



Children's Institute, University of Cape Town

Shadow Report to the UN Committee on the Rights of the Child

11 August 2023

Paula Proudlock & Dr Kath Hall
Paula.proudlock@uct.ac.za & kath.hall@uct.ac.za

Introduction

The Children's Institute is a multi-disciplinary research and advocacy unit based in the Health Sciences Faculty of the University of Cape Town. We conduct research, advocacy, and education on children's rights. The work of the Children's Institute is aimed at promoting equality and realising the rights of all children in South Africa.

Our shadow report is focused on providing the Committee with updated data and evidence on child poverty and birth registration.

Child poverty rates and numbers

Child poverty rates and numbers in South Africa have increased since 2019. In 2021, approximately 7,7 million children were living in food poverty, representing 37% of all children in South Africa. This is a 4% increase from the 2019 rate of 33%.

We measure child poverty rates and numbers against the three official Statistics South Africa (Stats SA) poverty lines. Table 1 below provides the 2022 Rand value of the three poverty lines.

Table 1. Statistics SA Poverty Line Values in 2022

| Poverty Line | 2022 value (per person /month) |
|--------------------------|--------------------------------------|
| Food poverty line | R663 |
| Lower-bound poverty line | R945 |
| Upper-bound poverty line | R1417 |

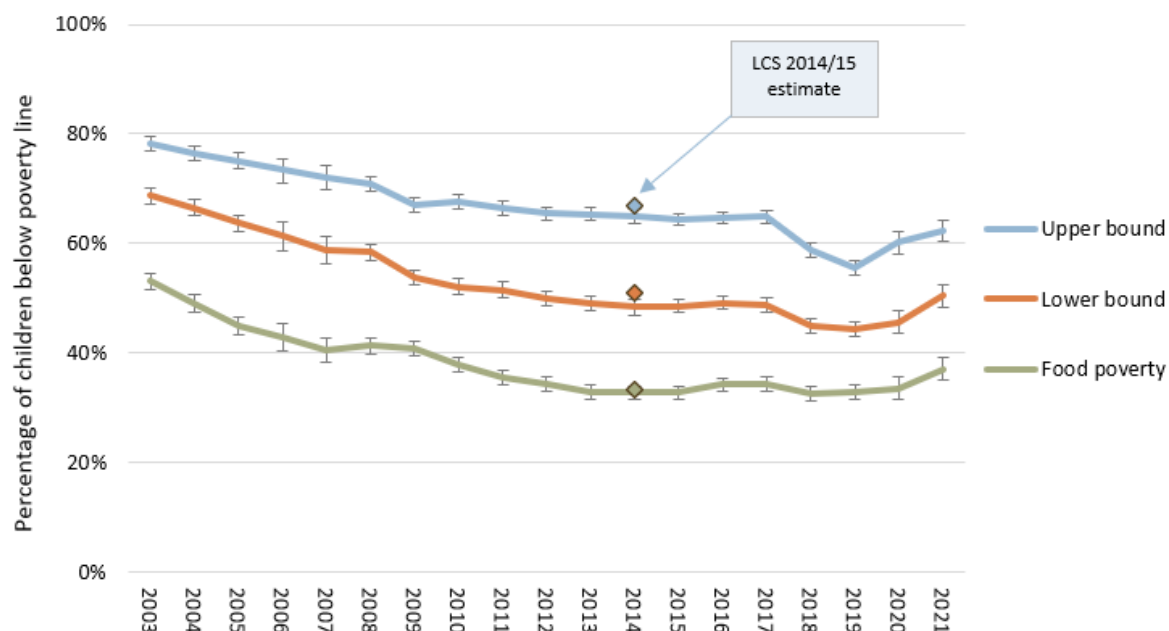
Source: Stats SA (2022)

The poverty lines were developed by Stats SA, following the internationally recognised “cost-of-basic-needs” approach. The **Food poverty line (FPL)** represents the estimated cost of meeting the required minimum daily food intake for an individual’s energy needs. It allows for a person to purchase basic food but no other essentials like clothing, shelter, education, energy/fuel for cooking, light or heating, or for transport.

