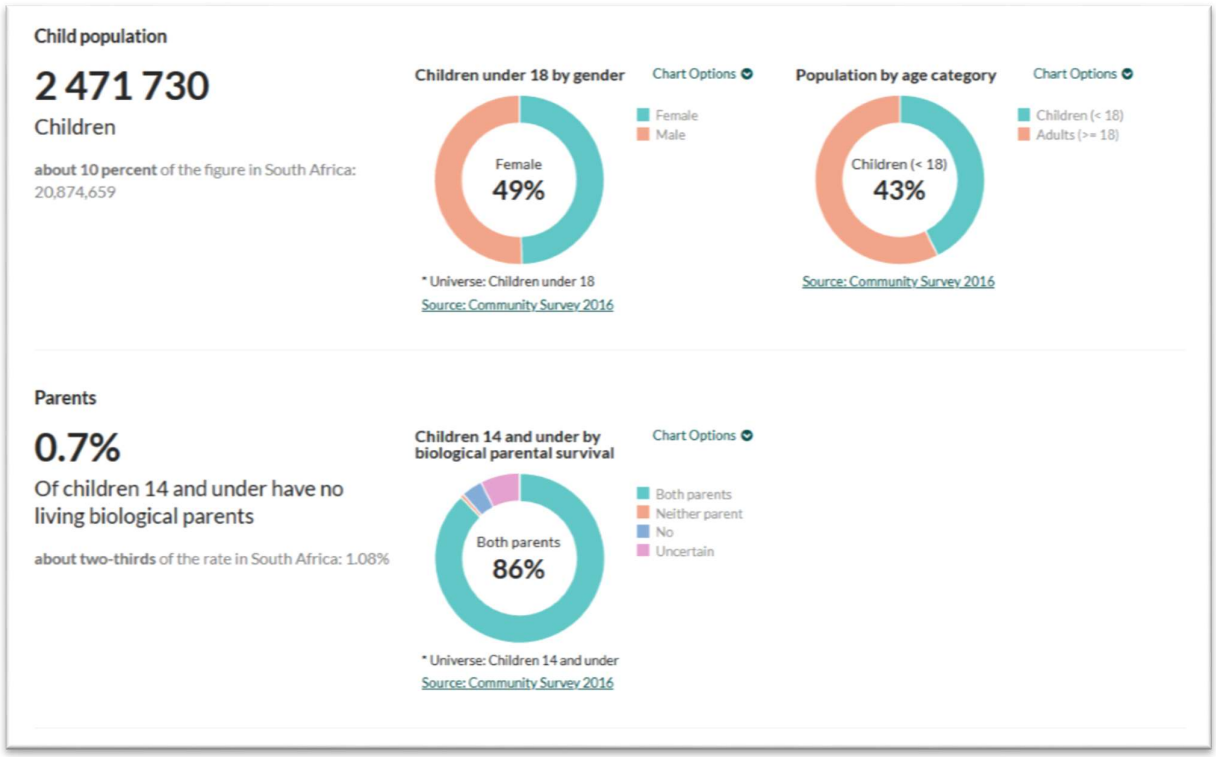
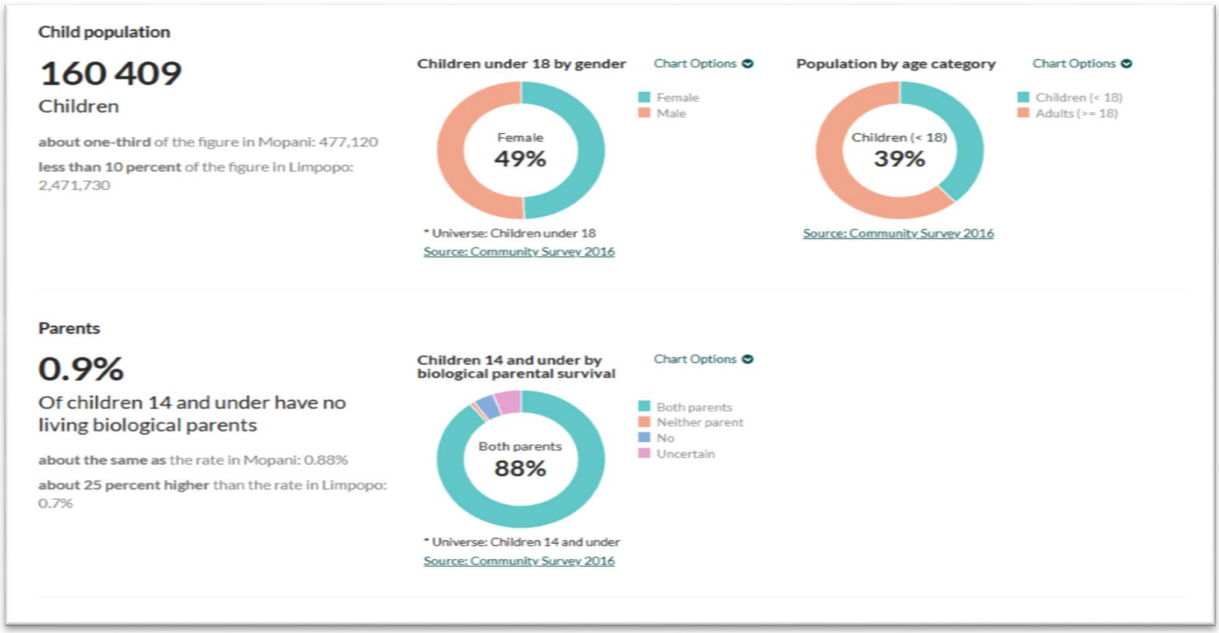


Table 1b. Comparison figures of Children in Greater Tzaneen.



[11] https://wazimap.co.za/profiles/province-LIM-limpopo/#children

3.2. Socio-economic profile of Limpopo province

The estimated population of Limpopo province 5,926,724 with a youthful 2,472,000 children under the age of 18yrs (42%)[12], six out of ten people (3.3 million) are economically active (15 – 64 years) while elderly people are in the minority making up 5% of the province's population. Approximately 80% of the Limpopo province is based in the rural areas with a youth unemployment rate of 61%[13]. There is a greater proportion of the dependent population of children and the elderly for Limpopo that are highly affected by migration the economically active migrate to more urban regions to seek employment leaving children and the elderly vulnerable at home.[14]

Rurality, labor migration, influx of economic refugees, poverty, crime, HIV (19% prevalence),[15] teenage pregnancy (In 2021 17.3%),[16] youth unemployment (61%),[17] 49.9% of people living in Limpopo are unemployed, [18] child illiteracy (33.4% aged below 20),[19] adult illiteracy rates are 17.6% (2020),[20] gender-based violence (39%),[21] and reported child abuse (10%)[22] are some of the major factors that affect the children of Limpopo Province. Poor service provision of quality education combined with the lack of positive peer support, erroneous information regarding HIV and teenage pregnancy prevention lead to high levels of school dropout rates, increased survivalist crime, unemployment and substance abuse to cope with the experienced hopelessness which also fuels the child abuse and gender-based violence levels experienced.

The impact of poverty poses limitations and affects access to education, access to health, insufficient funds for travel cost as most learners walk more than 10 kilometers per day to school. The concept of child headed family is very common where parents are either ill or died from HIV/AIDs.

In Limpopo the problem of **parental absenteeism** is rampant as most seek employment in urban areas such as Johannesburg and Pretoria. There are **many school drop** outs as a result of poverty and parental absenteeism. Teenage pregnancy is increasing, especially in Limpopo province as well as learners abuse by educators, through sexual abuse and corporal punishment.[23] In 2021 the national teenage pregnancy rate climbed to 20%[24]

The school buildings including facilities such as class rooms are in state of collapse. Infrastructure, including portable water and sanitation are rare in local communities. It is very common for educators and learners to relieve themselves in the bush. **Overcrowding and inadequate number of educators** is an added problem to the situation of children's human rights in rural areas.[25]

This situation greatly impacts on the population's capacity to acquire education and employment and makes individuals more vulnerable to poverty, unwanted pregnancy, HIV and Sexually Transmitted Infections, crime, corruption and substance abuse and so the cycle continues.

Acquiring education, particularly tertiary education, is not a priority as family emphasis is placed on short term need for employment and not long-term education (10.3% if children drop out due to lack of family support and priorities other than education)[26].

12 Statistics South Africa (2003 – 2019) General Household Survey 2002 – 2018. Pretoria, Cape Town: Statistics South Africa. Analysis by Katharine Hall & Winnie Sambu, Children's Institute, University of Cape Town

13 South African Survey 2016 –Institute of Race Relations 2016

14 National Department of Health and World Health Organisation 2009: Joint Review of the National TB Control Program South Africa, 2009

15 The Fifth South African National HIV Prevalence, Incident, Behaviour and Communication Survey, 2017 (SABSSM V1)

16 "Teen pregnancy increases: Basic Education says parents are irresponsible" https://www.thesouthafrican.com/news/teen-pregnancy-increase-in-south-africa/

17 South African Survey 2016 –Institute of Race Relations 2016

18 The Stats SA Quarterly Labor Force Survey (QLFS) for the period 1 April 2021 to 30 June

19 Space-Time Research: Quarterly Labor Force Survey Q3/2011: www.spacetimereaserch.com. Accessed 29th November 2011

20 FACT SHEET Adult Illiteracy in South Africa Author: Mamphokhu Khuluvhe March 2021

21 SAPS, www.saps,gove.za accessed 3rd June 2014 South African Police Service Annual Report 2014/15, October 2015, p209

22 Child Gauge, University of Cape Town 2018

23 Findings on Children's right in Limpopo and EC - from HURISA (Human Rights Institute of SA) 2011

24 "Teen pregnancy increases: Basic Education says parents are irresponsible" https://www.thesouthafrican.com/news/teen-pregnancy-increase-in-south-africa/

25 Findings on Children's right in Limpopo and EC - from HURISA (Human Rights Institute of SA) 2011

26 Stats SA, General Household Survey 2011, Statistical release P0318,3, May 2012

Statistically, in Limpopo 39% of all eligible students aged between 7-24yrs do not attend school because it is not a priority or because of failing to achieve the necessary grades to be promoted to the next level of education .[27] Approximately 70% of all rural students in university dropout in their first year at university due to lack of peer support, self-control (involvement with substance abuse, suddenly being self-determined without the necessary skills to navigate peer pressure), finance availability and lack of family support and only 17% of student successfully complete their degree.[28]

Individuals without any formal education were most common in Limpopo (7,1%) and Mpumalanga (6,3%), and least common in Western Cape (0,7%) and Gauteng (1,0%), 21,3% of people aged 20 years or older have attained some academic qualifications that are equivalent to or less than Grade 9. Grade 9 is the final year of the senior phase and learners are allowed to leave school on its completion or when they turn 15 years old, whichever comes first. Individuals with lower secondary qualifications or less were most common in Eastern Cape (30,1%) and Northern Cape (29,6%).[29]

The other problem faced by children in rural areas relates to **harmful cultural and traditional practices** such as virginity testing, which is understood to be a Zulu traditional practice. Child Exploitation for commercial purpose, especially in Limpopo province, **children working in the streets, substance abuse** affect school going and non-going children.

The situation of Children's Rights in Limpopo gives a very bleak picture more so in the poor rural communities and as such contravenes constitutional imperatives as well as legislative frameworks aimed at improving the situation of children. This also reveals a lack of implementation of international and regional commitments in advancing children's rights by the Government.

According to the African Charter on the Rights and Welfare of the Child under Articles 11, 14, 18, 19, 20 ,27, 28, of every child has a right to an education, the right to enjoy the best attainable state of physical, mental and spiritual health, protection of the family, entitled to enjoyment of parental care and protection, parents shall have primary responsibility of the upbringing and development of their children and the duty to ensure the best interest of the children is their basic concern all times. However, the lack of practical enforcement of this instrument has left many communities, especially the poor without any knowledge for support of their rights.[30]

3.3 Political Context

Over the last 19years we have come to understand that politically (due to Apartheid), culturally and economically communities in rural areas particularly children have been disadvantaged exponentially. Issues of abuse continue to escalate even with the new dispensation primarily, due to ignorance and people not understanding how to realize their rights. Children's Rights and empowerment of children within organizations to actively participate in meaningful ways continues to be problematic.

There is an uneasy relationship between Traditional Leaders (Chiefs and Induna's) and democratically elected ward councilors. It is our observations that most ward councilors although publically elected to these roles do not live in their wards and are out of touch with their constituency, the Induna's have the responsibility to ensure there community operates effectively, safely and economically progresses. The Induna's have all the responsibility while the ward councilors have a majority of the authority. Induna's primarily are an unaware of their Constitutional Roles.[31] [32][33]

3.4 Development Environment

The national Government and international donors traditionally have been driven by short term investments rather than long term commitments to development. The emphasis on Millennial Development goals transitioning to

[27] Stats SA, General Household Survey 2011, Statistical release P0318,3, May 2012
[28] South African Survey 2016 –Institute of Race Relations 2016
[29] PO3182021 General House Hold Survey 2021 Embargoed 23rd June 2022, 11am.
[30] Findings on Children's right in Limpopo and EC - from HURISA (Human Rights Institute of SA) 2011
[31] The White Paper on Traditional Leadership and Governance, 2003 and the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003)
[32] The South African Constitution
[33] Traditional Leadership and Governance Framework Act41 of 2003

Sustainable Development goals many donors focus on survival rather than using a rights based approach to ensuring survival. For example the provision of clean water is a human right, many donors are happy to install a borehole rather than approaching the problem from a rights perspective. Basic survival needs have priority over Child Participation, for example the draft Department of Social Development Bill of 2022 discusses at length the transitioning from MDG's to SDG's without any comment of mainstreaming Children's Rights or Child Participation.[34]

3.5 Rights-based approach to development is an approach to development promoted by many development agencies and non-governmental organizations (NGOs) to achieve a positive transformation of power relations among the various development actors. This practice blurs the distinction between human rights and economic development. There are two stakeholder groups in rights-based development—the rights holders (who do not experience full rights) and the duty bearers (the institutions obligated to fulfill the holders' rights). Rights-based approaches aim at strengthening the capacity of duty bearers to fulfill their roles and responsibilities and empower the rights holders to realize and enjoy the fulfillment of their rights.[35]

4. Methodology

This CRSA process comprises three components: (1) a desktop literature review (secondary data); (2) a stakeholder assessment; and (3) key informant interviews (Primary data). We collected secondary data first and used this information to inform our primary data collection. A variety of different tools were used and will be discussed in the body of the paper.

There are inherent limitations to the qualitative primary data collection inputs used for this research that need to be acknowledged and kept in mind when interpreting the findings. Key informant interviews are frequently used in to gather information. Although useful, it is important to understand where biases can be introduced so as to cautiously interpret, frame, and validate the findings:

- Selection bias: Findings may be biased if informants are not carefully selected. For example, the respondents selected may not be the right individuals within the organisation and/or may have inherent biases (political, etc.) that influence their responses. The participants selected may cover their own role in contributing to different violations of children's rights that the children experience and may not be completely honest.
- Interviewer bias: Interviewer training, skill, and bias may sometimes provide bias, as the interviewer may unconsciously devise questions so as to secure/confirm certain views that s/he holds. On the other hand, interviewer presence stimulates respondents in terms of providing more detailed responses. Additionally, it is possible that the interviewer may inhibit the respondent from providing unencumbered responses because there is no anonymity; interviewers can attempt to overcome this challenge by using strategies like developing rapport with the respondent and choosing an appropriate location for the interview are crucial. Another strategy is to provide group activities rather than individual responses to ensure a measure of anonymity.
- Validity of results may sometimes be difficult to prove overall. Results may be limited to an individual's understanding and not reflective of the whole groups' experience.

Acknowledging the limitations above, the research team has tried to mitigate these biases through: (1) careful selection of respondents, (2) use of experienced interviewers, (3) reviews of transcriptions/analyses by multiple individuals, (4) and triangulation of the interview findings with findings from the secondary literature review.

Demographics of Limpopo, Greater Tzaneen was much harder to extrapolate. Limpopo data was also difficult to identify. Sadly it was impossible to find any relevant Children's Rights documents relevant to Greater Tzaneen or Mopani district from any source. Furthermore, it is important to note that the findings presented in this report are intended as initial inputs to a subsequent dialogue that will gather relevant stakeholders to further "validate" these findings before designing the final Children's Rights Situational Analysis document which will be used to recommend interventions resulting from this research for a 5yr proposal with Kindernothilfe.

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[34] Draft Social Development Bill – 2022 *As to be introduced in the National Assembly (proposed section 76); explanatory summary of Bill* Minister of Social Development August 2022.

[35] Gneiting, Uwe; Bruno-Van Vijfeijken, Tosca; Schmitz, Hans Peter (2009). *"Setting Higher Goals: Rights and Development"*. Monday Development. (12): 19–20. *Retrieved April 5, 2011*

4.1. Review of Secondary Data

Secondary data sources reviewed (e.g., international Conventions, UNCRC Reports & Commentaries, government reports, legal statutes, policies etc.) provided background context on the situation of Children's Rights. Sadly, South Africa has failed to submit a current State Party Report to the Committee on the Rights of the Children for 2020 and so only the 2016 State Party Report was available. Children's Rights literature specific to South Africa was available however predominantly out of date in general.

4.2. Primary Data Analysis

Key informant interviews conducted to collect primary data on inputs, processes, and outputs related to the experience of rights holders regarding their rights to participation at all levels for example: within the family; local schools; the community. The duty bearers such as parents, teachers and community leaders (Induna's) who are responsible for ensuring the children enjoyed their rights where engaged. Key informants were identified by a stakeholder assessment and input from the KTD196working group.

4.2.1. Selection of Children and Adults involved in the CRSA

KTD196 Study population are boys and girls aged between 5-11yrs and 12-18yrs of aged that live in rural Greater Tzaneen residing in both villages and township infrastructure. KTD196 prioritizes orphan and vulnerable children however any child is welcome to be a part of the children's project. Currently, approximately 25% of children served are orphaned. All 100% of the children are considered vulnerable by Department of Social Development definition.

The adults in the program are 11 female staff and 1 male staff member, plus 38 adult's scouters (2male and 36 Females) who are trained to implement the program with KTD196 staff providing site visits, support, monitoring and training as needed. The Adult parent's, Induna's and scouters come from the same geographical area as the children. They are from rural, previously disadvantaged areas with minimal infrastructure.

Table 2. Participants of the CRSA

Respondents	Male	Female
Children 5-11yrs	41	32
Children 12-18yrs	44	53
Parents		37
Induna's	3	
Ward Councillor	1	
Community Committee	1	
KTD196 Staff	1	11
Teachers 26	7	19
Principals & Deputy Principals	2	31
Office of the Rights of the Child		1
National Department of Social Development		1

4.2.2 Characteristics of interview respondents

The project scope includes the public sector service delivery of quality children's education linked to children's rights **(Article 2, Article 12, and Article 28 & 29**). For this reason, we sampled a larger proportion of individuals involved in service delivery (teachers) than in policy/administration or regulation (Principals).

We selected interview respondents based on input from the working group. We
(1) Identified all the stakeholders in the space and assessed their influence, positions, and interests; and
(2) Explored stakeholders' responses with respect to policies, strategies, regulations, knowledge of children's rights and implementation of education modules and how if at all participation was implemented in their school. The working group identified, eligible interview respondents which were selected purposely to capture a range of viewpoints and experiences. (See Table 2.)

Table 3. Characteristics of Participants

Variables		Children and Parents	Government Employees
Roles of Respondents	Policy		X
	Regulation		X
	Service delivery		X
Total			
Geographical Distribution of Respondents	Village	X	X
	Township	X	X
Total			
Gender	Male		X
	Female		X
Total			
Interview Method	Focus Group	X	X
	Body Mapping	X	X
	Problem Tree	X	X
	Phone		X
	Email		X
	Questionnaire		X

4.3. Dimensions of Analysis

This study documents the implementation, experiences and lessons learned from the children within KTD196 program and its interaction with the implementation of the private and public sector for realising Children's Rights to Participation as set out by the UNCRC and South African Children's Act.[36] First, we will present an overview of the CRSA to orient readers to the expected standard of Children's Rights in South Africa. Then, we will present characteristics of the participants included to identify the reality and lived experience of Children's Rights implementation. Finally, we present themes that emerged from the secondary data analysis and the primary in-depth interview data. These findings are organized thematically around the Child Participation.

