

**Submission on the Draft Childrens Amendment Bill to the Western Cape Provincial Parliament Standing Committee on Social Development
from: **Ons Plek Projects** also representing Western Cape Street Childrens Forum and in consultation with Homestead**

Ons Plek Projects for Female Street Children have developed a comprehensive range of prevention and developmental services for street children since 1988 including shelters and a community program.

The Homestead, for street boys, has developed a comprehensive range of prevention and developmental services for street children since 1982 including shelters, drop in centre and community programs.

Western Cape Street Childrens Forum is a network of 50 NGOs who work with street children in the Western Cape.

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Verbal Presentation by Pam Jackson

Thank you for the opportunity to address you today. I'm talking on behalf of many children whose circumstances have driven them onto the streets and whose lives can be changed through this Bill today and also for the many experienced staff of projects who have looked seriously at this Amendment Bill.

Out of all the categories of children street children are very visible. They can irritate us by demanding money and misbehaving in public and they get our sympathy when we see them sleeping on a cold pavement. Due to their visibility, we the adults, often think they have different needs to other children but actually they are just children similar to all children with various problems.

The Amendment Bill treats them differently to all other children and allows for second rate treatment for them. And that is our main concern today. The submission motivates for a few very simple changes to be made to the bill at little or no extra cost.

The old Child Care Act No. 74 of 1983 was not structured to provide for street children. Therefore, when South Africa first started drafting a new Child Care Act after 1994 Service providers to street children asked to remedy this by saying Shelters or Children's Homes for street children must specifically be mentioned in

the new Act. This has had unforeseen results. Because of this the Amendment Bill treats them differently to all other children but in such a way that allows for second rate treatment for them

The result is that all children needing care, other than street children, go to Child and Youth Care Centres and fall under provision of C13. They must have therapeutic and developmental programs and professional staff. Street children must go to shelters which fall under C14 and these shelters only have to provide very basic facilities like a bed overnight and food. No schooling, no therapy, no rehabilitation programs, no trying to trace and help their families so they can go back home. Staff do not have to have any training. All of which goes against the agreement we have with the United Nations.

At Ons Plek we have a school pass rate of 99% of all kids, 95% go back home permanently and only 5% stay on the streets. We can achieve this because we operate according to the standards in C13. If we only provided a bed for the night the children would still run around all day unsupervised, not get education, continue to beg. They would not have the advantage of professional staff help to resolve their problems.

Without regulations they would in some circumstances be open to further abuse by unscrupulous people who sometimes gravitate to unregistered projects of today because C 14 does not stipulate that training is needed. Eg New Hearts, The way to get children off the streets is to take shelters out of C14 and put them in C13 with equal provisions of standards that all other children will get.

On top of this C14 says children should be free to leave voluntarily. Why? It's true street children do run away more often than others. But the law too should not encourage this. My children at home and the street children at Ons Plek have to ask if they can go out. It may not stop them from running away but they should not have the right to leave. Children at Child and Youth Care Centres also run away but the law doesn't say they are free to leave.

There is a belief that street children do not have to be taken to court for permission to be given to stay in a shelter. It is true that they are less controllable than others and they may become frightened by going to court and run away again. This should not mean that shelters do not have to go to court. The statutory court systems ensure that the reason for the child running away is investigated and reported to the magistrate who will ensure the reason for this child being in a shelter is a good one. Section 105 needs to be beefed up so that shelters have to do statutory work. This will stop unscrupulous people harbouring children for their own gain.

Conrad Barbaton who was charged with the costing of the Bill shows that these simple changes we recommend will involve little or no extra cost. Shelters or

costed as Child and Youth Care Centres. In the Western Cape shelters already receive the same subsidies.

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Section 225 should be deleted. We feel strongly that no functions should be assigned to municipalities, because too often the agenda of municipalities is driven by business interests and not the interests of the children. There is thus a danger of programmes to 'clear the streets' and 'remove the children'. The Department of Social Development is the appropriate body to carry out functions related to the protection of children.

In summary the goal of our whole history has been about providing equal rights for all. The Amendment Bill as it stands, with inferior standards for services for street children goes against our constitution. Fortunately it requires very minor changes which are detailed in my submission, the crux of which is take shelters out of C14, include them in C13. A detailed description of clauses needing alteration is submitted with this which states specifically what words need to be deleted and what words added to give effect to these recommendations.

These changes will make a real difference to children forced on to the street through circumstances.