The **Upper bound poverty line (UBPL)** is calculated by using the FPL as a base and then the addition of the average amount spent on non-food items by households whose food expenditure is exactly or close to the FPL. In other words, it allows for the basic non-food costs that would be spent by households whose expenditure only just enables members to meet their minimum nutrition requirements. The UBPL is not a “generous” line but instead represents the minimum amount needed to meet both food and non-food essentials – a basic basket of goods.

Figure 1 and Table 2 below show South Africa's progress in reducing child poverty over the period 2003 to 2021.

Figure 1: Child poverty trends 2003-2021



Source: Children's Institute analysis of GHS 2003-2021

Significant progress was made by the state in reducing the rate of child food poverty from 53% in 2003 to 33% in 2013.¹ This period of improvement mirrors the same time-period in which the reach of the Child Support Grant (CSG) was expanded. The pace of progress in reducing child food poverty slowed down after 2013, with the child food poverty rate hovering around the 33% mark until 2020 when it rose to 39%. By 2021 it had reduced somewhat to 37%.

The FPL represents the minimum income required for daily energy needs and was R663/child/month in 2022. It does not ensure sufficient income for dietary diversity or nutrient dense food. Children living below this line are likely to be suffering either from malnutrition or obesity or both. In 2021, 7,7 million children were living below this line.

¹ See www.childrencount.uct.ac.za for a child-centred analysis of survey data over the period 2003 to 2021.

Table 2. Percentage of children living in poverty 2003 – 2021

| | Upper Bound Poverty Line | Lower Bound Poverty Line | Food Poverty Line |
|--|---------------------------------|---------------------------------|--------------------------|
| 2003 | 78 | 69 | 53 |
| <i>Child food poverty drops by 20% in ten years</i> | | | |
| 2013 | 65 | 49 | 33 |
| <i>Child food poverty stays at 33% for seven years</i> | | | |
| 2019 | 56 | 44 | 33 |
| 2020 | 63 | 51 | 39 |
| 2021 | 62 | 51 | 37 |
| <i>Child food poverty increases to 37% post COVID-19</i> | | | |

Source: Children's Institute analysis of GHS 2003-2021

The upper-bound poverty rate shows a similar trend to the FPL except that significant improvement started to show in 2019. While the UBP rate was 65% in 2017, it decreased to 56% in 2019. This progress was unfortunately reversed during the COVID-19 period. By 2021 the rate of children living below the upper-bound poverty line had risen again to 62%, amounting to 12,9 million children.

The Lower-bound poverty line (LBPL), which is the line referred to in the State Party Report in Table 33 in Annexure A ('Statistical Information and Data') is also shown in figure 1 as the middle line. The State Party reports that the LBPL was 51% in 2015 and relies on the 2014/15 Living Conditions Survey (LCS). The State Report does not provide any updated poverty statistics as there has not been an official income-expenditure survey since 2015. However, the General Household Survey (GHS), conducted annually by the national statistics agency, does provide income data that is reasonably plausible and can be used to monitor trends in the intervening years. The Children's Institute uses the GHS to track child poverty rates (Figure 1 and Table 2). The triangle markers on the graph represent the 2014/15 LCS findings and show how our GHS data analysis produces similar poverty estimates for the same year.

The low value of the Child Support Grant

The Child Support Grant (CSG) is the State's primary programme for reducing child poverty.

It is the main reason why SA's child poverty rates showed improvement over the period 2003 to 2013.

Since 2013, there has been no further expansion of the CSG programme by for example increasing the value of the grant or extending the qualifying income threshold. Over the period 2016 to 2019, three international human rights committees, including the UNCRC, recommended to the SA state that it should consider increasing the CSG amount at least to the value of the food poverty line.²

The value of the CSG has however not been increased. It remains the lowest of the permanent social grants in South Africa. Since 2021, it has received below inflation annual increases which has eroded its real value affecting the ability of the poorest families to ensure their children receive basic nutrition. This erosion has occurred at a time when food and fuel inflation has been at its highest. Table 3 below shows the inflation increases for the CSG over the past 2 years compared to headline inflation and food inflation:

Table 3. Inflation rates vs CSG annual increases

| Inflation rates vs CSG annual increase | 2021/22 | 2022/23 |
|--|----------------|----------------|
| Food inflation | 6,6 % | 14,4% |
| Headline inflation (CPI) for poorest household | 6,7% | 11,3% |
| Headline inflation (CPI) average | 5,9% | 7,1% |
| CSG annual increase | 4,3% | 4,2% |