5. Research Objectives

5.1. Children's Rights

The United Nations' 1989 Convention on the Rights of the Child, or CRC, is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. Its implementation is monitored by the Committee on the Rights of the Child. South Africa's first democratic government ratified the Convention of the Rights of the Child on the16th June 1995 and committed themselves to protecting and ensuring children's rights, and agree to hold themselves accountable for this commitment before the international community.[37] The CRC is the most widely ratified human rights treaty with 196 ratifications; the United States is the only country not to have ratified it.[38]

[36] The Children's Act [No.38 of 2005], Chapter 2 (General Principals), Number 10 (Child Participation).
[37] Convention on the Rights of the Child, UNICEF. Retrieved 4/3/08
[38] *UN (2018). "United Nations Treaty Collection". Retrieved 2018-02-14.*

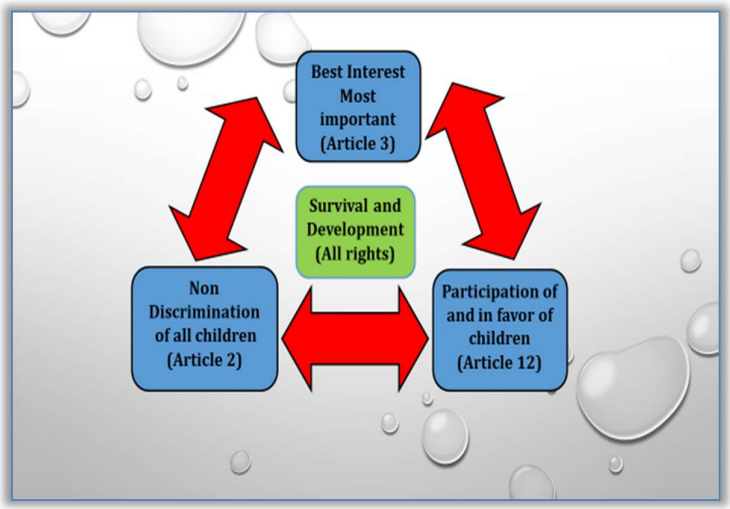


Table 4. CRC four core principles

The CRC is based on four core principles: the principle of **non-discrimination**; the **best interests of the child**; the right to **life, survival and development**; and considering the **views of the child in decisions** that affect them, according to their age and maturity.[39] The CRC, along with international criminal accountability mechanisms such as the International Criminal Court, the Yugoslavia and Rwanda Tribunals, and the Special Court for Sierra Leone, is said to have significantly increased the profile of children's rights worldwide.[40]

5.1. African Charter on the Rights and Welfare of the Child[41]

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted by the Organisation of African Unity (OAU) in 1990 (in 2001, the OAU legally became the African Union) and was entered into force in 1999. Like the United Nations Convention on the Rights of the Child (CRC), the Children's Charter is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children. The ACRWC and the CRC are the only international and regional human rights treaties that cover the whole spectrum of civil, political, economic, social and cultural rights for children.

Its mission is to promote and protect the rights established by the ACRWC, to practice applying these rights, and to interpret the disposition of the ACRWC as required of party states, African Union (AU) institutions, or all other institutions recognized by AU or by a member state.

Table 5. Alignment of NPAC with Constitution, the NDP, UNCRC and ACRWC[42]

The following table (Table 3) depicts the alignment of the NPAC with the Constitution, the NDP, UNCRC and ACRWC, followed by Table 4 which demonstrates alignment between the NDP and SDGs.[43] For an extensive discussion regarding the development and history of Children's Rights and Child Participation Internationally and within the African Union please go to the Annexure.

The Constitution of the Republic of South Africa, 1996 Act 108	NDP	Pillars of the NPAC (2019-2023)	UNCRC	ACRWC
Section 2: Supremacy of the Constitution Section 10: Human Dignity Section: 27: Health Care, food and social security Section 28: Children	Target 8: Promoting Health Target 9: Social Protection Target 11: Building a capable state	Pillar 1: General measures and Principles of Implementation	Article 6: Survival and development Article 8 Preservation of identity Article 7: Registration, name, nationality, care Article 26: Social security	Article 2: Definition of a Child Article 4: Best interest of the child Article 5: Survival and Development Article 19: Parental care and protection

[39] Convention on the Rights of the Child, UNICEF. Retrieved 4/3/08
[40] Arts, K, Popvoski, V, *et al.* (2006) *International Criminal Accountability and the Rights of Children*. "From Peace to Justice Series". London: Cambridge University Press.
[41] *Adopted by the Twenty-sixth Ordinary Session of the Assembly of Heads of State and Government of the OAU, Addis Ababa, Ethiopia - July 1990.*
[42] NPAC Framework with added Annexures 2020 South African Government
[43] NPAC Framework with added Annexures 2020 South African Government

Section 28	Target 8: Promoting Health Target 9: Social Protection	Pillar 2: Civil Rights and Freedoms	Article 6: Survival and development Article 8: Preservation of identity Article 7: Registration, name, nationality, care Article 13 Freedom of expression	Article 3: Non-Discrimination Article 4: Best interest of the child Article 5: Survival and Development Article 6: Name and nationality Article 19: Parental care and protection
Section 28	Target 1: Economy and Employment Target 2: Economic Infrastructure Target 3: Transitioning to low carbon economy Target 4: Inclusive Rural Economy Target 5: Positioning South Africa in the World	Pillar 3-Socio Economic Rights	Article 26 Social security:	Article 4: Best interest of the child

5.2. 2005- 2022 Overview - The Children's Act

The Children's Act 38 of 2005 builds on the 1960 Children's Act and integrates the South African Constitutional changes from Section 28. The Children's Act is a comprehensive law developed through an extensive nationwide review of the apartheid-era Child Care Act of 1983 and child protection system. It adopts a holistic and developmental approach to care and protection of children and seeks to give effect to South Africa's responsibilities to children under the Constitution, UNCRC and ACRWC.

There have been many amendments to the Children's Act since 2005 including:

- Amended by Children's 2nd Amendment Act 18 of 2016
- Amended by Children's Amendment Act 17 of 2016
- Amended by Judicial Matters Amendment Act 8 of 2017
- Amended by Legal Aid South Africa Act 39 of 2014
- Amended by Prevention & Combating of Trafficking in Persons Act 7 of 2013
- Amended by Child Justice Act 75 of 2008 The Child Justice Act aims to minimize children's contact with the criminal justice system, and to use detention only as a measure of last resort and for the shortest appropriate period of time.
- Amended by Children's Amendment Act 41 of 2007
- **T**he National Child Care and Protection Policy (2019): This Policy provides South Africa's overarching Policy Statement on the Care and Protection of Children.

As cited in the Concluding observations by the Committee of the Rights of the Child 2016 there have been a number of advancements in legislative frameworks to realise the rights of children however implementation, monitoring, resourcing, capacitation of personnel and overall commitment is lacking. [44]

5.3. What is Article 12 - Child Participation?

Child participation refers to the active involvement of children in the decisions, processes, programmes and policies that affect their lives.

[44] Concluding observations by the Committee of the Rights of the Child 2016

The United Nations Convention on the Rights of the Child (UNCRC) recognises that children are not merely passive recipients, entitled to adult protective care. Rather, *they are subjects of rights who are entitled to be involved, in accordance with their evolving capacities*, in decisions that affect them, and are entitled to exercise growing responsibility for decisions they are competent to make for themselves.

Article 12 provides that: ***'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.***' Article 12 of the UNCRC is a unique provision in a human rights treaty, addressing the legal and social status of children under the age of 18 years who lack the full autonomy of adults but nevertheless are subjects of rights. It states that every child who is capable of forming views has the right to express those views freely in all matters affecting him or her, and that their views must be given due weight in accordance with their age and maturity. Furthermore, children are entitled to be heard in any judicial or administrative proceedings that affect them, either directly or through a representative. This is a fundamental right, and the Committee on the Rights of the Child has identified it as an underlying principle which must inform the implementation of all other rights.[45]

Article 2 all children have the rights set out in the UNCRC, and individual children and young people shouldn't be discriminated against when these rights are realised. This covers both direct and indirect discrimination.

Article 5 requires parents and guardians to provide direction and guidance to children while respecting the 'evolving capacities' of the child.

Article 29 says that a child or young person's education should help their mind, body and talents be the best they can. It should also build their respect for other people and the world around them. In particular, they should learn to respect: their rights and the rights of others, their freedoms and the freedoms of others.[46]

Picture 1. Primary Data Collection at Nsolane

[45] The United Nations Convention on the Rights of the Child (UNCRC)

[46] National Child Participation Framework 2018 DSD & Save the Children

6. National Plan of Action for Children of South Africa

6.1. Strategic Challenges identified in Limpopo

The NPAC is a comprehensive strategic document however the allocated budget in 2020 to Limpopo R533, 000.00 once again is very limited. From our observation a majority of this budget contributes towards attending a once off event "The National Children's Parliament" at National and Provincial level and the occasional celebration of Youth Day at Municipal level, however prior to these events there are no opportunities for participatory collaboration for the children, they attend the event having not been primed, trained, or any facilitation being done to produce active participation in the process. Again a tokenistic approach to child participation.

Currently (2022) not all provinces have the Office for the Rights of the Child situated in the Premiers Office. In Limpopo responsibility for NPAC stays with the Premier however, the Deputy Director is also responsible for Older Persons and Military Veterans as part of their portfolio, despite the need to place the ORC in the Presidency, there is no follow through in terms of dedicated Official to the Rights and needs of Children. Officials responsible for more than one sector in Provinces or Municipalities pose a challenge resulting to children's programs being overshadowed by other programs.

The ORC in the Premiers Office is mandated to achieve the following:

Table 11. Function of Children's Rights: Provincial Departments of the ORC[47]

PROVINCIAL DEPARTMENTS - CHILD RIGHTS FOCAL POINTS: FUNCTION
(1) Provide children's rights leadership and align understanding, interpretation and implementation in the Department.
(2) Mainstream child rights and child participation in departmental processes and mandate-implementation-systems. N.B. Ensure that child participation in departmental processes informs planning, programming and implementation of service delivery;
(3) Familiarize units in the Department with department specific NPAC targets and related obligations, as well as drive implementation accordingly.
(4) Attend relevant national and Municipality meetings and provide technical support accordingly.
(5) Establish strategic public private partnerships to advance child rights implementation in the Province.
(6) Co-operate and collaborate with civil society to advance child rights implementation.
(7) Track CR performance in the Department, conduct requisite analysis and identify emerging issues for attention in the Department, at provincial or national levels.
(8) Co-ordinate sector-specific child rights implementation across the Department for comprehensive reporting to provincial ORC.
(9) Invoke relevant technical support and interventions as and when the need arises to enhance child rights implementation in the Department.
(10) Represent the Province at national and local Government forums.
(11) Ensure continuous child rights implementation improvements in the Department.

- (Compared to pre- immunization levels).
- Halving of child deaths caused by diarrhea disease.

The current Limpopo PAC 2023-2028 has adopted the World Summit for Children 2014 goals:

- One- third reduction in the 1990 death rate of children under five years or a reduction to 70 per 1000 live births whichever is lower.
- Halving of the 1990 maternal mortality rates.
- Halving of 1990 rates of malnutrition among under-fives.
- The elimination of micronutrients deficiencies.
- Support for breastfeeding.
- Reduction in the incidence of low birth weight to less than 10%.
- Achievement of 90% immunization among children under one year.
- The eradication of polio.
- The elimination of neonatal tetanus.
- A 90% reduction in measles cases and a 95% reduction in measles deaths

[47] NPAC Framework with added Annexures 2020 South African Government

- One-third reduction in child death from acute respiration infections.
- Basic education for all children and completion of primary education by at least 80% of girls and boys.
- Clean water and safe sanitation for all communities.
- Acceptance in all countries of the convention on the Rights of the child including special protection for children in especially difficult circumstances.
- Universal access to high quality family planning information and services in order to prevent too many pregnancies as well as pregnancies that are too early, too closely spaced or too late.

What is sadly lacking is the voice of the child! What are the children's needs and priorities, what is the budget allocated to finding out their concerns? The only comment made in this document for the next 7years in Limpopo is:

> "The children of this Province have indicated that they would appreciate it if their view, opinions and wishes could be respected. The challenge facing the Office is how to implement participation of children without disrupting their education."[48]

This reveals the total inadequacy of government to gain understanding from the child's perspective. Even the sanitised language used is that of children begging to be heard and not demanding their Rights. Once again, the reliance upon the children's parliament as a tool for collecting information is thought to be the only mechanism; without understanding the need for awareness of rights training; the possibilities of transforming children's lives through a rights based approach diminish considerably with this attitude. Another examples is the lack of workshopping the children prior to the children's parliament and providing a safe and secure environment at the various venues including to and from.

The mandate for child participation in all departments comes from the PAC and flows down to the MAC (Municipal Action Plan for Children)

6.2. Conclusions from Secondary Data Review

A desktop review of secondary data was collected and examined which was then used to shape the type of information required to be collected through primary collection. Once the type of primary data was identified then the appropriate tools to collect the data from the different informants (for example different tools would need to be age appropriate), the respondents (children, parents, professionals etc.) and the communities required were identified. As the secondary data was analysed this informed the direction of the questions to be considered, the tools required and the process of analysis identified.

It is our observation that prior to 2016 THE UNCRC and concluding comments from UNCRC are from the previous Administration under President Zuma. Since 2017, and the installation of the current president, there have been no UNCRC reports presented for comment. There are outstanding reports also due to the Committee of Experts on the Rights and Welfare of the Child at African Union. Covid may have contributed to the delay of submission for both these documents, however the issues are more widespread and pervasive than just delayed by "Covid".

Departments have competing agenda's with a larger focus of survival such as alignment with the Constitution, the NDP, UNCRC and ACRWC plans which takes priority. Children's voices are not sought or heard or acted upon because mainstreaming of Child Participation waters down the imperative to give children a voice and act upon

[48] Limpopo Provincial Plan of Action for Children 2023-2028

their identified needs. With the transitioning nationally from MDG's to SDG's through all government departments means that children are consistently and persistently sidelined.

The current NPAC emphasizes the National Children's Parliament as the only mechanism by which to consult children, the current NPAC is flawed it is in fact a starting point however in the NPAC it is considered the final destination. NGO's who work with Children are targeted by the Provincial ORC offices to send children to participate in the Children's Parliament. Organizations are not given time to prepare the children to contribute effectively and meaningfully. Where participation has taken place, children's views have not been taken seriously enough by politicians and policy-makers. This is evidenced by the common failure to act on inputs received from children through participatory processes and to provide children with feedback on the outcomes of their inputs[49]

Child Participation is considered a low priority due to cultural related issues which will be discussed in the primary data section. This is one of the core reasons why at National transcending to family level, why child Participation is not important.

- Limpopo Province ORC main function appears to be limited to assisting in convening of the National Children' Parliament as their infrastructure staff and budget is very limited.
- Mopani District is to have a District Program of Action for Children, KTD196 has been unable to identify the person responsible despite multiple enquiries, nor have we received a copy of the DPAC.
- Greater Tzaneen Municipality does not have a budget or staff to implement the Local Plan of Action for Children. Communication from the municipality regarding children is limited to Youth Day celebrations however the children are almost an afterthought at this event.
- At village level Induna's, Ward Councilors and Ward Committee Members are not trained or capacitated in Children's Rights or Child Participation. Induna's have been made aware of their responsibility towards children and the need of children to participate in community meetings but the attitudes of the community as well as the leaders is a major stumbling block to children being included.

The new structure includes a coordinating structure called the National Program of Action Steering Committee which is responsible for the co-ordination of the provinces National Plan of Action for Children (NPAC). Each province should have an Office of the Rights of the Child established in the Premiers Office. This office is responsible for producing the Provincial version Provincial Action Plan for Children (PAC) which contributes to the NPAC. This process is then repeated at District level and then municipal level. Currently this is the only mechanism by which the children have a voice at national level.

In reality, the legal framework is in place however implementation has been stymied at best case scenario by ineffective and toothless ORC. Worst case scenario, by the malignant total lack of concern for children to have a voice and participate in engagement practices. This is reinforced through the primary data that has been collected and will be further discussed under the conclusions section.

Currently, it is only through this structure that children's voices will be heard. Education is required by all Duty Bearers and adequate resourcing of the implementation plans will we be able to realise child participation.

At Municipal level there should be a help desk for Children in each municipality and at Sub District and District level. In Greater Tzaneen there is no help desk for Children, there are no services available for children in their own right and participation in not sort. KTD196 experience is the only involvement of the municipality is the tokenistic

[49] (Bray & Moses, March 2011) (Nomdo & Roberts, 2011) (UNICEF South Africa, 2011).

celebration of YOUTH DAY. Children are called for a day of fun at the municipals expense however, only dignitaries receive special meals, for the children there is often not enough food to go around, the security is lax and the whole day is for adults not for the honoured guests, the children.

Throughout the years we are contacted by the Premiers Office with an invitation for our children to attend a National Children's Parliament however after attending for 3yrs and seeing how poorly the children are monitored, the lack of safety awareness shown the children and that a child drowns or dies every 3-4yrs while attending one of these parliaments due to lack of supervision, KTD196 has declined further participation. We have registered our outrage at this issue but no official response has ever been received. The NPAC has a target of institutionalizing the Children's Parliament as a permanent forum 2024, given its current form and this organizations past experience with this forum, major changes would need to be made. As reported by one senior official in the Premiers Department "Is it any wonder when buses breakdown, and venues are chosen based on lowest possible bid and not on safety requirements for the children!"[50]

Traditional Affairs have been charged under the current National Provincial Action for Children to contribute to child survival, protection, development and participation in the country including the protection of girl children from commercialization of customary practices (e.g. ukuthwala (bride kidnapping) and ulwaluko (circumcision) before majority age), promote healthy & developmental practices and prohibit those that are harmful especially to young girls and boys and child marriages."[51]

Children need to be identified as active citizens and agents of change. The African Charter on Human and People's Rights (1981/1986) states that, "Considering that enjoyment of rights and freedom also implies the performance of duties on the part of everyone"; the two are explicably linked.[52] However there are many broken links in the chain in practice as our Primary Data Discussion reveals despite the glowing NPAC plan reports over the years.

Picture 2
This picture depicts a young child being left at home with the baby while the parents are both going off to the shabeens to drink. Children are not able to share their feelings regarding being left at home alone, with siblings. They feel vulnerable and under duress as the adult in the home overnight.

[50] Spoken to the Director of Keep The Dream196 from a source who wishes to remain anonymous.
[51] NPAC with new Framework (Annexures Added) MD 2020 page 146 paragraph 36
[52] The African Charter on Human and People's Rights (1981/1986)

7. Primary Data Collection

7.1. Methodological and Primary Data Limitations

No disabled children participated – in the communities where we work a majority of beliefs regarding disabled children is they are birthed from witchcraft or possessed, they are hidden away usually in the home, so accessing the children to participate was extremely difficult.

Accessing the cub and scout children was not difficult as we work with them on a weekly basis, what was difficult was choosing to implement 4 meetings with the children due to the diversity of the communities from which they came, KTD196 decided to use one group which was fairly homogenous to the rest of Greater Tzaneen in demographics and the other communities with specific known issues

- Myakayaka – a large impoverished refugee community who are undocumented
- Petanenge – a previously violent and gang infected community
- Nsolane – a poor community who are predominantly South African
- Shiluvane – representatives reflecting the majority of communities in Greater Tzaneen.

