

WE NEED YOUR VOICE

International Human Rights Day

The plight of children on the move

Lawyers for Human Rights calls upon everyone and all institutions to stand up for children and youth, regardless of documentation status or nationality.

You can help out by speaking up



As we commemorate International Human Rights Day on 10 December 2021, let us remember the plight of children on the move. It is well-documented that South Africa is a destination for children on the move from SADC to the horn of Africa. This group also consists of Unaccompanied and Separated Migrant children who travel to South Africa alone or without their parents or legal guardians. The reasons why children end up on the streets or cross borders are complex, but it is largely due to conflict, violence, poor socio-economic conditions, lack of access to basic needs such as education and adequate shelter. More often the decision to migrate is prompted by serious human rights violations in their home countries, leaving children with no option at all but to migrate. In summary, there are multiple push and pull factors that contribute to this phenomenon of extreme vulnerability in the form of social, economic, psychological, and unfavorable political conditions.

Even though South Africa has progressive legislation, including the Children's Act and the South African Constitution, which affords protection to all children within the boundaries of South Africa, we still have a long way to go in addressing the many challenges and gaps in relation to child protection.

Given the many difficulties children on the move face, we support the Department of Social Development's working document titled "Strategy and Guidelines for Children Living and Working in the Streets". The main objective of this document is to ensure that there is a strategy in place to provide guidance to service providers on the services and programmes that must be implemented and provided to these vulnerable children. Accordingly, it also includes key collective interventions from both state actors and non-state actors. However, to date, we have seen minimal progress when it comes to the realization of the rights of these children and youth.

In line with this year's International Human Rights Day theme: Equality, Reducing Inequalities, and Advancing Human Rights, we call on the private and public sectors as well as ordinary citizens to raise awareness and call on the State to prioritize children living and working on the streets of big cities, including in Gauteng and in border towns such as Musina. Article 1 of the Universal Declaration of Human Rights stipulates that "[a]ll human beings are born free and equal in dignity." Consequently, we all have a duty to observe the principles of equality and non-discrimination when dealing with these children regardless of their race, origin, or documentation status.

There is no doubt that migrant children, including those living and working in the streets, are also in need of care and protection as envisaged by the provisions of Children's Act. They are also entitled to access basic rights, including the right to a name and nationality, access to healthcare and education, identity documents, and to stay in a safe environment which is free from abuse and exploitation of whatever form.

When providing assistance to children on the move, we re-commit ourselves to observing fundamental principles envisaged in the Convention on the Rights of the Child, including the "best interests of the child" principle, non-discrimination, the right to survival, well-being and development, and lastly to respect the views of the child. In conclusion, both state actors and non-state actors working in the child protection space should ensure that children living and working on the streets are placed into places of safety and/or reunited with their respective families.

We call on the Department of Social Development to prioritize children living and working on the streets. Through this process we ask that the Department also take into consideration the child's perspective in finding alternatives to life in the streets.

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