

# child rights

## in focus

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## Facilitating the involvement of children: Dikwankwetla and the Children's Amendment Bill

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Children have the right to freedom of expression and the Constitution states that “a child’s best interests are of paramount importance in every matter concerning the child”. Not only do children have a right to participate in the legislative reform process, it is in the best interest of the legislation – in this case the Children's Amendment Bill – that their opinions are considered.

The aim of the Children's Act 38 of 2005 is to protect children, and one form of protection is to strengthen their ability to understand and claim their rights. Children’s participation in the law-making process will strengthen their knowledge of their rights, while informing decision-makers of their needs. As a result, the final Act will provide a better framework for delivering services that strengthen families and protect children from abuse.

One group of children that have been part of the Children’s Bill process from the beginning is the *Dikwankwetla – Children in Action*, facilitated by the CI’s HIV/AIDS and Child Rights

Programmes over the last three years. Their submissions to Parliament during the Children's Bill process proved a very effective way of informing Members of Parliament (MPs) of issues that impact on children's lives. For the Children's Amendment Bill hearings, the group again wrote a submission, while smaller groups in each province have been participating in the recent public hearings.

### **KwaZulu-Natal**

The three *Dikwankwetla* members in this province started their preparations well in advance of the hearings that were held in October 2006. They drafted and redrafted their submissions and presentations, practised a constituency tour and wrote an advocacy plan at a mini-workshop in August. After securing a slot at the hearings in their district, the three children joined a representative from the CI's *Growing up in a time of HIV/AIDS Children's Radio-Diary Project* to make the trip to Ulundi, where they practised their submissions late into the night before the hearings.

The children related their lived experiences to the Children's Amendment Bill and made practical suggestions on how to improve it. They spoke about becoming an orphan and living in a child-headed household; they talked of leaving home to live on the streets because of abuse by relatives. The chairperson of the hearing was so impressed by their submissions that he invited them to present to the KwaZulu-Natal Parliament in Pietermaritzburg, offering to cover the costs of the trip. He also promised to bring the full committee to their home town of Ingwavuma to experience first hand the challenges they face. (See page 2 for an account of this trip by one of the *Dikwankwetla* members.)

### **Limpopo**

The Limpopo members of *Dikwankwetla* wanted to share their personal experiences with the committee. They have experienced neglect, sexual, physical and emotional abuse, and had important insights into some of the failures of the child protection system and how it could be improved. Due to the personal nature of their stories, the children did not want to have written records that would become public documents. Therefore they chose to make an oral submission.

The Children's Bill Working Group experienced the public hearings in the Capricorn district of Limpopo as lacking in opportunities for comprehensive civil society input on the Bill. After a representative from the national Department of Social Development instructed organisations to hand in their written submissions, the audience was permitted to ask questions or make comments from the floor.

However, when members of the working group started to make their submissions, they were told "you are talking too much", and told to sit down. After a heated exchange with the chairperson of the hearings, the *Dikwankwetla* children were allocated five minutes to make their presentations. Their stories evoked a strong response from the MPs and cheers and applause from the audience.

### **Western Cape**

The three hearings in the Western Cape were held in Khayelitsha, Worcester and Caledon.

Two members of *Dikwankwetla* made presentations at the Caledon hearing. They talked about how children can make a positive contribution to society and be part of building an extended community system that supports families and vulnerable children. One of the children attends a school that works with children in a neighbouring township, providing nutritional support and positive role models. The project benefits both communities by stopping teenagers from getting involved in drugs and by providing care for younger children who are vulnerable to abuse and neglect, as well as providing opportunities for cultural integration.

The other *Dikwankwetla* member spoke of how a non-governmental organisation that promotes peer education at his school has saved him from a potential life of drugs, jail or an early death. Both children requested the MPs to set up centres in communities where educational and other activities can be hosted to keep children off drugs and off the street, particularly during school holidays.

The MPs were very impressed by the confidence and eloquence with which the children made

their presentations. They took down their contact details and asked them to keep up their good work.

### **North West**

At the time of writing this article, *Dikwankwetla* members from the North West province were still eagerly awaiting the announcement of the public hearings in their province, but were already preparing to participate.

### **National Council of Provinces**

As the provincial hearings are beginning to wrap up, the *Dikwankwetla* group has selected representatives to attend hearings at the National Council of Provinces in Cape Town. This is expected to be called for the end of March 2007 and *Child Rights in Focus* will report on this event in the next edition.

*For more information on the Children's Bill law reform process, visit the [Policy and Law Reform page](#), or contact [Lucy Jamieson](#).*

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The Children's Institute, University of Cape Town, aims to contribute to policies, laws and interventions, that promote equality and realise the rights and improve the conditions of all children in South Africa, through research, advocacy, education and technical support.



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