Men voices were not equally represented within the family or school, women were the respondents at family and school level of the Primary Data Collection. However at community leader level all respondents were men while at National level both informants were women. Participation is expressed very differently throughout the child's life at different ages. Therefore analysis is disaggregated according to age. Children's abilities to participate changes as they grow and develop. In the literature, there was no cognizance of this, children are recognized as under the age of 18yrs however their capacities and abilities vary greatly according to age group, subsequently, KTD196 has disaggregated according to two age groups, 6-11yrs and 11-18yrs through the development and evolving capacities of the child. There are 160,409 represented in Greater Tzaneen. 49% are female, while 51% are male.[53]

7.1.1 Population Demographics of the Villages involved in Primary Data Collection

Table 13. Population Demographics of the Villages involved in Primary Data Collection

Characteristics of Data	Myakayaka[54]	Nsolane[55]	Petanenge[56]	Shiluvane[57]
Total population	4,929	1,762	4,117	2,049
Young (0-14)	35,7%	34.6%	28,8%	28%
Working Age (15-64)	60,5%	58.1%	63,2%	63,3%
Elderly (65+)	3,8%	7.3%	7,9%	8,8%
Dependency ratio	65,2	72	58,2	58,1
Sex ratio	87,7	92.1	86,5	85,1
Population density	1715 persons/km2	472 person/km2	1108 persons/km2	443 persons/km2

[53] http://www.wazimap.co.za/profiles/municipality-LIM333-greater-tzaneen/#children
[54] https://www.statssa.gov.za/?page_id=4286&id=12220 2011 Census – Myakayaka
[55] https://www.statssa.gov.za/?page_id=4286&id=12220 2011 Census – Nsolane
[56] https://www.statssa.gov.za/?page_id=4286&id=12220 2011 Census - Petanenge
[57] https://www.statssa.gov.za/?page_id=4286&id=12220 2011 Census - Shiluvane

No schooling aged 20+	16,8%	15.7%	18,9%	14,6%
Higher education aged 20+	8%	5.9%	3%	5,7%
Matric aged 20+	21,4%	15%	22,8%	28,6%
Number of households	1,281	473	1,138	519
Average household size	3,7	3.7	3,6	3,5
Female headed households	49,6%	48.8%	46,6%	50,5%
Formal dwellings	96,5%	94.1%	95,3%	93,6%
Housing owned/paying off	71,3%	16.9%	58%	48,9%
Flush toilet connected to sewerage	5,7%	1.7%	0,1%	1,9%
Weekly refuse removal	6,6%	0%	0,5%	0%
Piped water inside dwelling	11,2%	1.7%	1,1%	3,7%
Electricity for lighting	76,6%	96.2%	97,6%	71,6%

It is difficult to extrapolate child specific information from these statistics because of the age distribution by Stats South Africa identifies children 0-14 and is not in keeping with the National or International definitions of a child which is under 18yrs of age.

7.2. Facilitator Team Observations of the CRSA Process with the Children

Myakayaka village is an impoverished village[58] with a large compliment of undocumented Mozambique refugees who have been in residence for generations and more recently a sudden influx of Zimbabwean refugees where a lot of discrimination is being observed and reported by the children. The refugees are undocumented and do not appear on government census. The children were not reluctant to share however they are accepting of the situation they face and have a sense of acquiescence towards their life, family, school and community circumstances.

Table 14. Average Annual Household income for Myakayaka.[59]

The following two tables are a comparison of income between Myakayaka and the rest of Greater Tzaneen. There is a large number of people without income or under the poverty line. Minimum wage in Limpopo is currently R48,977 for domestic and laboring work[60]

[58] https://www.statssa.gov.za/?page_id=4286&id=12220 2011 Census – Myakayaka
[59] https://www.statssa.gov.za/?page_id=4286&id=12220
[60] businesstech.co.za/news/finance/624671/minimum-wage-review-set-for-south-africa

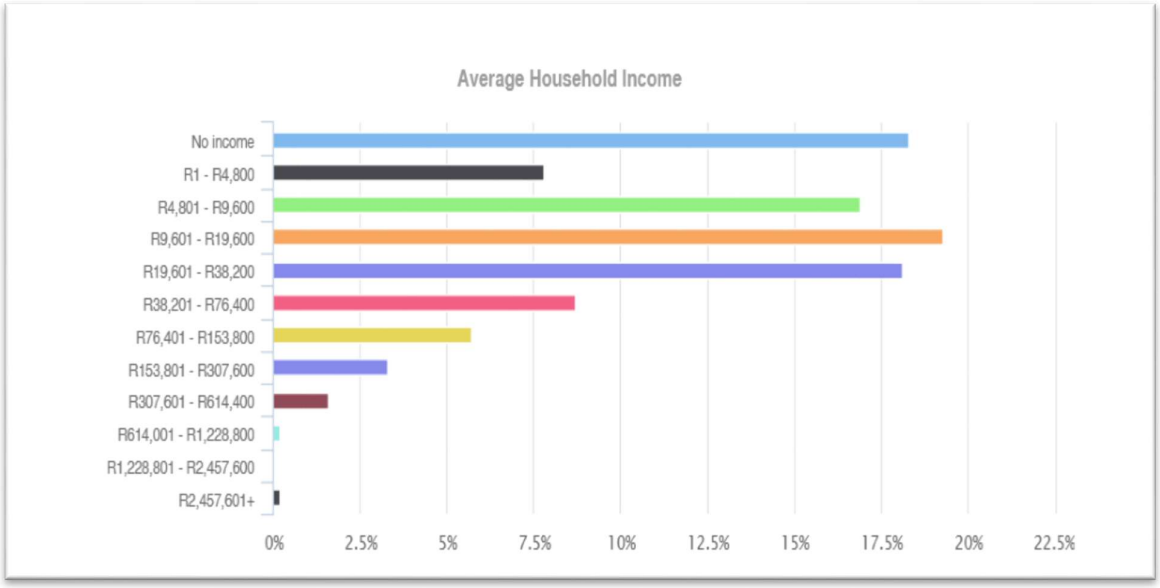
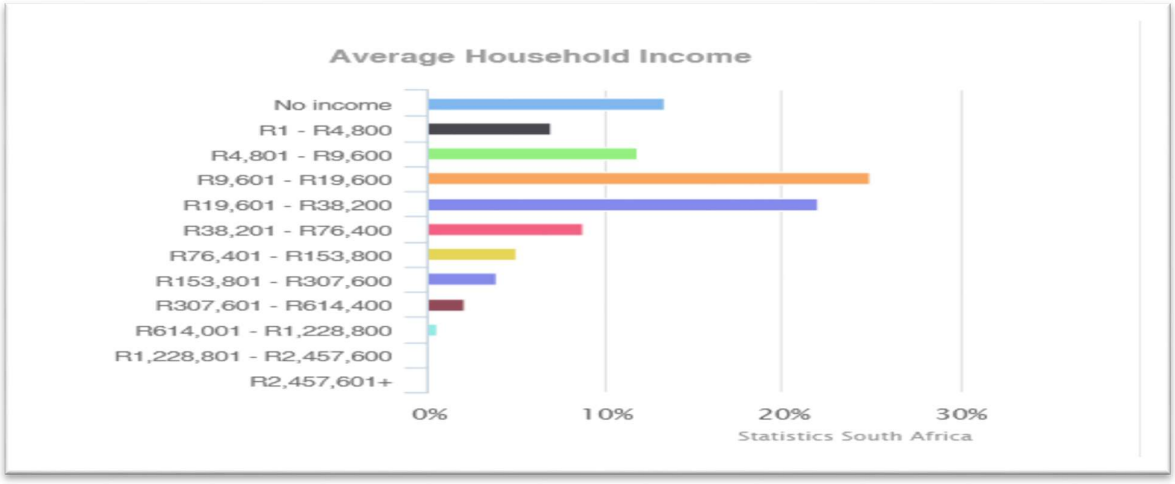


Table 15. Average Annual Household income for Greater Tzaneen.[61]



Nsolane village - this group was used as our control group. The children were free to share their experiences with the rights being discussed.

Petanenge children appeared to be far more guarded about their responses for fear of recrimination if the negative information leaked to family, school teachers or community. This community experiences a lot of violence in all its forms and has been the site of major gang activity in recent years.[62] The children from Petanenge aged between 11-14yrs where reluctant to unpack their shared experiences. They appeared to just accept their lot in life as unchanging. The children resisted sharing their lived experiences with the adults in their lives (parents, teachers, caregivers) because they believed that

[61] https://www.statssa.gov.za/?page_id=993&id=greater-tzaneen-municipality
[62] Information given by Mr Moagi Principal of Petanenge School

if they talked there would be retribution, they considered nothing was going to change, they felt helpless in the situation and talking about it was not going to change anything except put them at risk.

Shiluvane village children were capable of facilitating their own CRSA process including drawing up their own Duty Bearer Analysis. Initially when KTD196 facilitated the process the children were stunted, KTD196 then handed over the facilitation role to one of the older children in the group and the children then became animated, engaged and articulate when they facilitated the process.

KTD196 Executive team are skilled facilitators and have worked extensively with children in various roles. Training was held with the two Field Officers regarding note taking and ensure the correct information was recorded during the Primary Data Collection process. Trained interviewers conducted the activities using body mapping with the younger children aged 5-11yrs. The older children 11-18yrs used Rights Mapping Approach combined with Problem Tree analysis categorising particularly the home environment, school environment and community environment.

The following articles were included in the primary data collection with special emphasis on the Article 2 & 12.

1. Article 2 Non-Discrimination
2. Article 5 Guidance within the Family
3. Article 12 Participation
4. Article 29 Participation in School

Key informant interviews produced primary data on inputs, processes, and outputs related to the experience of rights holders regarding their rights to participation at all levels for example: within the family; with their local schools; within their community. The duty bearers who are responsible for ensuring the identified rights were also engaged. Key informants were identified by a stakeholder assessment and input from the KTD196working group. (See Table 10)

Meaningful participation was the lens through which the other rights were viewed. We wanted to understand if the children were able to meaningfully participate within the family, school and community in which they lived.

7.3. Children aged 5-11yrs and 12-18yrs Primary Data Collection.

With the young children Body Mapping was used. During the body mapping exercise children discussed the issues confronting them regarding the following issues: Participation, Discrimination, Family Guidance, Access to School, and Aims of Education.

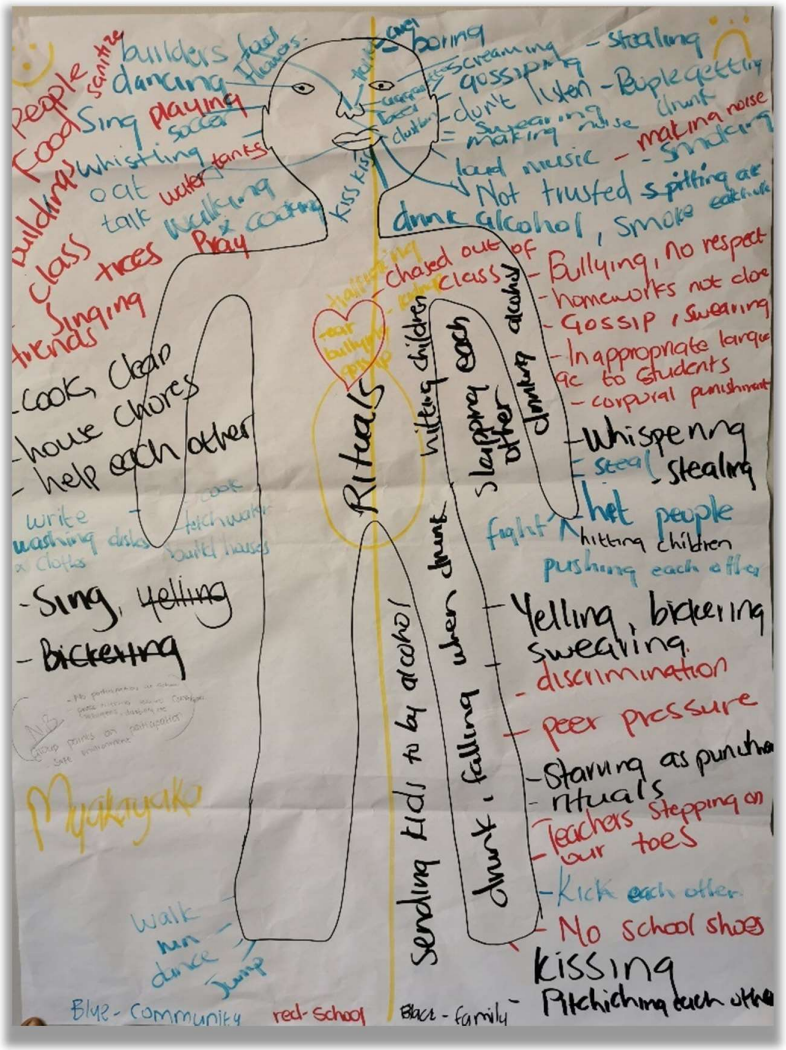
In total, 7 Children consultations were held:

- 3 groups aged between 5-11yrs of age from four different locations with a total of 56 participants
- 4 groups with children aged between 10-16yrs of age from four different locations with a total of 86 participants

Table 17: Summary of Children's Participation - Primary Data Collection
This table represents the Villages where the CRSA Primary Data Collection took place, when, and how many children participated and their ages.

Community	Date conducted	Target group
Petanenge Village	30/03/2022	15 Children (6-11yrs) Cubs 18 Children (11-16yrs) Scouts
Nsolane Village	31/03/2022	16 Children (5-11yrs) Cubs 19 Children (11-16yrs) Scouts
Myakayaka Village	1/04/2022	25 Children (6-10yrs) Cubs 26 Children (10-15yrs) Scouts
Shiluvane Village	5/08/2022	23 Children (11-18yrs) Scouts

Picture 3. Myakayaka Body Mapping Activity – body mapping exercise was used with all children under the age of 11years



Discussion Family
A majority of the children are cubs and reporting that they see drinking and are actively encouraged to participate especially during rituals, this is a family expectation and also culture.
The children are not listened to within the families, the parents want them to go to school all the time so they don't have to deal with them.
The children at home are given a lot of chores but if they go to school they get beaten but can play with their friends.
They are not sure where they want to be.
The safety of children is not taken seriously, the children don't want to go home because they are sent around to buy alcohol and run errands late at night and house chores

Discussion School
Peer pressure – forced to conform to bad behaviour i.e. if a child is from a poor back ground, all the kids don't play with that child. They don't see this as right or wrong. They do not have a voice at school. Kids need to listen not to talk.

Discussion Community
Discrimination against Zimbabweans.
The Mozambique's are peaceful, they see themselves as South Africans, anything that happens in the community is because of the Zimbabweans. Zimbabweans speak a different language, they steal, they rape, and they are the traffickers and killers. You can see a Zimbabwean by the phone they use.

Key	
BLACK	Comments represent Family
RED	Comments represent School
BLUE	Comments represent Community

7.4. Synthesis of the Body Mapping Exercise – Children aged 5-11yrs

The following table is a summary of the primary data collected with children aged 5-11yrs. This is their lived experience of participation particularly within the family, school and community environments.

Table 18. Summary of Primary Data - Body Mapping by Children aged 5-11yrs

Article 2 & 12		Family Article 5	School Article 29	Community
Participation & Discrimination	Eyes	Mothers yelling at children, swearing at children, name calling Parents not giving food as punishment Traditional Rituals – to welcome the birth of a child, Sangoma investing, appeasing ancestors Public overt displays of passion No Respect between parents and children Fighting between families and within families Property grabbing on death of a family member by other families. Theft by parents of children's possessions	Vandalism by kids Learners not listening to teachers Littering Bullying Stealing from each other	Dirty with littering Unclean
	Nose	Littering	Toilet smells Dustin smells	Decomposed food People spitting because of Flu
	Mouth	Some children don't listen to elders Mothers yelling at children Swearing by adults at children and each other	Swearing by child to child Teachers calling names to children Gossip	NOTHING
	Ears	Parents not giving food as punishment No Communication between families Families don't listen to the children's point of view	Swearing child to child Teachers calling names to children Gossip Yelling	Swearing Gossiping a lot Bickering Alcohol
	Hands	Some children report physical fighting in the home Some children report physical fights between siblings	Beating Stealing Vandalism	Beating children Stealing People Fighting Throwing stones at children or each other
	Feet	Nothing	Learners kicking each other	Kicking each other – child to child
	Heart	Fear of consequences if they have been naughty. Adults just grab things from the children, they don't ask	NOTHING	Fear of Hijacking Fear of child trafficking Fear of being beaten

7.5. Analysis on Primary Data collection by children aged 5-11yrs

7.5.1. Children's Discussion regarding meaningful participation in their Family Life.

All of the children are cubs in KTD196 Children's Program and reported they see their parents drinking and are actively encouraged to participate in alcohol especially during rituals, this is a family expectation and also culture. The expectation supersedes the child's will. There is no opportunity for a child to share their concerns, or decide not to participate in the ritual regardless. When children are at home they are randomly given chores without consultation, even if the chore is too difficult or dangerous for the child. An example: the children are unable to voice their fears or concerns regarding being sent out to buy alcohol and run errands late at night, and so feel unsafe.

The children when asked specifically regarding participation within the family spoke about what they saw in the family, schools, and communities which suffocated their voices. For example mothers yelling, swearing and name calling at children actively discouraged children from voicing their concerns. The children spoke about fights between parents and children, between adults, families and neighbors, even theft of possessions by adults which rendered the children voiceless and powerless and resultant impact was they felt like victims and were too intimidated to speak out.

When the children think of their family they think of new clothes, birthday parties, extending the home.
Some children expressed that they were occasionally involved in what clothes maybe purchased, most spoke about how they are always being told what to do, their opinion is not asked for, decisions are made by the adults – the child's opinion doesn't matter. Consequences for not doing as you are told include the children being punished i.e. food withheld, chased out of the home, beaten. Any dissension was viewed as being disrespectful by the adult.

42% of respondents are living with both parents, the rest are with extended families – Granny's, aunts, uncles etc. The mothers are not full time in the home due usually seasonal work. No obvious involvement of the parents in the emotional welfare of the children, no heart attachment, no emotional building, no encouraging, guardians/parents are not concerned about the child's development at this level, they just want peace and quiet in the home.

At home men are the bosses and the women are not listened to or have an opinion that is considered or taken seriously, this over flows to the children at home whose opinions are not considered. Interestingly this also overflows to the classroom were young particularly initiated males are not willing to listen to female teachers. These issues regarding non participation of children are considered tribal and cultural in origin and issues are a reflection of a systemic indifference to the voice of the child.

7.5.2. Children's Discussion regarding meaningful participation at School

The children do not have a voice at school. The children are told they need to listen not to talk. This type of socialization reinforces the voicelessness of different sectors of society especially those of children. Peer pressure is powerful and the children feel forced to conform to negative behaviour towards others i.e. if a child is from a poor back ground, all the kids don't play with that child. They don't see this as right or wrong.

The children state they are not listened to within the families, the parents want them to go to school all the time, the children interpret this attitude as the parents don't want to deal with them or talk to them, when at school, they are someone else's problem.

Children at school identify Teachers as people to be feared and often a source of abuse. Teachers are not interested in what the children have to say. The children are too afraid to raise issues regarding poor behaviour of individual teachers for example: Teachers are observed as being unprofessional i.e. playing cell phone games and eating during the lessons, this results in the children not respecting them but of fearing the teachers. Teacher's attitudes are uncaring, the children see them as not interested in the welfare or development of the child.

The teachers are not concerned about hearing from the children, they do not create a platform to engage with the children. Teachers do not provide affirmations or encouragement for performance at school. As long as the classroom is orderly. School is a place to go and learn, not a negative or a positive experience just a place to learn.

There is no mechanism available to the children to meaningfully participate and share their concerns or fears. Again children are to be seen and not heard, a reflection on the manner in which teachers were socialized as children.

7.5.3. Children's Discussion regarding meaningful participation within the Community

The children had nothing nice to say about their communities. All 3groups of children stated that what went on their communities was scary, but it was their normal. Children did not have a voice to share their fears or concerns. They all reported how violent the adults and other children are because of their experiences of bullying. The children all reported that in there community there was no opportunity for them to raise their concerns about the violence in their communities. Recently a 6yr old was raped and killed in Nsolane community, mob justice killed the offender. This was very prominent feature amongst the children. The children said there is a lot of jealousy and bullying amongst the children, the children are constantly fighting to assert their power so they are not viewed as victims which would incur more victimization and bullying. The children were comfortable reporting what is happening in their community and more guarded regarding their families.

The children report there is active discrimination against Zimbabweans. The Mozambique's are viewed as peaceful, they see themselves as South Africans, and anything that happens in the community is because of the Zimbabweans. Zimbabweans speak a different language, they steal, they rape, and they are the traffickers and killers. "You can see a Zimbabwean by the phone they use."