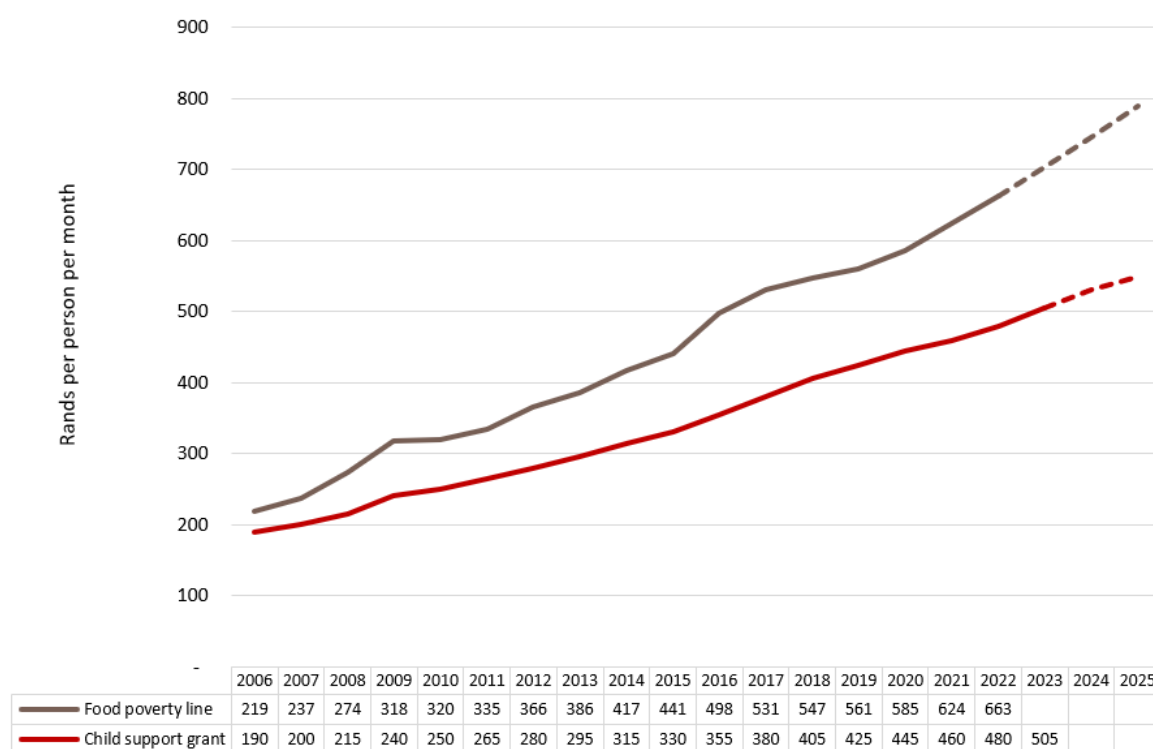
Sources:

Budget review 2020-2023 (Dec-Dec inflation); Stats SA (2021, 2022, 2023) Consumer Price Index (March). P0141; Hall K and Proudlock P (2022) Budget 2022: Children's Institute's commentary on child grants; and Hall K, Proudlock P and Hansungule Z (2021) Children's Institute and Centre for Child Law submission to the Standing Committee on Appropriations. (April – April inflation and year-on-year CSG increases as at 1 April.)

The gap between the grant amount and the food poverty line is increasing. This trend will continue unless a decision is made soon to increase the value of the CSG. See figure 2 below which illustrates the widening gap.

Figure 2: Widening gap between the CSG value and the food poverty line

² UNCRC Concluding Observations to RSA 2016, ICESCR Concluding Observations to RSA 2018 & ACERWC Concluding Observations to RSA 2019.



Decline in take-up of the CSG for infants under 1 year of age

Our analysis of the state's grant data reveals reduced uptake of the CSG for children under 1 year of age over the past three years since the COVID period. See Table 4 below.

Table 4. Declining CSG uptake for children under 1 year of age

| Year | Under 1s on CSG (at end of March) | Difference to previous year |
|------|--------------------------------------|-----------------------------|
| 2017 | 542 505 | |
| 2018 | 528 244 | -14 261 |
| 2019 | 620 960 | + 92 716 |
| 2020 | 657 677 | + 36 717 |
| 2021 | 550 341 | -107 336 |
| 2022 | 542 622 | -7 719 |
| 2023 | 508 675 | -33 947 |

Source: SASSA grant reports

A comparable decline can be seen in the rate of current year birth registration for a similar time period, indicating that a lack of timely access to birth certificates is likely the main cause for the declining uptake in the infant age group.