The children judge each other's value using a pecking order for example there were reports of discrimination against children who are dirty or unclean, overweight or underweight, they will only play with those kids who are clean and have better toys. Girls don't want to play with boys because the boys are bully's and they steal. The children reported they actively discriminated against a child who is disabled because of fear, "we won't play with them" often this is fear is based in cultural belief that the child is bewitched.

The children were confronted with adults and peers intimidating and victimizing children in general, if not themselves then their siblings or friends. Adults do not listen to the children, physical abuse or the threat of physical abuse was ever present. The response was primarily either be quiet and try not to be seen or become a bully so that you are feared and left alone. The children felt exposed to a level of violence or fear of violence on a daily basis to which they believe that nothing will change. Parents, schools and community members do not provide opportunities for children to raise their concerns. This is a traditional and cultural norm, children are taught they are to be seen and not heard, they and their voices are of no consequence.

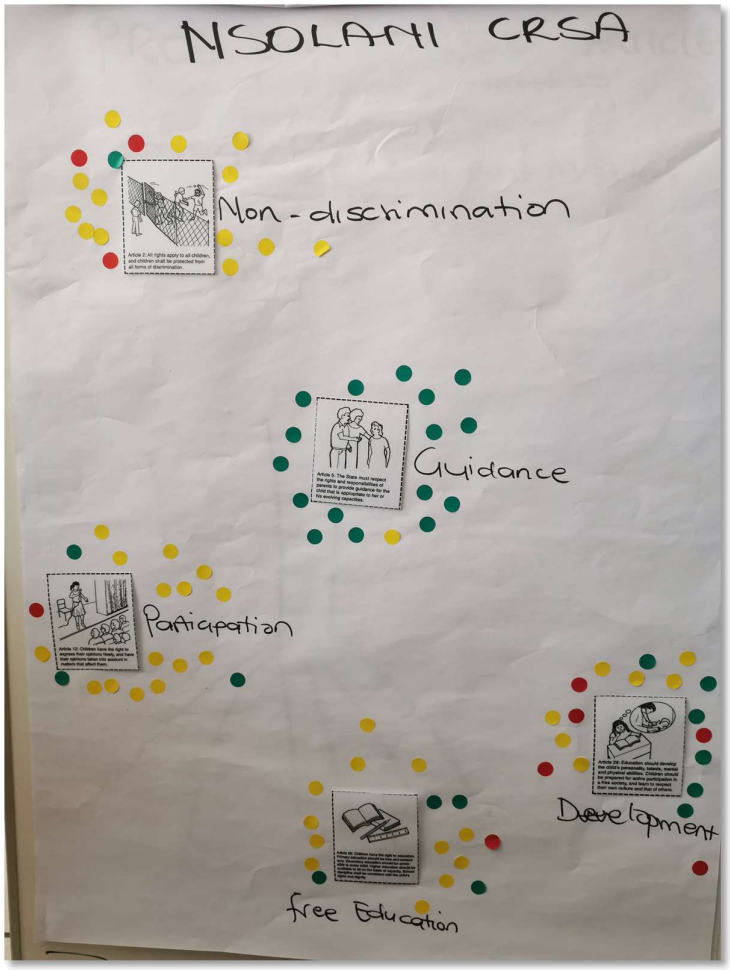
The impact of the children feeling voiceless and victims can be seen in high risk taking behaviors such as seeking affirmation and love inappropriately from other adults such as Sugar Daddies/Mummies or blessers (where adults exchange money, gifts or other consumables for sex); or from other children resulting in high HIV prevalence[63] and teenage pregnancies.[64] Dropping out of school exacerbating illiteracy, unemployment and poverty levels experienced[65] [66], engaging in crime, drug and alcohol consumption plus mental health issues such as depression and suicide are common amongst children as poor adaptive behaviors.[67]

7.6. Primary Data collection from Children aged 11-18yrs

With the older children we used Children's Rights Mapping and Focus Groups to gain information and then amalgamated their contributions into the table below. We start with the rights we are interrogating but particularly participation, the children each allocate a different coloured dot to express if they are enjoying the rights or not. The number of different coloured dots are represent percentages of children enjoying or not enjoying the associated right.

[63] National Strategic Plan against HIV, TB and STI 2016 – South African Department of Health
[64] National Strategic Plan HIV, TB and STI 2016 – South African Department of Health
[65] Space-Time Research: Quarterly Labour Force Survey Q3/2011: www.spacetimereaserch.com. Accessed 29th November 2011
[66] South African Survey 2016 –Institute of Race Relations 2016
[67] https://www.statssa.gov.za/?p=15261Profiling health challenges faced by adolescents (10-19 years) in South Africa Statistics South Africa Risenga Maluleke Statistician General Report No. 03-09-15

Picture 4 Nsolane Children's Rights Mapping



Using Childrens Rights Mapping the children are asked to rate their experience regarding the key 4 Rights we are investigating by allocating a green, yellow, red sticker to identify rights violations they are currently experiencing.

Children from Nsolane identified they are definitely receiving guidance from family, the quality of that guidance is questionable.

However participation in family, school, and communities are very limited as with non-discrimination.

Table 19. Key to Rights Mapping

Colored Dots	Meaning
	The red dot represents the children do not enjoy this right. For the Example above 1 child believed they were not enjoying the right of participation.
	The yellow dot represents the children somewhat experience this right. Under certain limitations 15children do somewhat experience the right of participation however it is limited.
	The yellow dot represents the children believe they fully enjoy this right. 3 Children believe they fully enjoy this right.

7.6.1. Synthesis of Child Primary data collection aged 11-18yrs

Table 20. Consolidation of Primary data Rights Mapping - 4 different children's groups (11-18yrs).

The key to rights mapping on page 36 is applied to the consolidated report below, for example 20% of the children identified stated that they do not enjoy participation within the family. However, 54% did say they participated in some minor decision making within the home however it was simple decisions like what clothes to wear, what garments to buy.

Right	Result	Cause and Impact – Reasons why children do not enjoy this right		
Article		**Family**	**School**	**Community**
Article 2. Non-Discrimination	**18%**	If you are a middle child, you don't get any attention from the parents Punished even if you did nothing wrong because you are not liked or poor member of the family. Siblings are treated differently by parents at home. Treated according to family background such as being poor, being ugly, and being fat or skinny. The girl child has to do everything in the household because she is a girl. Gender roles, some jobs are still given according to gender The oldest child has more responsibility and is not provided for equally in the family. Punished according to gender. Small kids get attention and gifts the older children get punished. If the mother has children with different fathers, the child from the father who does not pay support gets punished every time. If you are an orphan, you get treated differently than those who have parents.	If you don't participate at school, the teacher won't allow you to go to the toilet. Being blamed even if you didn't do it. Discriminated against because you are a refugee. At school you get punished even if you didn't do anything wrong because you are not clever. Punished according to gender. Clever ones are not punished. Clever ones get all the positive attention from teachers. Not treated the same at school, treated according to family background such as being poor, being ugly, being fat or skinny, too short. Discriminated against according to culture i.e. Xitsonga vs Sotho vs Mozambiquean.	Punished according to gender. Not allowed to play with other children Refugees are discriminated against Some poorer areas in the community get water and others don't. Discriminated against for not attending Initiation School. Treated according to family background such as being poor, being ugly, being dirty, and being fat, too short. Discriminated against according to the color of your skin light vs dark.
	38%			
	44%	Treated the same by parents	Some teachers have empathy.	

Article 5. Guidance within the family	**47%**	NO Guidance. Parents stay out at night and don't care what happens to us as children. We don't get any guidance. We are taught to respect older people. Not to go out at night. Encouraged to go to church. Not to start dating at a young age. Parents don't care about their children. Girl Children don't get guidance from parents. If you make a mistake you have to stay outside the house at night and not get food.		
	20%	Guidance received but due to peer pressure sometimes don't listen. Advised not to be with people who are not good.		
	33%	Parents try and want to see the best for us They feel supported and guided by their parents		
Article 12. Participation	**20%**	Although 20% identified they do not enjoy this right within the family, 54% identified they do get to make some personal decisions within the family such as choosing what clothes to wear and sometimes what shoes to buy. However on important issues, the children do not enjoy this right. They are not listened to at school or community they are children, their opinion doesn't count. Not listened to at all by adults, nothing matters. They are not listened to by their parents.	100% of Primary School Children do not enjoy this right at school. 50% of High School Children say there is an LRC but it is non-functional. There is no consultation with children. They are not listened to at school or community they are children, their opinion doesn't count. At school their opinions are not taken into consideration but they have to agree and do whatever is being decided for them otherwise they are considered disrespectful. They don't take the children's suggestions. The school decides the children's code of conduct, the parents sign not the children.	100% of Primary and High School Children do not enjoy this right at Community Level. Children's opinion are not taken into consideration because they are seen as children. Especially girl's opinions. Children are not involved in the community meetings. Not listened to at all by any adults. We are not allowed to attend community meetings because we are seen as children and our opinion doesn't matter.

		They are not involved when decision are made at home i.e. family rules.	Name calling from teachers makes us vulnerable to being bullied by others. What the teacher says is final our opinion doesn't count. Environment is not safe for children to voice our opinions.	Environment is not safe for children to voice our opinions.
	54%	We are sometimes involved in decisions made by the family but never on major decisions. If we have a different opinion and we talk we are seen as disrespectful.	Some participate at school but most don't. Introverts are not taken seriously by teachers and peers.	
	26%	They are included and listened to by families.	Some of the teachers take our opinions into consideration especially when they are teaching us.	
Article 29 Participation in School	**25%**		The cleaner is beating the children if they have not done their homework. Not getting any support from school to develop skills or talents as there are no sports fields.	
	36%		Some teachers do show interest in helping us develop but not our potential. Some Schools don't have extra mural activities.	
	39%		Some sports activities are encouraged We are doing competitions with other schools to uplift our abilities.	

7.6.2. Analysis of the Primary Data by Children 11-18yrs and why they not enjoying their Rights to participate in the Family

The children explained a number of situations they were experiencing where they didn't have a voice to be able to share their fears or frustrations, such as

- Parents leaving the children overnight or all day without supervision and responsibility for child minding would fall to the oldest girl child
- Parents allocating chores to the children which made them feel vulnerable i.e. going to the shabeens (pubs), to buy liquor. This meant the child had to walk, often in the dark, late at night, with money, to a place where there are many adults drinking, buy alcohol, and try and return safely without being molested, or robbed for money or the alcohol.

- Parents or other adults in the family treating siblings differently based on age, gender, and whether the parent liked the child or not.

The children were to be seen and not heard, any dissension was seen as being disrespectful and would incur a quick often violent response from the adults in the family. Some children cited that even asking questions was considered disrespectful to the adults, they had to just accept what was said often without clarification.

Further discussions with the children revealed that there were power issue involved. Parents hold all the power, by giving children a platform to speak it somehow weakened their position, this was particularly evident when there was an adult, non-family, member present who could hear the discussion, the children were then accused of being disrespectful and often treated harshly. Peer pressure from other adults was a noted factor, saving face by the adult was important. This links to a cultural and traditional expectation of the power adults are to have and should not be held accountable or questioned by their children.

Table 13 Causal Analysis for lack of meaningful participation by Children in the Family

The core issues identified have been extrapolated from the primary data collected from children and parents within the family. The parents do not have the knowledge of Children's Rights and Child Participation available to them. The parent's primary concern is that of survival, providing food and resources for the children to go to school. Child Participation is not necessary or required.

The other consideration is the role culture and tradition play, this is a powerful and overwhelming controlling influence over behaviour. Children's views are not considered, they are actively discouraged because children should be seen and not heard. Children are not perceived as equal to adults. Girls and women are less than men, their voices do not count within the family, school or community. If a child does voice an alternate view to the parents this is seen as disrespectful and challenging to the adult's authority. Any slight, if witnessed by other adults is a point of shame and needs immediate and harsh repercussions.

The interaction is reduced to a power play. This mindset creates power struggles and when the struggle escalates, violence ensues. The parents do not have the insight to realize that role of culture and tradition has on maintaining perceived control over children.

Table 21. Causal Analysis – why children do not enjoy the right of participation in the family.

Why children do not enjoy the right of Participation In The Family				
Why?				
Immediate Causes	Children's views are not important and not listened to	Women are not listened in general, girl children in particular	Children are not seen as capable to participate or make decisions	Parents are focused on survival and not participation of children
Underlying Causes	Too young, lack of experience	The way men are socialized through culture and tradition. Family hierarchy does not value women and children's views	Cultural traditional practices Family hierarchy does not value women and children's views	Poverty, unemployment are a priority while Children's Rights are a new concept and considered unnecessary by parents
Root causes	Parents are not informed or trained on Children's Rights and Child Participation or parenting skills.	Gender norms and stereotypes are entrenched through culture	There was no CRC or Child Act in the past	Life is about survival and not representation

7.6.3. Analysis of the Primary Data by Children 11-18yrs and why they not enjoying their Rights to participate in the School

The family is a microcosm of the broader community, the attitude that adults should not be challenged or questioned is reflected in the way children are socialized at school and in the community. The children feel teachers also share the opinion that the children's voices are irrelevant and not necessary except when answering questions in the classroom. Even then most teaching styles are that of giving information, not questioning, qualifying or allowing children to ask questions. When difficult questions are asked by the children, and the children perceive the teacher doesn't know the answer, the teacher will often become angry and shout that the child is being disrespectful. The children are judged differently and treated differently by each teacher, most feel they are treated according to their physical appearances or intellectual capacities. The children agreed that most teachers just want a quiet class so the teachers could continue on their cell phones.

Of the 4 high school groups that were interviewed, 2 had LRC's but neither where functioning effectively, they did not know their roles or responsibilities nor there was any representation at SGB level. Teachers where not interested, there were no guidelines given by the teachers. As a mechanism for child participation, the LRC's are not encouraged, capacitated or effectively wanted by teachers. The children do not feel safe in the school environment to raise issues of concern to teachers or principals.

7.6.3.1. Teachers and Principals Primary data collection

Immediately it was evident that in the eyes of Teachers and Principals that children in primary and high school lacked the capacity to constructively participate at any level to management. It was unanimously agreed upon the primary school aged children cannot make decisions even in the classroom. Some high school teachers stated they did provide opportunities to hear the learners within the classroom but often did not act of the information received. Children are informed of decisions handed down by the SGB and School Management Teams (SMT's) but are not involved in any decision making except on occasion regarding classroom rules. This comment was juxtaposed with the comment by teachers that many learners lack the confidence to talk in front of other learners and adults particularly.

Some teacher's stated Children's Rights perspective "disturbs" the school curriculum because learners abuse their rights, when questioned about this matter, the teachers commented that the level of bullying was related to the learners knowing their rights, and if a child would challenge or contradict the teacher it would be considered disrespectful. There was a consensus that children need to be taught their rights and their responsibilities so that a balance was created. The teachers also stated that the school curriculum is not informed by the Child's Rights and this needs to be addressed at national level and then workshopped throughout all schools. The teachers admitted there is a need for Child Rights Education and training in Child Participation activities.

Responsibility for establishing the LRC was levelled at the individual "schools" but the teachers did not want to assume responsibility for or participate in the LRC, although it was recognised the LRC would assist management. Despite LRCs being mandated in High School by the Schools Act, many LRCs did not exist, those that do, were ineffective. None of the LRCs were represented at SGB level. Another omission is that in the Schools Act does not mention the roles and responsibilities of the LRC's.[68]

Other issues identified were some learners had special needs and needed to attend special schools, and are there for unable to participate in class. The issues were the parents forced special needs learners to be in mainstream schools who do not have the skills or abilities to handle the needs identified. Placing a child in a special school meant acknowledging their child was cursed through witchcraft. Another recommendation by the teachers was that the schools needed to have school based social workers, especially when it comes to children with special needs. That way the social worker could advice parents accordingly. This is reinforced by the educators own culture and heritage regarding their attitudes towards children who are considered bewitched.

[68] The South African Schools Act No 84 of 1996

Poor training in Children's Rights, and Child Participation and essentially the lack of "Mainstreaming" of Children's Rights by the Department of Education was blamed for the rights abuses. It was noted that the current curriculum is not Rights Based. The Department of Education has not transformed the curriculum to a Rights Based Approach and there for children were able to use their rights to abuse the teachers within the school environment which once again speaks of power struggles.

There appeared to be a total lack of personal awareness, and a lack of recognition of the bias and prejudice held against children, and their participation, due to cultural factors. This causes an antagonistic and adversarial approach by the teachers in terms of power struggle and the need to create control over the children.

When looking at the causal analysis and in conjunction with the discussions with the children, a variety of root causes were mentioned and as identified:

- Culture and tradition of adults overshadows Children's Rights and Child Participation
- Teachers are treating children the way they were treated as children, linked to culture and tradition
- Lack of training on Children's Rights and Child Participation
- Lack of transformation by the education system to a Rights Based Approach inclusive of Child Participation

Table 22. Causal Analysis - why children do not enjoy the right of participation at school (Refer to Annexure 5)

Why Children do not enjoy the right of Participation at School				
Why?				
Immediate Causes	There is no platform in place for children to have a voice	Teachers do not create the platform for the children to have a voice	Teachers do not value children's voices and are not important	Teachers do not understand their role in facilitating the LRC's
Underlying Causes	Lack of understanding of Children's Rights	Learners are viewed as incapable of contributing effectively	Child Rights and Child Participation is not understood	Lack of roles and responsibilities outlined in the Schools Act regarding the LRC
Root causes	Culture and tradition overshadows Child Participation	Teachers are treating children the way they were raised as children, culture and tradition	Lack of training on Child Rights and Child Participation implementation	Lack of transformation of the Education system to Rights Based Approach inclusive of Child Participation

7.6.4. Analysis of the Primary Data by Children 11-18yrs and why they not enjoying their Rights to participate in the Community

The children had a lot to say about the discrimination they experienced within the community sphere. Community members appear to actively discriminate against children on the basis of them being children. They would be treated according to their gender, girls were ignored, boys were related to on the basis of whether they attended Initiation School or not, attending Initiation school meant the boy was now a man and had a modicum of authority. The children also shared they were treated according to family background such as being poor, being ugly, being dirty, and being fat, too short, the color of your skin light versus dark tones, being Xitsonga, Sotho or foreigner in origin. This characteristics would also determine if they were allowed to play with other children or chased away by other adults.

Children stated "We are not allowed to attend community meetings because we are seen as children and our opinion doesn't matter, and even if we did, we do not feel safe voicing our opinions." The children felt intimidated and threatened by community members and leaders and there for were not interested in attending community meetings. Culture and traditions continue to be the root causes for the non-enjoyment of this right regarding child participation.

7.6.4.1. Induna Primary data Collection – Causal Analysis

This group included a Community Ward Committee member who was very vocal about not allowing children to participate in any governance structure either in the community, at school or even to consider their voice at family level. What was interesting was how quick he was to scapegoat children for issues in the community. Opinions were expressed that reinforced the total dismissal of Child Participation at any level despite being informed that Child Participation was in the RSA Constitution and required by law. He was very heated, and his attitude ties in with the way the children feel intimidated by some adults, that adults are abusive and derisive when dealing with children and do not create child friendly environments. The Induna's however were open to learning more and understanding about the potential contribution children could make to the community.

Table 23. Causal Analysis - why children do not enjoy the right of participation at community meetings

Why do children not enjoy the right of Participation at Community Meetings				
Why?				
Immediate Causes	Adults are not interested in hearing what children have to say	Children do not attend meetings either they are not invited or they feel intimidated by adults	Children are not interested in the attending community meetings	Community Leaders are not capacitated to do their jobs by Government
Underlying Causes	Community Leaders and Ward Committees are not child friendly. They do not create a platform available to the children Mainstreaming of Children's Rights has not occurred at village level	They don't see the potential in community meetings Adults have not created a child friendly environment and a platform inclusive of children ORC has not been effective in rolling out the DAC to village level of Children's Rights programing and Child Participation	Adult minimal expectations of the roles of children Cultural and traditional roles of children in society. They are to be seen and not heard. This is how the Community Leaders grew up and so this is how they treat children	Government doesn't recognize the value of traditional leaders Community Leaders (Induna's and Ward Councilors) are not trained on Children's Rights & in creating child friendly environments
Root causes	No campaigns or awareness around Children's Rights and Child Participation	Community Leaders have not been trained in Children's Rights and Child Participation at Village Level by Government	Lack of training on parental skills and communication with children	Mainstreaming of Childrens Rights has not occurred at Village Level

7.6.5. Analysis of Primary Data from National Department of Social Development and Provincial Office of the Rights of the Child as to why children do not enjoy the right of participation within government structures and Causal Analysis

KTD196 identified a key informants from the Community Development Programme, Chief Directorate: Community Mobilization and Empowerment within the Department of Social Development, and also the Provincial Office of the Rights of the Child Liaison.

The ORC choosing to "Mainstream" Child Participation at national and provincial levels within government means no one department or unit within a department in particular is held responsible for creating platforms for children to be heard. Government employees are not adequately trained in the necessity of Children's Rights or in Child Participation. As cited earlier the current draft Social Development Bill does not include recognition of Children's Rights or Child Participation within the Department of Social Development covered by this Bill. In its current form children's voices are neither wanted nor required. Government departments need to be child friendly i.e. in language, approach to children, less threatening, more inclusive, safe spaces, this is only possible if the child's voice is heard and acted upon.

The ORC does not have the man power, finances or capacity to undertake capacity training of government departments or to oversee the implementation by these departments, nor extra Child Participation activities. Child Participation should be happening at provincial, district, municipal, and community levels. There needs to be a process in place which is monitored by which the children's voices are heard and responded to. Government officials do not understand the importance and the need to hear children's voices, there is minimal understanding of" Mainstreaming" of child participation. This means that children in the future will continue non-enjoyment of their rights nationally, provincially and locally unless this issue is resolved.

Under pinning this systemic neglect of Child Participation is the cultural and traditional perspective of children's voices being unimportant.

Table 24. Causal Analysis for Department of Social Development and Provincial Office of the Rights of the Child

Why children are not enjoying their right to participation within Government Structures		
Why?	**Social Development**	**Provincial Office of the Rights of the Child**
Immediate Causes	The Development Cluster (Social Development, Health, Basic Education) have a better but limited understanding of Child Participation than other departments.	ORC does not create multiple opportunities for the children's voices to be heard Lack of focus and strategy
Underlying Causes	Mainstreaming of Childrens Rights has not occurred within National Departments Poor monitoring of implementation of Child Rights and Child Participation Lack of dedicated staff, generalists have to cover a wide spectrum of services to be provided to children Lack of strategic focus on Child Participation (too many competing important goals to focus on i.e. DSD is aligned with the NDP and MDG's which have tangible outcomes for example Grant delivery	Government Departments are not creating opportunities for the child's voice to be heard. Lack of budget and power to influence different government structures especially in relation to mainstreaming, monitoring and evaluation of Children's Rights and Child Participation Children's Rights and Child Participation are not important due to various government departments priorities and agenda's Childrens views are not important or taken seriously
Root Causes	Childrens voices are culturally not important when juxtaposed to the right of survival and development	Childrens voices are culturally not important when juxtaposed to each government's department's priorities and purpose.

7.7. Duty Bearer & Capacity Gap Analysis

At the core of a CRSA is the status of the relationship between the parties to the ***social contract***, in other words between the children who are the subjects of rights (the ***rights holders***) and the people and institutions who have obligations to respect, protect and fulfil those rights (the ***duty bearers***). Key to children's sustained realisation of their rights are systems of ***accountability*** and the provision of opportunities for rights holders to ***participate*** in these systems and in decision-making that affects them and the realisation of their rights.[69]

7.7.1. How do the children view the Duty Bearers roles, responsibilities?

The views captured below are those of a children's focus group, the discussion was child led and facilitated by members of the group. We felt it was important for the children to share their ideas about how influential the Duty Bearers in their lives are and what are the stumbling blocks. This is not meant to be a complete list, rather an expression of the children's experience regarding adults in their sphere of influence.

Table 25. Duty Bearer Analysis performed by the Children aged 11-18yrs

In this section we asked for the children's views of the different Duty Bearers and how they viewed the Duty Bearers roles and responsibilities, motivation, authority and resources. This is not a complete list of Duty Bearers but rather those adults that are directly involved in their lives that the children reported on. Interestingly the children all identified being listened to by each Duty Bearer as a high priority. Respect, communication, assurance, guidance and trust were requested from the adults, all common themes that were discussed during the Rights Mapping and Body Mapping of Rights by the younger children.

[69] Children's Rights Situational Analysis Guidelines – Save The Children www.savethechildren.net/sites/default/files/jds/TOR -Child Rights Situational...

7.7.2. Duty Bearer & Capacity Gap Analysis of Stakeholders

The Duty Bearer and Capacity Gap Analysis confirms what has been found in the Secondary Data analysis, children's voices are not important and do not need to be considered. Despite CP being clearly outlined in the RSA Constitution and mandated through the ORC, CP is tokenistic at best. All of the Duty Bearers have a responsibility to create platforms for children to actively participate in their lived experience, whether at home, school or in the community. This is not happening because of a fundamental belief that children are not capable of contributing effectively because of their age, gender (in relation to females), capacities and that by engaging with children in the

Duty Bearer	Role and Responsibility	Motivation	Authority	Resources
Parents	- Should be able to listen and take us seriously - Respect our opinions - Trust our decisions - Support us - Guide us whenever we want to participate or get involved in a particular activity - Parents disagree a lot with our decisions and other things.	Sometimes Parents listen to us. They feel like they are setting us up for failure. They don't agree with our decisions.	Yes Parents sometimes stand in the way of our decisions	- Money - Cars - Food - Clothes and shoes - Stationary Shelter
Teachers	- Should listen to us - Guide us to do better - Support and inspire us to get involved in activities - Respect us - Guide us to do the right thing - Assure our safety - Boost our confidence by not comparing us to other kids - Give assistance	Yes. Sometimes teachers will listen to us but only when we answer questions in class Most teachers are motivated by money only.	Sometimes.	- Buy / Donate uniform - Food - Sports equipment - Scholar transport - First Aid Kits
Community Leaders	- Give us a voice - Assist and Support - Provide community members with resources - Respect us - Communicate with us	Yes. Sometimes. Leaders sometimes become jealous of our achievements. Set us up for failure.	Sometimes. They do not care about others	- Food, Water and Money - Shelter, even if it's an old building the government doesn't use - Donate clothes

home for example, this somehow diminishes the adult's authority and dominion.

At Village level the Traditional Leaders are guided by the Traditional Leadership and Governance Framework Act 41 of 2003 which states that Traditional Leaders need to function in relation to the South African Constitution and applicable legislation.[70] The Traditional Leaders are also included in NPAC generally and the Limpopo PAC specifically, however through our work with the Induna's we know they do not know their role and their responsibilities particularly in relation to this National Action Plan.[71]

There is an urgent need for training of stakeholders in Children's Rights i.e. Public Officials, Traditional Leaders, Parents/Guardians, NGO's, Faith Based Organizations, Duty Bearers such as teachers, principals etc., and Rights Holders is essential for the population to understand and use the rights based approach.

Table 26. Duty Bearer and Capacity Gap Analysis

Duty Bearer	Role and Responsibility	What are they doing?	Motivation	Authority	Resources
Parents	Provide basic needs. Provide safety and security. Provide relationship and love. Teach their children about life and culture. Give support, guidance, encouragement, and love. Take action if there has been abuse or child is not safe. Offer a sense of belonging. To get to know their child. To communicate with their child. Help them master skills. Encourage appropriate independence. Provide and enable education. Supervise play. Participate in playing with their child. Provide discipline. Provide a platform to hear the child's concerns Provide for the child to the best of their ability	Some try to protect the child Enabling education. Cooking and cleaning. Some are providing love and security Provide cultural identity and belonging. Abuse is noticed but may not be reported Some provide positive discipline others are abusing with beatings, withholding of food, locking the child outside at night. Help them master skills. Much responsibility is given to older children. There is a continuum between independence and neglect. Corporal punishment Ridiculing, intimidating, shouting, calling names, having favorites. Participation in all cases is limited to choice of clothes purchased All other decisions are made by adults without consultation	Variable depending on the individual However, a majority do not see children as being capable of participating with family decisions purely because they are children.	Yes	Differs from family to family Lack of understanding and awareness of the need to create platforms for CP is evident.

[70] Traditional Leadership and Governance Framework Act 41 of 2003 which states under roles and functions chapter 5 paragraph 20
[71] NPAC Framework with added Annexures 2020 South African Government

Teachers	To enable children's right to participate Supervision and protection of children during school hours Children's Act: Mandatory reporting of abuse and suspected abuse. Contribution to the child's holistic education. Identifying developmental delays. Facilitating rest (break times), leisure, cultural participation (dress up days, creative projects, activities and outings) Provide a safe and child friendly environment for the learners.	Some teachers are offering safe relationship in schools. Some Teachers are facilitating participation at class room level Most teachers are the source of abuse at school such as discrimination, cruelty, judge mentalism Corporal punishment still exists No participation of the children at school level Teachers are not facilitating effective Learners councils	The children report most teachers are motivated by their pay packet. There doesn't seem to be a passion for teaching or children by the majority. Asking teachers to attend training outside of school hours is rejected. Motivation is very poor.	Yes	Resources are limited from school to school due to income from the state and school fees received. Giving children a voice in the functioning of the school threatens their control over pupils and the school. Teachers lack the training on CR and CP, Education is their priority
Department of Education	The role and responsibilities for education in South Africa is shared by the Department of Education (DBE) and the Department of Higher Education and Training (DHET). The Department of Education specifically deals with all schools and grades ranging from Grade R to Grade 12, and adult literacy programmes. The DBE develops, maintains and supports a South African school education system in which all learners have access to lifelong learning, as well as education and training. Role of the Department of Education Improving school infrastructure	Consistently the Department of Education is failing. Schools in the rural area have become a place of abuse, poor literacy outcomes with the school infrastructure decaying. Rural schools are falling apart, resources are very limited	Required by Law to implement their roles and responsibilities however motivation appears poor as monitoring and evaluations is not being done effectively.	YES	Have the resources nationally.

	Providing high-quality learner and teacher support materials Developing skills for a changing world Planning for the migration of the ECD function Providing support to improve matric completion rates Facilitating the increase in supply of quality teachers Providing nutritious meals for learners through the National School Nutrition Programme Implement the LRC's and promote participation of learners (not acknowledged on the DoE website as part of their role and responsibility)[72]	Skills are not developed, participation in class is not encouraged. Matriculation rates are decreasing. Teachers training is not rights based. Quality of Teachers is poor, lack of monitoring and evaluation by principals and circuit managers regarding performance LRC's are rarely implemented but not functional when they are present	LRC's are a legislated body, whose purpose is to ensure that Student opinion is heard and noted, 3representatives from each grad. The LRC is to have 2representatives on the SGB. This is not occurring according to Section 11 of the South African Schools Act, 1996		Teachers are not trained in the functioning of LRC's or Child Participation practices.
Community Leaders (Indunas, Ward Councilor, Community	Ensure the smooth functioning of the village Hold Community meetings Liaise with all representatives in the community to ensure the community is being served	Not providing safe spaces for children. Not implementing all aspects of the constitution for all members of the community Not engaging with children at ward level	Variable depending on the individual. Placed in the position due to blood line not ability.	Yes	Resources, knowledge, capacity is limited. The Indunas are open to the

[72] https://www.education.gov.za/EducationinSA.aspx

Committee Member)	Provide a safe community and relationships. Resolve minor disputes Hold Community Court for minor issues Provide a safe spaces. Encourage harmony in the community. Provide resources to those in need. Show compassion and care. Report abuse. Allocate stands and gravesites	Announce when things are happening in the community. Community meetings no longer happening since Covid Some take care of other families in the community.	Induna's have the responsibility however they don't know how or what to. They are so busy trying to do all their job description.		assistance and opportunity. The children do not approach them over rights violations. There is no platform for children to voice their concerns at community level. Lack of training and awareness of the importance of Children's Rights and Child Participation.
Municipality/ Mayor	Provide basic services. Liaise between community and all government departments. Provide safe space to play for all children, boys and girls. Advocate for the needs and rights of children and vulnerable families. Provide a help desk for children. Enable children's participation in community life. View children as equal to adults and contribution as valuable and essential. Provide participation opportunities at village level through ward councilors and local government level. Follow up on implementation, monitor and evaluate impact	• Give permission for activities/events to happen in the community. • Greater focus on internal politics rather than on governance and meeting the needs of the people they serve. • Token Youth Day celebrations • Focus is on infrastructure deliverables only ie water and sanitation, electricity	Will and motivation linked to the actions that serve them.	Yes	They have the resources (money is given by government) but when there is corruption the money gets used on what best serves them and their constituency Lack of being held accountable. Aligned IDP with NDP. CR and CP is not mentioned.

Office of the Rights of the Child	Ensure all children in South Africa are realizing and accessing their rights. Ensure participation of children at National, Provincial, District, Sub District, and Ward level. Monitor and Evaluate the implementation of the NAC, PAC and DAC Provide reports to National on the state of Childrens rights and their realization	Focus is on National Children's Parliament Childrens Parliament once a year is the only activity however since Covid no parliament	People in ORC are demoralized and frustrated due to lack of resources No real impact as the recommendations from Children's Parliament are not implemented.	Yes	Very low budget Nationally and Provincially. There is an absence of budget at District and Sub district level. Lack of trained CR champions within government structures. Mainstreaming is not occurring.
National Department of Social Development pertaining to children including Social Workers	Mainstream Childrens Rights throughout the Department. To assist with grant application. To assist with foster placement and adoption processes. Statutory Work – Case Management, child protection, advocate for rights of children, respond to and remove abused and vulnerable children to places of safety. Case manage regarding child offenders Liaise with Home Affairs and Health around documentation required for children and families. Create awareness in the community around child abuse and available services for children. Registration, monitoring and evaluation of Early Childhood Centers. Counselling – Individual and group Support community development initiatives and processes.	Grant applications Foster placement and adoption processes Statutory work Assist with documentation for children and adults Advocacy events i.e. 16days of activism Awareness raising regarding services provided by DSD Case Management Documentation Registration, monitoring and evaluation of ECD centers Counselling Support Community Development initiatives	Variable according to each individual employed by DSD. The role of DSD is huge Competing priorities; national directives vs provincial priorities	Yes	Lack of resources; both human and financial Few officials are expected to offer generic services that include services to children Stakeholders working in silos, poor co-operation between departments

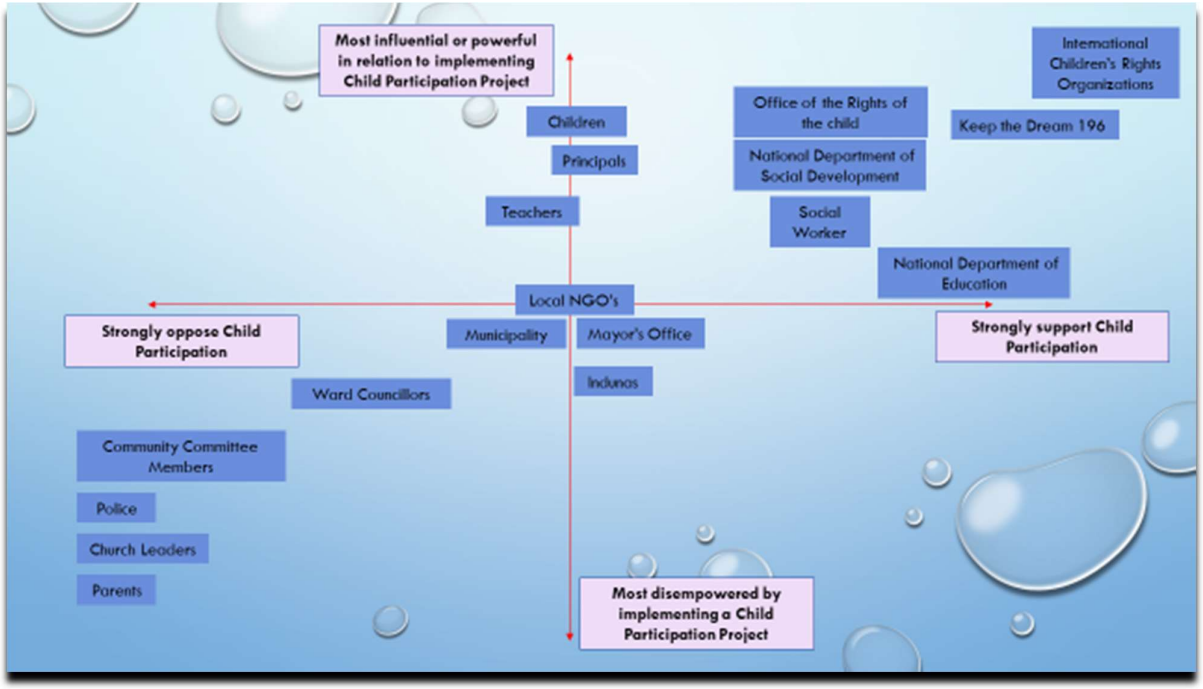
	Co-ordinate awareness activities i.e. 16days of Activism, youth day, women's day, GBV prevention				
Keep The Dream196	To assist children to realize their rights To educate parents, Induna's and children as to human rights and children's rights To create advocacy events around rights To facilitate child participation within KTD196 and within the Scout Groups Awareness raising in the communities regarding Children's Rights (Court of Honor) To enable constructive participation by children at group level and district level Attend SANCRC meetings	To assist children to realize their rights To educate children as to human rights and children's rights To create advocacy events around rights To facilitate child participation within KTD196 and within the Scout Groups (Court of Honor) Awareness raising in the communities regarding Children's Rights To enable constructive participation by children at group level and district level Attend SANCRC meetings	High	Yes	Budget dependent Some lower staff do not realize the power of Childrens Rights.
Children are Rights Holders and Duty Bearers	To participate, to engage effectively Be accountable and responsible for their rights To support and encourage other children To be disciplined and accountable to parents and teachers To do their homework To participate actively in the family, school and community To be respectful to parents, peers, teachers and villagers	Some children are involved in Crime Some children are involved in Drug and alcohol abuse Some children bully other children Some learners are becoming pregnant Scouts children participate effectively Some children do their chores at home Some children do their homework and create a positive learning environment at school No representation by Learners Council at SGB level	Variable from child to child and lived circumstances Yes for the children in our program Female voices are particularly discounted	No, this is delegated to them by adults	Limited Lack of understanding how important CR and CP is. Lack of understanding how to realize their Rights as Rights Holders. 5-11yrs do not know their rights 11-18yrs know their rights but not how to realize them effectively

7.8 Stakeholder Analysis

The following is a stakeholder's analysis, here the stakeholders are arranged in relation to if they are powerful or disempowered in relation to the lack of Child Participation and whether they strongly agree or disagree with Child Participation as a project in the future. Power and perceived loss of power has been highlighted throughout the CRSA. This process of empowering children will need to be strategically designed and will need to travel at the rate of the individual stakeholders. If the project is not carefully created and logically presented with effective monitoring and evaluation, we run the risk of creating unnecessary tension between the stakeholders which ultimately could cause a breakdown in relationships between KTD196, the children and the stakeholders.

Table 27. Stakeholder Analysis

We discussed at length particularly the role of parents, teachers/principals, and community leaders, including police and church leaders. We see all these stakeholders as most influential and powerful in relation to assisting to implement Child Participation as a project but currently they would be very resistant with the potential to lose the most power in relation to empowering children. Culture and tradition play an important role in society and in how we interact with people. Initially KTD196 feels these Stakeholders primarily maybe be obstructive but have the power, when educated and informed, to transition to become champions of CP when they see the value.



Department of Education as an entity would be quite supportive because KTD196 would be assisting with implementing the Schools Act concerning LRC's. However, as individuals, principals and circuit managers may not be as strongly supportive despite the mandate.

Induna's KTD196 decided were more open however this was also dependent on their age, gender, and how traditional the Induna's are. They have received training in the past and know Children's Rights and their responsibilities regarding Child Protection and Child Participation, they need assistance to transition further along the continuum to strongly support child participation as a process. Ward Councilors are an unknown entity, KTD196 assumes they will be mostly opposed to Child Participation but not disempowered because they are removed from children, the issues may start when the children start addressing community based issues identified in the primary data collection.