There may also be other factors influencing the decline which are not yet known. These could include reduced services during the COVID-19 period, austerity budgeting, reducing the personnel available to process grant applications, and electricity load shedding reducing the ability of SASSA to process applications.

Trends in birth registration

Completeness of birth registration

There has been significant improvement in completeness of birth registration over the years. However, each year around 200,000 children are not registered within a year of their birth. This estimate is derived from a simple calculation, as follows: around 1.15 million babies are born in South Africa each year.³ Yet over the last decade only between 900,000 and 950,000 current-year births have been registered each year.⁴ Births that are not registered in the current year will be pushed into the late registration process, which is much more difficult for families to navigate, and would result in an unknown number of children failing to register at all.

Number of children without birth certificates

The total number of children without birth certificates in South Africa is not known. In 2017 we estimated that there were **at least 500 000 children (0 – 18 yrs)** without birth certificates and our profile analysis indicated that over 80% were entitled to SA citizenship and the majority were Black and living in poverty.⁵ When we presented this data in a high court case in 2019, the Department of Basic Education responded by tabling its own administrative data

³ Stats SA Mid-year population estimates (2020 series), provided on request. The Tembisa model similarly estimates over 1.1 million children born each year.

⁴ StatsSA Recorded Live Births 2019.

⁵ Hall K (2019) Expert affidavit in the matter between Centre for Child Law and others v Minister for Basic Education and others. Case no: 2480/17 in the High Court of South Africa, Eastern Cape Division (“Phakamisa case”). For a summary, see Hall K, Sambu W et al (2019) Early Childhood Review 2019. P.32 Available:

http://childrencount.uct.ac.za/uploads/publications/SA%20ECR_2019.pdf

for the 2018 year which revealed that **nearly 1 million learners (aged 6 to 21 yrs) without birth certificates** were attending public schools and 83% were SA citizens.⁶

Access to birth registration and identity document services were all limited during the COVID-19 period which lasted in South Africa for over two years (March 2020 to March 2022). The limitation was at first as a result of a complete shut-down of government services for a two-month period at the start of the pandemic (March to May 2020), and then due to a series of less restrictive shutdowns which limited the type of services provided and the pace at which these services were provided. For example, Home Affairs offices were operating at 50% staff capacity to enable social distancing and to have a second team available to rotate should the first team become infected. Austerity budgeting and electricity loadshedding has also taken a toll.

Backlogs in accessing birth registration services

As a result, there are now backlogs in access to enabling documents such as birth certificates and identity documents which in turn results in reduced access to social grants which generally require a 13-digit ID number.

The Department of Home Affairs (DHA) recently revealed statistics on the backlog of applications for late registration of birth in response to a question in Parliament. The answer revealed a backlog of approximately 260 000 applications for birth registration, going back to the start of the 2018 year to the end of the 2022 year.⁷ The majority of these applications are children between the ages of 1 and 18 years who are in need of a birth certificate. The Department has not yet indicated how it intends to tackle this backlog and ensure these children can be registered.

⁶ Acting Director General of the Department of Basic Education (2019) First to Third Respondents' Supplementary Affidavit. Case no: 2480/17 in the High Court of South Africa, Eastern Cape Division ("Phakamisa case"), at Para 22.

⁷ National Assembly, Parliamentary Question No 1798, 9 May 2023. Available at <https://pmg.org.za/committee-question/22858/>

There are also many unregistered children who do not fall into the backlog because their parents or caregivers have not yet been able to lodge an application for birth registration.

Barriers to late registration of birth

Many parents and caregivers have significant difficulty lodging applications for late registration of birth and experience long delays before they finally obtain their children's birth certificates from DHA. We refer below to four categories of parent/caregiver that are more likely to face these difficulties. As can be seen from the description, these families are already very vulnerable and should be pro-actively assisted by Home Affairs to document their children. However, they are generally discouraged and deterred from finalising the registration process by a lack of co-ordinated efficient service delivery by government departments.