It was difficult to position principals and teachers because they are very influential however in the beginning, we assume they will feel disempowered but have the potential to become very influential in the process. With the mandatory need to have LRC's we are hoping they will just need guidance and support to implement Child Participation however resistance maybe considerable if they believe they are being disempowered, this is a generalization, not all teachers and principals are supportive or unsupportive. Perception and the way CP are introduced will be key.
The Municipality and the Mayor despite having roles and responsibilities to implement and mainstream Child Participation have limited interest or knowledge in CP. KTD196 believes that any power sharing situation i.e., a junior municipal council will be resisted. There is no individual or office which deals with Children's Rights or Child Participation, combined with the prevailing cultural attitudes towards children this will be protracted process.

Local NGO's have other agenda. There are three of organizations in Tzaneen who deal with children, one is an orphanage and school, and two are HIV organizations who both directly deal with children on the basis of health, one of the two tries to create child friendly clinics for treatment of Children with HIV but interestingly Child Participation activities (i.e., what constitutes a child friendly clinic from a child's perspective) is not discussed. None of the three currently have any Children's Rights projects.

Social Workers under DSD have a mandatory role to mainstream Children's Rights and Child Participation however they are consumed with their statutory work i.e., case management, grant processing, and monitoring of ECD's to name a task. KTD196 is of the opinion they would be supportive but not particularly influential due to their already overburdening job description. Social Development at local level will be supportive because of their mandate however actual physical or budgetary resources will probably not be forthcoming.

Office of the Rights of Children will be supportive and influential, however once again physical or budgetary resources are highly limited.

International NGO's like Save The Children, and UNICEF would be very support and influential in garnishing support for the project.

There is potential to network with other stakeholders particularly those in the communities as a starting point. The focus is empowering children, this means we have to educate the direct stakeholders, family members, teachers and community leaders so as they are feeling disempowered rather understand what we are doing, why and how so that they are part of the process and not antagonistic. We can call on other professional stakeholders i.e., Social Workers, Circuit Managers and Principals to assist when necessary, however they will need to be informed prior to commencement and have their buying to enter the schools.

Picture 5. Primary Data Collection with parents

8. Conclusions

8.1. Conclusions from Secondary Data

Participation is recognized as part of Children's Rights however the implementation of systemic active, authentic participation is not implemented effectively and where it is implemented i.e. the National Childrens Parliament the outcomes and recommendations are not acted upon by Government, and once again children are disregarded. Participation of children is not valued within families, a majority of rural schools or communities and government, despite their being excellent laws and policies at all levels that should promote the child's right to participation, they have failed to achieve the mainstreaming of Children's Rights. It is largely left to individual government departments where there is a chronic lack of capacity, interest, implementation, monitoring and evaluation which is strongly linked to culture and normative values regarding children.

8.2. Conclusions from the primary data review.

The experience of child participation for children under the age of 11yrs is limited to simple choices as in what clothes to wear, *more in depth choices are not given*. For children over the age of 11yrs participation in decision making and consultation is considered important by adults but children are not granted the opportunity to share views and even when they may share the views are not taken into consideration.

Children are considered to be too ignorant, and lack the necessary intellectual capacity developed to make informed decisions affecting families. There is disregard for the evolving capacity and growth where children can participate in different ways depending on the stage of growth. Considering a child's opinion is not is recognized by adults/caregivers as being valuable. In fact, from the research, it appears that empowering children puts adults at risk from criticism from other adults. Power sharing with children is not considered appropriate. Especially with comments such as "The children need to do as they are told."

Sadly, this attitude is mirrored in a majority of schools where the children attended with the lack of Student representation on either Learners Council or SGB (School Governing Board). Despite having numerous issues that the children identified concerning school safety and teacher behavior there was no mechanism available by which children could safely express their concerns and have their concerns heard and addressed.

The family is a microcosm of what is happening within the community, children's voices are not sort after, required or wanted. Opinions expressed by the children which are contrary to parents/adults is interpreted as being disrespectful, adults interpret children views being considered or acted upon from a power perspective and therefor weakening their strength as adults. Rather than a collaborative approach the parent/child relationship is one of strength/weakness and the child is subservient to adult's full stop.

The United Nations Convention on the Rights of the Child (UNCRC) recognises that children are not merely passive recipients, entitled to adult protective care. Rather, they are subjects of rights who are entitled to be involved, in accordance with their evolving capacities, in decisions that affect them, and are entitled to exercise growing responsibility for decisions they are competent to make for themselves.

Culturally children are not considered as having the capacity to make positive contributions to families, communities or organizations. The lack of momentum and interest to promote child participation is entrenched in this belief despite South Africa having the legal framework in place to realize this right. The lack of commitment by the current government is revealed in the poor resourcing of the ORC, the ineffective implementation of mainstreaming Children's Rights and Child Participation, as well as the lack of effective means of implementing, monitoring and evaluating the current Rights violations children experience.

The children do not live in an environment where all their rights are respected. This government is not prioritizing Child Participation in any meaningful way. The one activity that is highlighted, which the nations whole Child Participation strategy is based on, is Children's Parliament, however, the recommendations put forward by the children during this process is largely ignored by Government.

Survival and Development

Non-participation of children directly affects the children's rights to survival. An example is when children are too scared to voice their fears when being told by parent to walk through the community late at night, with money, to

a place which is has adults who are intoxicated, then they have to walk back to their home with alcohol. The children are at risk of being robbed, assaulted and more. Not having a voice, not being able share ones feelings means the children are seriously put at risk.

Children who have as babies or young children, where touch and emotional engagement are lacking, and who have not had ample physical and emotional attention are at higher risk for behavioral, emotional and social problems as they grow up. These trends point to have lasting effects after early infancy environments and the changes that the brain undergoes during that period. Children need to be engaged at all ages for healthy survival and development.

Having the right to participate means children are seen, considered, valued and wanted, they are important which builds self-esteem, self-determination, and self-actualization. Participation assists in the holistic development of the child to be able to problem solve and interact effectively with this world. In order for well-rounded young adults to emerge from childhood, participation is an essential component to improve communication skills, negotiate conflict, resolve challenges, and build resilience. Children need to be seen and be heard regarding issues that particularly relate to them as individuals so these skills can be acquired.

When children are not allowed to participate in families, schools, and communities the child is rejected, not valued, dismissed. They may resort to attention seeking and high-risk behaviors. This can stunt their development as young people.

SDG goals of Survival and Development takes precedence with Government, participation is not seen as a priority and is therefore not accorded the attention require. Survival and Development goals, according to its NDP and alignment with SDG's which will improve the overall conditions for children for example:

- No poverty
- Zero hunger
- Health and Wellbeing.

However, without consultation with children regarding issues about children, the strategic priorities remain those of adults and children are side lined repeatedly. For example, services are not organized to promote children's holistic development.

- Health service – reproductive health services are not provided by clinics to children. The children are abused, beaten, called names, chased from clinics when trying to access pregnancy and HIV prevention methods.
- Education system – Many children identified that home and school was a place of abuse that adults were not interested in their holistic development but rather in meeting their own needs such as having a quiet and respectful environment where children were seen and not heard.

Non-Discrimination

Children experience active discrimination based on being children. They are considered to be too young to participate in what is deemed adult decisions and actions whether at home, school or community level. Discrimination is also experienced based on the child's background and family for example:

- Nationality (Foreigner i.e., Mozambiquean or Zimbabwean)
- Wealth (the poorer the child is the more negative discrimination is experienced0
- Appearance (clean or dirty; tall or short; overweight or underweight)
- Intelligence (whether one is clever or not)
- Parents behaviour in the community (If parents are responsible versus if parents are drinkers, brawlers, thieves etc.)
- Involvement of the family in witchcraft

The most vulnerable is the disabled child, parents hide these children away because witchcraft is considered the cause of the disability and this brings shame and ridicule on the family. Parents push to have their disabled child mainstreamed in public school, teachers cannot cope and do not have the skills to deal with disabled children but the parents are insistent in order to reduce the discrimination experienced by the family in the community.

Best Interest of the Child:
Children's best interest is not a priority in any decision making that affects them, this situation analysis has revealed that most parents, teachers and community leaders are out for their own interests and needs at the expense of the child's. When asking parents, teachers and community leaders about power sharing with children, giving them a voice, it was reiterated that they are not capable of such high-level functioning and would only promote their own agenda's or needs. For example, an SGB members said it was "Not useful having an LRC or have them attend SGB meetings because they would only want to shorten their school uniform skirts." The limited thinking is in reality a projection of the adults' own agenda.

Sharing power with children is a new concept to rural Greater Tzaneen, sadly it is also a reflection of what the children have been taught at school during Life Orientation. Life Orientation introduces children to their rights as children but it stops short of introducing their responsibilities as Rights Bearers. This combined with the children using rights as a weapon of intimidation against parents and teachers who are unaware of their roles and responsibilities as Duty Bearers has created a power schism in some instances where adults feel totally powerless and give into the children's demands not matter how dangerous. This in turn reinforces the need to control children and not allow them to voice their opinions.

Participation
Analyses of participation in both government and non-government sector have found poor quality Child Participation implementation across multiple dimensions with little difference between government and non-government sectors. Quality of participation is fragmented and distributed inequitably between the public and private sectors and between socio-economic distributions. For example, private schools do have better functioning LRC's while rural impoverished schools do not.

Culturally, giving children a voice is not acceptable, the adults experience perceived disrespect if a child has an alternative view, this is also reflected in how the community will view the adults if children start being involved in critical decision making. Children can make some minor decision such as what clothes to wear, or buy however they do not generally have a say at any critical level whether in the family, at school or in the community.

As stated above, some children are able to claim their rights in an abusive manner which disempowers particularly parents. The result has been many children know their rights and use them in isolation of their responsibilities to make unrighteous demand from their parents and crippling the parent's authority within the home, this overflows to the school environment.

Education is a key component that is missing, through Life Skills Orientation at schools we find educators do not have a clear understanding of Children's Rights and do not teach responsibilities as part of the curriculum, KTD196 has corrected this issue with the children in our program however we have not been able to address it with the schools as yet.

The children currently are not able to claim or assert their rights in any meaningful way. The children in KTD196 are very unsure about the repercussions of actually claiming their rights with adults. They do not want to create animosity between themselves or the adults in their lives as the adults are perceived to have all the power. As was identified in the body mapping and problem tree analysis children experience beatings, food deprivation, being thrown out of the home for any apparent misdemeanor. KTD196 also as one of our Scout Laws states that Children must obey the adults in their lives. This sets up and immediate conflict unless the approach used is one of co-operation with the adult.

In order for the situation to change there needs to be dedicated commitment by Government to fulfill the requirements of the law set out in the Constitution to actively and meaningfully engage with children. The education curriculum needs to transform to a rights-based curriculum. Resources, both personnel and finances need to be released. Training in and prioritizing of Child Participation needs to be ensconced in all government departments, with the overflow into the private sector through initially the use of social media, local radio, print media campaigns, and television broadcasting.

While KTD196 efforts to achieve the goal of greater child participation in the operation of individual small groups; larger groups and at district and organizational level within KTD196, we have largely focused on strengthening the family and village community. KTD196 recognizes that Parents, Schools, Induna's, and Scouters are an important source of activities for child participation and have a role to play in improving existing child participation activities. This sector plays a key role in delivering child participation opportunities especially as the child grows and is able to make more informed decisions.

This needs to be held in tension with attitudes, values and beliefs of the adults involved. If adults do not recognise the value of Children's Rights and Child Participation as important to the development of the child, family and nation as a whole then we are setting up the children for failure and potentially more abuse.

It starts with the changing attitudes through education, awareness raising, and giving children the opportunities to participate to expand their understanding of the power they hold in participation and the impact they can make when given that opportunity. Like with government most parents are focussed on survival, putting food on the table, surviving from one day to the next. CP is not a priority but with support and encouragement there is the potential to change the attitudes of all adults.

To accelerate progress to reach participation in a real and effective manner, it is critical that both the government and non-government sectors invest in increasing coverage of interventions to sustainably deliver quality participation at scale. There is a need to understand what can be done to create, nurture, and encourage a vibrant family sector engagement so to improve and sustain quality participation by children. This needs to be complimented by opportunities through the government sector for children to participate meaningfully in issues which concern them directly.

9. Recommendation

9.1. Recommendations

Based on the findings from key informants in Greater Tzaneen, Limpopo and National, clear opportunities exist to strengthen sector engagement for better delivery of quality participation opportunities within the family, school and community environments. These recommendations align with the Constitution of South Africa as well as with International Human Rights Laws in place. A strategy to strengthen governance of multiple sectors and to partner with governments to achieve universal participation of all children needs to be the highest priority. The proposed recommendations align with the 'enable stakeholders,' 'align structures,' 'build understanding,' and 'foster relations' governance behaviours. Mechanisms such as:

1. Multi media campaigns that continue for years including billboards, taxis, posters, social media etc. extolling the benefits of participation with children.
2. Government departments need to have strategic plans which incorporate children voices and action their comments.

While the Office of the Rights of the Child has a clear mandate, this unit is currently desperately under resourced and under capacitated. The unit lacks the required resources and capacity to enact a clear dialogue platform by which to formally and systemically engage and interact with all government departments and NGOs to enforce the mainstreaming of Children's Rights.

Children's Rights are a complex issue particularly when adults are fighting for basic human rights such as the provision of water, housing, effective sanitation, employment etc. This project will focus on capacitating the children through active participation. Activities have been designed to build the children up holistically including with knowledge of children's rights. Culturally, children are not considered in family decision making, by capacitating the children in conjunction with educating the parents we will see transformation of this issue.

Children in the program already take active control of their own decisions; they don't just go with the flow and do what others are doing, just because they are doing it. They think through actions, consequences and impact. By giving the children the space to actively participate in their own program they will be able to attempt advocacy opportunities if they so choose rather than it being initiated by KTD196. For example, setting up a junior community committee.

All adults that interact with children need to be aware of the importance of Children's Rights and Child Participation. Adults such as parents, teachers, SGB members, Induna's, and Community Committee members with a priority to holding duty bearers accountable for creating platforms that inclusive of children and their voices.

Capacitating passionate child participation activists. All schools (primary and high school) need to have active LRC's meeting with a teacher who is willing and excited to champion child participation. Suggestions boxes in each school may assist with raising issues by learners.

There is an urgent need for training of stakeholders in Children's Rights i.e., Public Officials, Traditional Leaders, Parents/Guardians, NGO's, Faith Based Organizations, Duty Bearers such as teachers, principals etc., and Rights Holders is essential for the population to understand and use the rights-based approach.

9.2. Organizational learning from the process

KTD196 has benefited from the process of learning and doing a CRSA. Extrapolating information, making sense of it, analyzing the information and formulating a CRSA was a challenge. Our critical thinking was stretched. Our assumptions regarding the root causes of the social ills we tackle as a whole where challenged. KTD196 believes in the value of participation and has created opportunities for children to participate throughout its program.

The strategic lack of priority concerning child participation within South Africa, particularly Limpopo Province, with the lack of structures in place for children to effectively contribute is a revelation. Twenty-eight years ago South Africa became a democratic state and from this beginning the plight of children regarding participation has not effectively changed. There is no real strategy in place to correct this issue.

What has been lacking is giving the children a voice within families, schools and communities. KTD196 needs to strategically train children to learn the skills of public speaking, and of enabling children to be heard in these different forums. Part of KTD196 work with parents is the Journey of Life program, this program facilitates communication between parents and children, and we will review this training and add participation and children's rights to the program comprehensively.

Another revelation has been how systematically tradition, culture and adult views of power sharing have impacted today's society. When participation and decision making is so much about power and control, there is a need to start at the beginning and work with those who perceive power as all important and assist them in realizing sharing of power doesn't weaken them but rather can add to their relationships.

The children, especially under 11yrs of age do not acknowledge the negative behaviors experienced or observed as abuse but as "NORMAL". No wonder high risk-taking behavior is so rampant in society. Care, concern, guidance, the expression of love, and compassion are required to heal the children.

9.3. Priority issues to be addressed (new project) to contribute to the improvement of the Child Rights Situation

9.3.1. KTD196 children's program, as the skeleton, needs to continue with increased education and awareness raising of the power of children's rights and their responsibilities as rights holders. We also want to develop extensive meeting skills through the Court of Honor in preparation for them attending junior ward committee and LRC's meetings. Train children on conflict negotiation with adults.

- Children under 11yrs of age need to be made aware and recognize what is abuse and what can be done.
- Children 11-18yrs
- Community Mapping

9.3.2. Education and awareness raising regarding children in general i.e., parenting skills, Journey of Life, communication with children. Particularly discussing the role tradition, culture and norms play in raising children

- Parents – prepare parents for incorporating children's voices in to their family life. Train parents on conflict negotiation strategies which do not include violence or anger. Teach

parents about the importance of touch, guiding, leading, preparing children to be adults, participation in decisions making

- Indunas and Community Leaders – prepare the adults for children contributing at ward level/village level i.e., junior ward committee meetings. Community mapping is an important strategy to engage the leaders with.
- SGB's, Teachers, Principals and if possible, Circuit Managers – workshop with teachers and student roles and responsibilities of the LRC. Set out expectations. Workshop with the learners the role of LRC's in the school; establish voting processes, suggestion boxes and ways for children to anonymously share their concerns. Prepare SGB's to create a child friendly environment so LRC representatives will be able to function.

We need to assist adults to understand that collaborating, listening and preferring children is not a sign of weakness. That children need affirmations, encouragement and direction from a place of love and not judgement. This needs to happen to break the cycle of violence the children are exposed to.

9.3.3. Network and develop relationships with GTM in order to promote child participation at Municipal level and to the Ward Councilors and Mayor.

9.3.4. Multimedia Child participation promotion material to be developed and distributed, activities such as "fun runs" to raise community awareness about children needing to participate in various spheres.

9.4. Opportunities of collaboration with actors and duty bearers to improve meaningful participation of children in Tzaneen

The organizations discussed do not have a child participation focus, however there are possibilities for networking and collaboration by sharing ideas and potential projects.

However, KTD196 will be working with the children primarily through our established Children's Program. We will be working with the parents especially those parents engaged with KTD196's Self Help Groups as the parents know KTD196 and respect the work we do already with the children and themselves. KTD196 intends to transition to those parents who are not involved with SHG in order gain more cohesive support for the children. KTD196 will resume more intensive work with the Induna's and over flow to Community Committee members within the targeted areas.

It is important that we work with the teachers, principals, and circuit managers within the targeted area, previously support has been sporadic and not sustained, teachers refuse to attend meetings outside of work time, and this means the children have less direct contact with the teachers. This will need to be balanced however since we are going to be assisting them to achieve their mandatory roles established by the Department of Education. Teachers have not been particularly helpful regarding the Children's Program however we do have an odd champion amongst the principals which will assist us.

Finally, KTD196 knows of the need to work with the local municipality, to establish opportunities for real and effective collaboration with children. What needs to be kept in mind is the effort required for the returns received. KTD196 has not effectively collaborated with GTM (Greater Tzaneen Municipality) in the past much to our frustration. Perhaps through working with the Ward Councilors as part of the Community Leaders this may be a more strategic approach.

We will continue to liaise with Provincial Office of the Rights of the Child. We have previously tried to establish links with Department of Social Development however this has proved extremely frustrating due to their work load, constant redeployment, and general lack of interest in child participation.

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11. Annexure

Annexure 1: Extended discussion on the Development of Human and Children's Rights and Right to Participation.

Research objectives

The purpose of this section is to explore:

1. Children's Rights Situational Analysis
2. What are Human Rights
3. What are Children's Rights
4. Identify the international, national and provincial laws and practice in place that promote Children's Rights
5. The historical development of Children's Rights in South Africa 1987 -2005 & 2005-2022
6. The National Plan of Action for Children in South Africa.

1. Children's Rights Situational Analysis (CRSA):

The purpose of a CRSA is to identify the causes of the rights violations and the stakeholders who, by changing their perception and way of behaving towards children, could improve the overall conditions so children can thrive and claim their rights. A CRSA enables KTD196 to understand how children perceive their reality, the challenges they confront in realizing their rights and potential solutions to overcoming those challenges. Rights Based Programming is a process of enabling children not just participate in problem identification but solution proposing as well as realising Article 12 in reality. CRSA is a tool to help understand the extent to which children's rights are realized and the factors affecting the children's enjoyment of those rights in their daily lives.

2. Human Rights are moral principles or norms[73] for certain standards of human behaviour and are regularly protected in municipal and international law. They are commonly understood as inalienable,[74] fundamental rights "to which a person is inherently entitled simply because she or he is a human being"[75] and which are "inherent in all human beings",[76] regardless of their age, ethnic origin, location, language, religion, ethnicity, or any other status.[77] They are applicable everywhere and at every time in the sense of being universal,[78] and they are egalitarian in the sense of being the same for everyone.[79] They are regarded as requiring empathy and the rule of law[80] and imposing an obligation on persons to respect the human rights of others,[81] [82] and it is generally considered that they should not be taken away except as a result of due process based on specific circumstances.[83]

3. Childrens Rights

The United Nations' 1989 Convention on the Rights of the Child, or CRC, is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights. Its implementation is monitored by the Committee on the Rights of the Child. South Africa's first democratic government ratified the Convention of the Rights of the Child on the16th June 1995 and committed themselves to protecting and ensuring children's rights, and agree to hold themselves accountable for this commitment before the international community.[84] The CRC is the most widely ratified human rights treaty with 196 ratifications; the United States is the only country not to have ratified it.[85]

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[73] James Nickel, with assistance from Thomas Pogge, M.B.E. Smith, and Leif Wenar, 13 December 2013, Stanford Encyclopedia of Philosophy, Human Rights. Retrieved 14 August 2014

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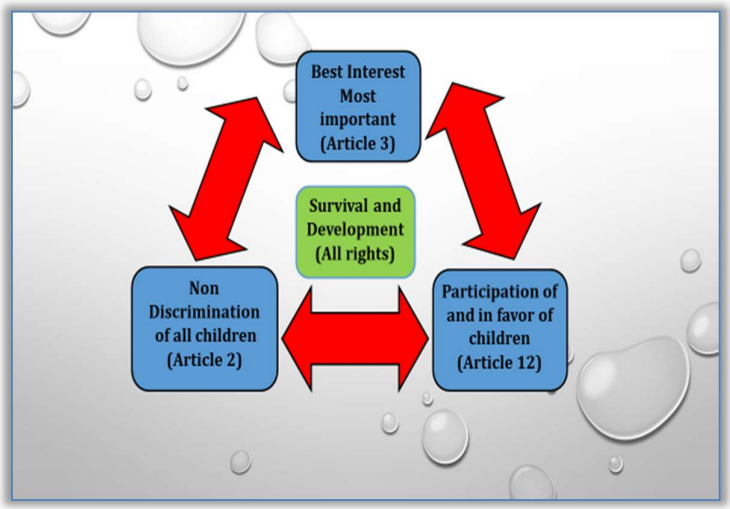

Table 4. CRC four core principles

The CRC is based on four core principles: the principle of **non-discrimination**; the **best interests of the child**; the right to **life, survival and development**; and considering the **views of the child in decisions** that affect them, according to their age and maturity.[86] The CRC, along with international criminal accountability mechanisms such as the International Criminal Court, the Yugoslavia and Rwanda Tribunals, and the Special Court for Sierra Leone, is said to have significantly increased the profile of children's rights worldwide.[87]

4. Identify the international, national and provincial laws in place that promote Children's Rights

4.1. Vienna Declaration and Programme of Action

The Vienna Declaration and Programme of Action urges, at Section II para 47, all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation, to achieve the goals in the World Summit Plan of Action. And calls on States to integrate the Convention on the Rights of the Child into their national action plans. By means of these national action plans and through international efforts, particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking water and basic education. Whenever so called for, national plans of action should be devised to combat devastating emergencies resulting from natural disasters and armed conflicts and the equally grave problem of children in extreme poverty.

Further, para 48 urges all states, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labor, sale of children and organs, child prostitution, child pornography, and other forms of sexual abuse. This influenced the adoptions of Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. [88]

4.2. Human Rights and Africa

The African Union (AU) is a supranational union consisting of fifty-five African states.[89] Established in 2001, the AU's purpose is to help secure Africa's democracy, human rights, and a sustainable economy, especially by bringing an end to intra-African conflict and creating an effective common market.[90]

The African Commission on Human and Peoples' Rights (ACHPR) is a quasi-judicial organ of the African Union tasked with promoting and protecting human rights and collective (peoples') rights throughout the African continent as well as interpreting the African Charter on Human and Peoples' Rights and considering individual complaints of violations of the Charter. The commission has three broad areas of responsibility;[91]

- Promoting human and peoples' rights
- Protecting human and peoples' rights
- Interpreting the African Charter on Human and Peoples' Rights

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[86] Convention on the Rights of the Child, UNICEF. Retrieved 4/3/08

[87] Arts, K, Popvoski, V, *et al.* (2006) *International Criminal Accountability and the Rights of Children*. "From Peace to Justice Series". London: Cambridge University Press.

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[89] "AU Member States". African Union. Archived from the original on 5 January 2008. Retrieved 3 January 2008.

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[91] *"Mandate of the African Commission on Human and Peoples' Rights". Archived from the original on 20 January 2008. Retrieved 3 January 2008.*

In pursuit of these goals, the commission is mandated to "collect documents, undertake studies and researches on African problems in the field of human and people's rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to governments" (Charter, Art. 45).[92]

With the creation of the African Court on Human and Peoples' Rights (under a protocol to the Charter which was adopted in 1998 and entered into force in January 2004), the commission will have the additional task of preparing cases for submission to the Court's jurisdiction.[93] In a July 2004 decision, the AU Assembly resolved that the future Court on Human and Peoples' Rights would be integrated with the African Court of Justice.

The Court of Justice of the African Union is intended to be the "principal judicial organ of the Union" (Protocol of the Court of Justice of the African Union, Article 2.2).[94] It is intended to take over the duties of the African Commission on Human and Peoples' Rights, as well as act as the Supreme Court of the African Union, interpreting all necessary laws and treaties. The Protocol establishing the African Court on Human and Peoples' Rights entered into force in January 2004[95]

4.3. African Charter on the Rights and Welfare of the Child[96]

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted by the Organisation of African Unity (OAU) in 1990 (in 2001, the OAU legally became the African Union) and was entered into force in 1999. Like the United Nations Convention on the Rights of the Child (CRC), the Children's Charter is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children. The ACRWC and the CRC are the only international and regional human rights treaties that cover the whole spectrum of civil, political, economic, social and cultural rights for children.

Its mission is to promote and protect the rights established by the ACRWC, to practice applying these rights, and to interpret the disposition of the ACRWC as required of party states, African Union (AU) institutions, or all other institutions recognized by AU or by a member state.

4.4. Focus on Children's Rights in Africa

Children in Africa are affected by many different types of abuse, including economic and sexual exploitation, gender discrimination in education and access to health, and their involvement in armed conflict. Other factors affecting African children include migration, early marriage, differences between urban and rural areas, child-headed households, street children and poverty. Furthermore, child workers in Sub-Saharan Africa account for about 80 million children or four out of every ten children under 14 years old which is the highest child labor rate in the world.

The ACRWC defines a "child" as a human being below the age of 18 years. It recognizes the child's unique and privileged place in African society and that African children need protection and special care. It also acknowledges that children are entitled to the enjoyment of freedom of expression, association, peaceful assembly, thought, religion, and conscience. It aims to protect the private life of the child and safeguard the child against all forms of economic exploitation and against work that is hazardous, interferes with the child's education, or compromises his or her health or physical, social, mental, spiritual, and moral development. It calls for protection against abuse and bad treatment, negative social and cultural practices, all forms of exploitation or sexual abuse, including commercial sexual exploitation, and illegal drug use. It aims to prevent the sale and trafficking of children, kidnapping, and begging of children.

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[92] *"Mandate of the African Commission on Human and Peoples' Rights"*. Archived from *the original* on 20 January 2008. *Retrieved 3 January 2008*.
[93] *"Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and Peoples Right's"*. Archived from *the original* on 2 March 2012. *Retrieved 3 January 2008*.
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[96] *Adopted by the Twenty-sixth Ordinary Session of the Assembly of Heads of State and Government of the OAU, Addis Ababa, Ethiopia - July 1990.*

4.5. Children's Charter vs. Convention on the Rights of the Child

The Children's Charter originated because the member states of the AU believed that the CRC missed important socio-cultural and economic realities particular to Africa. It emphasizes the need to include African cultural values and experiences when dealing with the rights of the child in such as:

- Challenging traditional African views which often conflict with children's rights such as child marriage, parental rights and obligations towards their children, and children born out of wedlock
- Expressly stating that the Children's Charter is higher than any custom, tradition, cultural or religious practice that doesn't fit with the rights, duties and obligations in the Charter
- The Children's Charter has a clearer definition of the child as a person aged under 18 years old
- Outright prohibition on the recruitment of children (i.e. under 18 years old) in armed conflict and deals with conscription of children into the armed forces
- Prohibiting marriages or betrothals involving children
- Prohibiting the use of children as beggars
- Granting girls the right to return to school after pregnancy
- Promoting affirmative action for girls' education
- Tackling specific African issues that affect children. For example, it called for the confrontation and abolishment of apartheid and similar systems; and although, apartheid is now over, this provision is still applicable to children living under regimes practicing ethnic, religious or other forms of discrimination
- Protecting internally displaced and refugee children
- Protecting imprisoned expectant mothers and mothers of infants and young children
- Providing a way for children themselves to petition the Children's Charter's Committee
- of Experts regarding infringements of their rights
- Including special reference to care of the child by extended families
- Encouraging the state to provide support for parents "in times of need"
- Protecting handicapped children.

5. The Historical Development of Children's Rights in South Africa

5.1. 1987 to 2005 Overview

In 1987 the conference, "Children, Repression and the Law in Apartheid South Africa", was convened in Zimbabwe to address the issue of children in South Africa. Following this conference, the United Nations Children's Fund (UNICEF) published the report, Children on the Frontline: The Impact of Apartheid, Destabilization and Warfare on Children in South and Southern Africa.[97] This added momentum to the child rights movement in South Africa, motivating organizations to advocate, lobby and campaign for a child rights protection system.

By 1990, the National Committee on the Rights of the Child (NCRC) was formed, comprising more than 200 organizations working with and for children by tackling issues that impact their lives. In 1992, the University of the Western Cape's Community Law Centre hosted the International Conference on the Rights of Children in South Africa.

As part of the conference, the NGO sector facilitated the first Summit on the Rights of Children in South Africa. The summit brought together over 200 children from different geographic backgrounds, races and ethnicities from across the country. The children spoke out about their concerns and the effects of apartheid on their lives. This conference resulted in the drafting of the Children's Charter of South Africa, which was a turning point towards child participation and advocacy in South Africa. [98]

South Africa's first democratic government ratified the Convention of the Rights of the Child on the16th June 1995. Children's rights are entrenched in Section 28 in the Bill of Rights in the Constitution of South Africa. These rights are in the best interest of all children under the age of 18 years old. The drafters of the Constitution have made children's rights a priority.

In April 1996, the Cabinet approved the National Programme of Action for children Framework (NPA) which had been prepared under the guidance of a steering committee consisting of a range of National government

[97] UNICEF. 1989. Children on the Front Line: The Impact of Apartheid, Destabilization and Warfare on Children in Southern and South Africa.
[98] NPAC New Framework (With Annexures) MD 13th Aug 2020

departments and all nine provinces. When the NPA framework was publicly launched by President Nelson Mandela on 31 May 1996, the provinces were charged with refining and implementing the framework to suit their particular circumstances.

The Provincial Programme of Action for Children (PPA) is thus an arm of the National Programme of Action (NPA) that takes account of the local and regional needs and conditions in Limpopo Province. The lead Department Coordinating the Provincial Programme of Action is the Office of the Premier.[99]

Table 5. Alignment of NPAC with Constitution, the NDP, UNCRC and ACRWC[100]

The following table (Table 3) depicts the alignment of the NPAC with the Constitution, the NDP, UNCRC and ACRWC, followed by Table 4 which demonstrates alignment between the NDP and SDGs.[101]

The Constitution of the Republic of South Africa, 1996 Act 108	NDP	Pillars of the NPAC (2019-2023)	UNCRC	ACRWC
Section 2: Supremacy of the Constitution Section 10: Human Dignity Section: 27: Health Care, food and social security Section 28: Children	Target 8: Promoting Health Target 9: Social Protection Target 11: Building a capable state	Pillar 1: General measures and Principles of Implementation	Article 6: Survival and development Article 8 Preservation of identity Article 7: Registration, name, nationality, care Article 26: Social security	Article 2: Definition of a Child Article 4: Best interest of the child Article 5: Survival and Development Article 19: Parental care and protection
Section 28	Target 8: Promoting Health Target 9: Social Protection	Pillar 2: Civil Rights and Freedoms	Article 6: Survival and development Article 8: Preservation of identity Article 7: Registration, name, nationality, care Article 13 Freedom of expression	Article 3: Non-Discrimination Article 4: Best interest of the child Article 5: Survival and Development Article 6: Name and nationality Article 19: Parental care and protection
Section 28	Target 1: Economy and Employment Target 2: Economic Infrastructure Target 3: Transitioning to low carbon economy Target 4: Inclusive Rural Economy Target 5: Positioning South Africa in the World	Pillar 3-Socio Economic Rights	Article 26 Social security:	Article 4: Best interest of the child

[99] Provincial Programme of Action For Children: *"Put Children First" – Framework on the Rights of the Children Limpopo Premiers Office*
[100] NPAC Framework with added Annexures 2020 South African Government
[101] NPAC Framework with added Annexures 2020 South African Government

Table 6. Alignment of the NDP with the SDGs[102]

SDG	No. Targets	NDP	No. Objectives
1. No poverty	7	Chapter 11: Social Protection	2
2. Zero hunger	8	Chapter 5: Environmental Sustainability and Resilience Chapter 6: Inclusive Rural Economy Chapter 11: Social Protection	1 2 1
3. Good health and well-being	13	Chapter 10: Health Care for All	6
4. Quality education	10	Chapter 9: Improving Education, Training and Innovation	13
5. Gender equality	9	Chapter 11: Social Protection Chapter 12: Building Safer Communities	2 1
6. Clean water and sanitation	8	Chapter 4: Economic Infrastructure Chapter 5: Environmental Sustainability and Resilience	2 1
7. Affordable and clean energy	5	Chapter 4: Economic Infrastructure Chapter 5: Environmental Sustainability and Resilience	2 1
8. Decent work and economic growth	12	Chapter 3: Economy and Employment	7
9. Industry, Innovation and Infrastructure	8	Chapter 4: Economic Infrastructure	1
10. Reduced inequalities	10	Chapter 3: Economy and Employment Chapter 11: Social Protection Chapter 15: National Building and Social Cohesion	1 1 1
11. Sustainable cities and communities	10	Chapter 4: Economic Infrastructure Chapter 5: Environmental Sustainability and Resilience Chapter 8: Transforming Human Settlements	1 3 4
12. Responsible consumption and production	11	Chapter 5: Environmental Sustainability and Resilience	2
13. Climate Action	5	Chapter 5: Environmental Sustainability and Resilience	3
14. Life below water	10	Chapter 5: Environmental Sustainability and Resilience	1
15. Life on land	12	Chapter 5: Environmental Sustainability and Resilience	1
16. Peace and Justice Strong Institutions	12	Chapter 13: Building a Capable and Developmental State Chapter 14: Fighting Corruption	5 1
17. Partnerships for the goals	19	Chapter 7: South Africa in the Region and the World	2

5.2. 2005- 2022 Overview - The Children's Act

The Children's Act 38 of 2005 builds on the 1960 Children's Act and integrates the South African Constitutional changes from Section 28. The Children's Act is a comprehensive law developed through an extensive nationwide review of the apartheid-era Child Care Act of 1983 and child protection system. It adopts a holistic and developmental approach to care and protection of children and seeks to give effect to South Africa's responsibilities to children under the Constitution, UNCRC and ACRWC.

[102] Sustainable Development Forum: King IV and the Sustainable Development Goals, September 2016

There have been many amendments to the Children's Act since 2005 including:

- Amended by Children's 2nd Amendment Act 18 of 2016
- Amended by Children's Amendment Act 17 of 2016
- Amended by Judicial Matters Amendment Act 8 of 2017
- Amended by Legal Aid South Africa Act 39 of 2014
- Amended by Prevention & Combating of Trafficking in Persons Act 7 of 2013
- Amended by Child Justice Act 75 of 2008 The Child Justice Act aims to minimize children's contact with the criminal justice system, and to use detention only as a measure of last resort and for the shortest appropriate period of time.
- Amended by Children's Amendment Act 41 of 2007
- **T**he National Child Care and Protection Policy (2019): This Policy provides South Africa's overarching Policy Statement on the Care and Protection of Children.

As cited in the Concluding observations by the Committee of the Rights of the Child 2016 there have been a number of advancements in legislative frameworks to realise the rights of children however implementation, monitoring, resourcing, capacitation of personnel and overall commitment is lacking. [103]

5.3. What is Article 12 - Child Participation?

Child participation refers to the active involvement of children in the decisions, processes, programmes and policies that affect their lives.

The United Nations Convention on the Rights of the Child (UNCRC) recognises that children are not merely passive recipients, entitled to adult protective care. Rather, *they are subjects of rights who are entitled to be involved, in accordance with their evolving capacities*, in decisions that affect them, and are entitled to exercise growing responsibility for decisions they are competent to make for themselves.

Article 12 provides that: ***'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.***' Article 12 of the UNCRC is a unique provision in a human rights treaty, addressing the legal and social status of children under the age of 18 years who lack the full autonomy of adults but nevertheless are subjects of rights. It states that every child who is capable of forming views has the right to express those views freely in all matters affecting him or her, and that their views must be given due weight in accordance with their age and maturity. Furthermore, children are entitled to be heard in any judicial or administrative proceedings that affect them, either directly or through a representative. This is a fundamental right, and the Committee on the Rights of the Child has identified it as an underlying principle which must inform the implementation of all other rights.[104]

Article 2 all children have the rights set out in the UNCRC, and individual children and young people shouldn't be discriminated against when these rights are realised. This covers both direct and indirect discrimination.

Article 5 requires parents and guardians to provide direction and guidance to children while respecting the 'evolving capacities' of the child.