- **Relatives caring for orphaned or abandoned children** need a social worker report and a court order before they can lodge an application for a birth certificate. Social workers are often not accessible (due to resource constraints) or unwilling to assist relatives, leaving them unable to even start the birth registration process. We, and partner organisations, have multiple caregivers who have been in limbo at the social worker stage for the past five years.
- **Unmarried fathers caring for children in cases where the mother is undocumented, deceased or has abandoned the children**, generally can only lodge their applications after undergoing a paternity test at their own costs of approximately R2800, and/or after obtaining a social worker report and a court order. These processes can take up to 2 years or more before the application can be lodged with DHA. Thereafter it will take a further year or more before DHA will issue the birth certificate. We, and partner organisations, have many unmarried father clients who are blocked by the high costs of the paternity test requirement and who are also unable to obtain assistance from social workers to obtain the required court orders. These struggles are also aptly demonstrated by the judgments in *Naki and Others v Director-General: Department of Home Affairs and Another* [2018] 3 All SA 802 (ECG) (High Court judgment) and *Centre for Child Law v Director General: Department of Home Affairs and Others* 2022 (2) SA 131 (CC) (Constitutional Court judgment). Despite the court orders in these two

cases, the DHA continues to refuse to allow unmarried fathers to register their children's births.

- **Mothers who do not have their own birth certificates or IDs**, must first apply for their own late registration of birth, then their IDs before they can apply for their children's birth certificates. This process can take up to 5 years. Even if the mother has her own birth certificate with an ID number on it, Home Affairs will not allow her to apply for her child's birth certificate until she obtains her ID. This problem affects young mothers between the ages of 15 and 35 and contributes to an intergenerational cycle of unregistered births. Lack of access to IDs during the COVID-19 period has exacerbated the challenge and resulted in more young women not having their IDs when they give birth.
- **Children who are born to foreign national parents** also struggle to secure documentation. These children often enter South Africa with parents or caregivers who are undocumented themselves and/or are fleeing situations of violence or persecution in their countries of origin. The children then enter South Africa without any documents or their documents get lost on the way to South Africa. Through no fault of their own, the children are undocumented in South Africa.

Accessing social grants without a birth certificate or ID

The Regulations to the Social Assistance Act allow for applications for social grants in cases where the caregiver does not have an ID and/or the child does not have a birth certificate⁸. This is however an exception to the general rule that birth certificates and IDs are required and is therefore not easily accessed or encouraged.

Prior to June 2020, children without birth certificates were only entitled to grants for a three-month period. This meant that their grants were cancelled if their caregiver did not obtain their birth certificate within those 3 months or show proof to the SA Social Security Agency (SASSA) that they had applied to Home Affairs for the birth certificate.

⁸ See Regulation 13(1) of the Regulations to the Social Assistance Act of 2004

This unlawful 3-month cancellation practice was stopped in June 2020. Since then, grants obtained with alternative identifying documents remain in place and are generally not cancelled after a three-month period. As a result, the number of caregivers and children accessing the CSG using this mechanism has grown to over 50 000 children by the end of 2022. However, it remains very low taking into account the number of children without birth certificates who are likely in need of it (between 500 000 to 1 million children).

Recommendations

Child poverty

- (1) Given the increasing rate and numbers of children living below the food poverty line, and the evidence of the CSG's proven ability to reduce child poverty, the State Party should be advised to, as a matter of urgency, increase the CSG amount at least to the FPL.
- (2) The State Party should be questioned on its plans to identify the reasons for the decline in the take-up rate of the CSG for children under 1 years of age. It must also be urged to clarify its strategy to reverse the decline and get back on track.
- (3) The State Party should be commended for doing away with the 3-month cancellation policy that was applied to social grants accessed without birth certificates or IDs.
- (4) The State Party should be urged to prioritise birth registration for children accessing social grants without birth certificates.

Birth registration

- (5) The State Party should be advised to design and implement an inter-departmental strategy, including targets and timeframes, to prioritise late registration of birth. This is essential to address the high number of children without birth certificates and the significant backlog in applications for late registration of birth.

(6) The State Party should be advised to implement the High Court and Constitutional Court judgments which obliged it to allow unmarried fathers to register the births of their children.

Conclusion

Thank-you for considering our shadow report.

Our child indicator website tracks a range of child indicators that may be useful to the committee. www.childrencount.uct.ac.za