Article 29 says that a child or young person's education should help their mind, body and talents be the best they can. It should also build their respect for other people and the world around them. In particular, they should learn to respect: their rights and the rights of others, their freedoms and the freedoms of others.[105]

[103] Concluding observations by the Committee of the Rights of the Child 2016
[104] The United Nations Convention on the Rights of the Child (UNCRC)
[105] National Child Participation Framework 2018 DSD & Save the Children

Table 7. Organogram for the National Program of Action for Children and Reporting Processes for the Office on the Rights of the Child

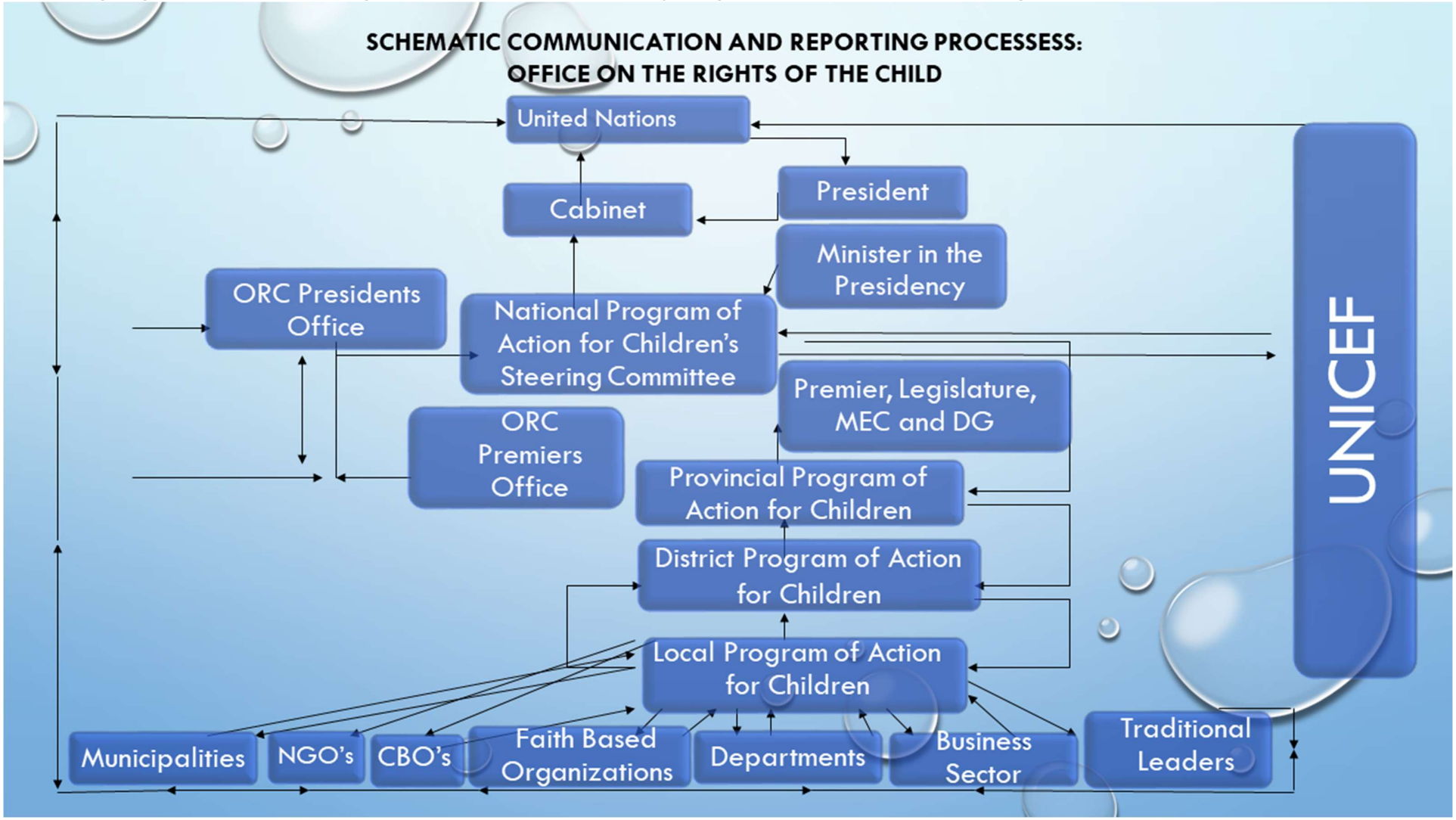


Table 8. Action Plan regarding Child Participation following the UNCRC State Party Concluding Observations 2016

NAME OF COMMITTEE	RECOMMENDATIONS/ ACTIONS TO BE TAKEN	RESPONSIBLE DEPARTMENT	INDICATORS	BASELINE	TARGET
UNCRC	**25. Child Participation** 25.1 Give due consideration to children's view in making plans and policies in general and to children's parliament in particular	Office on the Rights of the Child	Children's view considered in planning and policies making and to children's parliament in particular	Child Participation Framework	Children's view considered in planning and policy making and to children's parliament in particular by 2019/2024
UNCRC	25.2 Consider institutionalizing the Children's Parliament as a permanent forum	Office on the Rights of the Child	Children's Parliament as a permanent forum institutionalized	National Plan of Action for Children	Children's Parliament as a permanent forum institutionalized by 2019/2024
	26. Responsibility of the Child 26.1 Continue efforts in promoting the responsibility of the child as it contributes towards the provision of a forum of participation for children	Office on the Rights of the Child	Efforts in promoting the responsibility of the child strengthened	DBE Bill of Rights/Responsibilities Children's Act	Efforts in promoting the responsibility of the child strengthened BY 2019/2024
	26.2 Provide for adults' responsibility in line with children's responsibility.	Social Development Basic education	Children's responsibilities provided in line with adults' responsibilities	DBE Bill of Rights/Responsibilities Children's Act	Children's responsibilities provided in line with adults' responsibilities by 2019/2022

6. The National Plan of Action For Children in South Africa.

Cyril Ramaphosa, President: Republic of South Africa in 2020 stated:

"As a child rights planning and implementation tool, the NPAC is aligned as it must be, with our Constitutional mandates, national priorities and the aspirations of our developmental state. It facilitates progressive delivery on the rights of the child. We have an obligation as a nation to honour our child rights responsibilities individually and collectively. We anticipate and depend upon parents and caregivers, families and households, faith and community-based organizations, non-government organizations, our traditional healers, the business sector, traditional leaders, government and parliament, international agencies, UNICEF and other international and UN agencies that they will continue through the implementation of their mandates, to support us in the implementation of this NPAC."[106]

[106] NPAC Framework with added Annexures 2020 South African Government

The new NPAC 2020 desire is to bring together and mainstream the following:
(a) International and regional instruments, including the African Charter on the Rights and Welfare of the Child, the United Nations Convention on the Rights of Child, the National Development Plan and the Sustainable Development Goals;
(b) South African legislation pertaining to child care and protection;
(c) Oversight and accountability mechanisms;
(d) The function and management of Children's Rights within national, provincial and municipal departments, as well as societal institutions; and finally,
(e) Implementation resources in terms of budget allocation and funding.[107]

- The South African Constitution and legislation created under the new dispensation that has been developed and amended and is primarily in line with UNCRC, UNHRC and AU requirements although requiring adjustments of some issues as time dictates for example the new legislation of pornography and social media.
- South African has excellent legislation and Policies in place as cited by the State Party Report, the difficulty is experience in the implementation as cited previously. Implementation of the 2018-23 plan continues to be weak, and progress slowed through covid. A national plan of action for children for the period from 2023-2028 is in force, has a clear accountability mechanisms however appears to continue to suffer from lack of support either human, technical and financial resources.[108]
- There is poor management and administration practices concerning budget allocation, expenditure, monitoring, resource allocation related and legislation related to Childrens Rights

However South Africa continues to be one of the most inequitable countries in the world, with children experiencing inequality more intensely than adults. This impacts on the enjoyment by historically marginalised children of their rights and access to services.[109]

The Priorities of the current Government are:

PRIORITY 1: Economic transformation and job creation
PRIOIRTY 2: Education, skills and health
PRIORITY 3: Consolidating the social wage through reliable and quality basic services
PRIORITY 4: Spatial integration, human settlements and local government
PRIORITY 5: Social cohesion and safe communities
PRIORITY 6: Building a capable, ethical and developmental State
PRIORITY 7: A better Africa and world.

The new NPAC sees a "mainstreaming" of Children's Rights Issues through all 7 Government Priorities for 2020-2024 as the process of choice. Sadly, as in the multiplicity of roles within government i.e. priority will be given to the Key Priorities and not to "mainstreaming" Children's Rights Issues. Children are at risk of being overlooked by Government because of "mainstreaming". Mainstreaming by departments their policies and processes is a fundamentally flawed approach given the comments made by the Provincial Action Plan evaluation which states "Most Government Stakeholders do not understand mainstreaming".[110] This capacity issue is not limited to Limpopo Province but certainly honestly shared by the province in their report.

Other current challenges identified by the Limpopo PAC of the NPAC of 2020 are the following:

- Most of the department have lumped children's programmes under the specialised services or professional services that are stifled by the councils or professional associations instead of the transversal services that facilitate transformation e.g. DSD and Education.
- Municipalities do not dedicate special time to consult with children on the IDP and other processes such as budget speech, premier's address; children's parliament.
- Even though most municipalities have ward committees, traditional leadership and healers need to form part of the structures for synergising coordination in the delivery of services to children within the province.

[107] NPAC Framework with added Annexures 2020 South African Government
[108] Committee on the Rights of the Child - 2016 Concluding observations on the second periodic report of South Africa Paragraph 6, page 2
[109] State Party Report 2016 p32
[110] Limpopo Provincial Plan of Action for Children 2023-2028

- No or minimal consultation with NGO's, CBO's, Faith Based Organizations, Business Sector have been entered into regarding the current NPAC, PAC, its implementation, monitoring and evaluation. [111]

There is a strong disconnect from which government expects from its departments and what the departments are actually able to achieve for the sake of the children of South Africa. Sadly with the introduction of covid and restrictions on functioning according to sources there has been no mitigation of the issues identified and little or no plan for the future. (Anonymous source within the OCR – Premiers Office).

A case in point would be the function of child rights help desks or focal points in Departments at Provincial and Municipal levels are indicated in the tables that follows but in reality are non-existent in Limpopo:

Table 9. Function of Children's Rights: National Departments

NATIONAL DEPARTMENTS - CHILD RIGHTS FOCAL POINTS: FUNCTION
(1) Provide children's rights leadership and align child rights understanding, interpretation and implementation in the Department.
(2) Mainstream child right into processes to implement the Department's mandate.
N.B. Ensure that child participation in the sector complies with applicable guidelines, norms, standards and procedures.
(3) Familiarise Branches in the Department with the NPAC and related departmental targets and obligations, to be included in their action plans, as well as monitor implementation accordingly.
(4) Attend meetings convened by ORC and provide technical support accordingly.
(5) Establish strategic public private partnerships to advance sectoral child rights implementation in SA.
(6) Facilitate cooperation and collaboration with civil society in the implementation of the NPAC.
(7) Track Child Rights performance in the Department; conduct requisite analysis and identify emerging issues for attention at departmental or child rights levels.
(8) Co-ordinate sector-specific child rights implementation across the three spheres of Government, in collaboration with the branches/directorates responsible for childcare and protection, for comprehensive reporting on sectoral child rights implementation to the ORC.
(9) Invoke relevant technical support and interventions as and when the need arises to enhance child rights implementation in the Department and provide technical support accordingly.
(10) Represent the Department/sector at national forums.

6.1. ORC National Budget

For a national program of such prestige to be placed in the Office of the Presidency, the budget allocation is tokenistic at best and malignant at worst, thereby maintaining the status quo regarding children and ensuring their rights will never be realised. For example the Deputy Director salaries currently ranges from R744, 000- R867, 000 per annum, the current requirements range from matric to bachelor's degree.[112] Salary funding may come from some other sector however it is an interesting comparison that the allocation of funding averages one Deputy Director's salary for the year.

[111] Limpopo Provincial Plan of Action for Children 2023-2028
[112] https://southafrica.governmentjobs.guru/dpsa-deputy-director-vacancies-za/

Table 10. National Budget Allocation for Provincial Office of the Rights of the Child

PROVINCES	LOCATION	REPORTING LINES	BUDGET
Eastern Cape	Premier's Office	ASD, DD, D, CD, DDG and DG	**R218 000.00**
Free State	Provincial DSD	Social Work Manager, Social Work Developer, Director, Chief Director, HOD and MEC	**R814 000.00**
Gauteng	Provincial DSD	Social Work Manager, Social Work Developer, Director, Chief Director (Vacant), HOD, DDG and MEC.	**R350 000.00**
Limpopo	Premier's Office	Deputy Director (Also responsible for Older Persons and Military Veterans), Assistant Director, Admin Asst. They report to Director, CD, DDG and DG	**R533 000.00**
Kwazulu Natal	Premier's Office	DD,D (Vacant) CD (Vacant), ADDG and DG	**R2,000 000.00**
Mpumalanga	Provincial DSD	DD, CD, HOD and MEC	**R1, 666 000.00**
Northern Cape	Premier's Office	ASD, DD, D, CD, DDG and DG	**R277 000.00**
North West	Premier's Office	ASD, DD, D, DDG and DG	**No budget since October 2019**
Western Cape	Premier's Office	ASD, DD, CD DDG and DG	**R650 000**
TOTAL			**R6,508,000.00**

Annexure 2: 7 Primary Data collected via Body Mapping by Children aged 5-11yrs.
Petanenge Children aged 6-11yrs

Article 2 & 12		Family Article 5	School Article 28 & 29	Community
Participation & Discrimination	Eyes	Theft No Respect between parents and children Fighting between families and within families Property grabbing on death of a family member by other families	Teachers eat nice food in front of the children Teachers using cell phones to play games during lessons Learners physically fighting with Teachers Only listen to male teachers because no respect for female teachers	People fighting, killing each other Killing animals, People drinking alcohol and taking drugs Stealing Community is dirty, lots of rubbish
	Nose	Toilet smells Rotting Garbage Dead animals left to rot	Toilet Underarms learners Smelly shoes	Smelling dead animals
	Mouth	Swearing Vulgar words	Teachers are name calling Teachers and children are swearing at each other	Witchcraft Hear of people killing each other They hear of children being kidnapped and killed
	Ears	Swearing, Yelling, Bullying by siblings, or adult family members	Teachers are name calling Teachers and children are swearing Teachers screaming at student and then chased out of class	Swearing and yelling at each other Drinking Alcohol, taking drugs (dagga), smoking Gossip
	Hands	Bullying, being chased out of the house as a form of punishment, Beaten	Beaten Corporal Punishment is still in the school stick, hands, pinched, duster	Stealing Fighting Bullying
	Feet	Being kicked at home	Smelly shoes Being kicked by Teachers	NOTHING
	Heart	Nothing	NOTHING	Violence in the community Swearing amongst community members to each other and children

Annexure 3: Nsolani Discussions

Discussion Family

When they think of their family they think of new clothes, birthday parties, extending the home.
They are always being told what to do, their opinion is not asked for, decisions made – the child's opinion doesn't matter, if you don't do what is said then they get punished i.e. food withheld, chased out of the home, beaten.
Nothing positive came from the heart of parents, the family, no encouragement, no affirmations, guidance or verbal care from family members or parents
2 or 3/15 are living with both parents, the rest are with extended families – Granny's, aunts, uncles etc. The mothers are not full time in the home (usually seasonal work).
No obvious involvement of the parents in the emotional welfare of the children, no heart attachment, no emotional building, no encouraging, guardians/parents are not concerned about the child's development at any level, they just want peace and quiet in the home.

Discussion School

At home men are the bosses and the women are not listened to or have an opinion that is considered or taken seriously, this over flows to the classroom with more young males are not willing to listen to a female teachers – tribal and cultural issues.
Teachers are feared and often a source of abuse.
Teachers are not conducting themselves professionally i.e. playing cell phone games and eating during the lessons – result the children do not respect the teachers
Teacher's attitude is uncaring, they are not interested in the welfare or development of the child. Again no affirmations or encouragement for performance at school. As long as the classroom is orderly.

Discussion Community

The children had nothing nice to say about their community except how violent the adults and other children because of bullying. Recently a 6yr old was raped and killed in the community, mob justice killed the offender. This was very prominent
The children said there is a lot of jealousy and bullying amongst the children, the children are constantly fighting to assert their power so they are not seen as victims.

Nsolane Children primary data collection via body mapping aged 5-11yrs

Article 2 & 12		**Family** **Article 5**	**School** **Article 28 & 29**	**Community**
Participation & Discrimination	Eyes	Some children don't listen to elders Fighting in the family Swearing Mothers yelling at children Parents not giving food as punishment	Vandalism by kids Learners not listening to teachers Littering Bullying Stealing from each other	Dirty with littering Unclean
	Nose	Some children don't listen to elders Mothers yelling at children Swearing by adults at children and each other	Swearing by child to child Teachers calling names to children Gossip	NOTHING
	Mouth	Littering	Toilet smells	Decomposed food

			Dustin smells	People spitting because of Flu
	Ears	Parents not giving food as punishment No Communication between families Families don't listen to the children's point of view	Swearing child to child Teachers calling names to children Gossip Yelling	Swearing Gossiping a lot Bickering Alcohol
	Hands	Some children report physical fighting in the home Some children report physical fights between siblings	Beating Stealing Vandalism	Beating children Stealing People Fighting Throwing stones at children or each other
	Feet	Nothing	Learners kicking each other	Kicking each other – child to child
	Heart	Fear of consequences if they have been naughty. Adults just grab things from the children, they don't ask	NOTHING	Fear of Hijacking Fear of child trafficking Fear of being beaten

Annexure 4: Myakayaka Discussions

Discussion Family
If a child is being naughty being beaten or having food withheld is normal, the child does not know their rights, so this actual is normal and to be expected within the family and within the home.
16 children, most live with both parents.

Discussion School
School is a place to go and learn, not a negative or a positive experience just a place to learn.

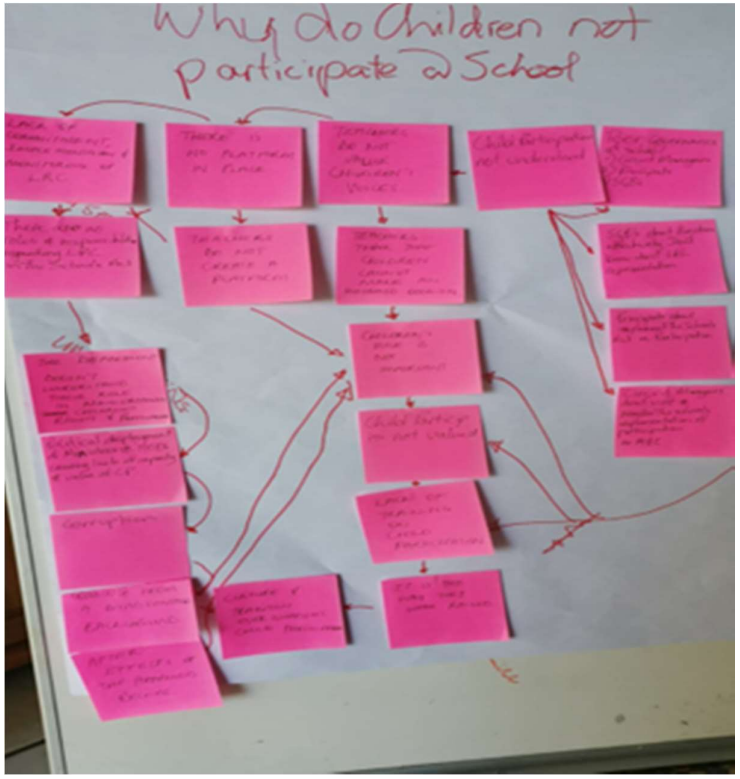
Discussion Community
The children are reporting what is happening in their community and not within their families
Discrimination against a child who is disabled because of fear, we won't play with them
Discrimination against children who are dirty or unclean, they will play with those kids who are clean and have better toys.
Girls don't want to play with boys because the boys are bully's and they steal

Myakayaka Children primary data collection via body mapping aged 6-10yrs

Article 2 & 12		Family Article 5	School Article 28 & 29	Community
Participation & Discrimination	Eyes	Adults passionately kissing each other Gossiping Traditional Rituals – to welcome the birth of a child, Sangoma investing, appeasing ancestors Fighting between family members	Learners bullying each other Learners not doing home work Teachers do not respect children Children do not respect teachers	People drinking alcohol People dancing – they are drunk Smoking Stealing
	Nose	Gossip Parents yelling at you until you cry Bickering Noisy music Swearing Traditional Rituals	Noise in class Gossip Swearing Inappropriate language by teachers to learners, name calling, lack of professionalism	People not listening to each other Loud music Swearing People making noise – loud talking Gossip
	Mouth	Toilet smells Rotten Food Dustbins	Toilet smells	Beer Cigarettes Toilets Rotten food Dustbin smells
	Ears	Gossip Swearing Family quarrels	Gossip Noisy Yelling Swearing Inappropriate language by teachers to learners, name calling, lack of professionalism Thrown out of class – if noisy or not completed homework	People Lying not to be trusted Gossip Drink Alcohol People Swearing at adults and kids Smoking Spitting at each other Adults kissing
	Hands	Alcohol by adults Adults slapping each other Adults pinching children Children pushing each other Hitting children	Teachers beating children with shamboks, dusters anything available	People Stealing People fighting People pushing each other People hitting each other and children
	Feet	Children being sent to buy alcohol Adults fall when they are drunk	If a learner does not have school shoes the teacher stomps on their feet	Children kicking children Adults kicking children Adults kicking adults

		Adults use their feet to run when they steal things Adults when drunk use their feet to dance		
	Heart	NOTHING	If they think of going to school they are stressed and afraid Discrimination by the teachers regarding body shape, family background (if poor), slow learner. Peer pressure – forced to conform to bad behaviour i.e. if a child is from a poor back ground, all the kids don't play with that child. They don't see this as right or wrong.	Adults Killing children Selfish adults and children – no peace, stubborn and cold hearted. Swearing Trafficking of children Kidnapping of children Discrimination at community level Mozambiqueans against Zimbabwean. Children and adults. Everything that is bad at community level the Zimbabweans are being blamed for it

Annexure 5: Causal Analysis Picture



Picture 6: Causal Analysis on why do children not enjoy their right to participate at School