



## It's been a year!

BY CHRISTINA NOMDO  
WESTERN CAPE COMMISSIONER FOR CHILDREN

The Western Cape Commissioner for Children is a constitutional institution established by clauses in chapter 9 of the 1998 Western Cape Constitution. Thus, the Commissioner for Children is an oversight mechanism. This resulted in the 2019 Western Cape Commissioner for Children legislation that provides for the appointment, powers and duties as well as administration of the office.

The Commissioner for Children must promote and protect the needs, interests, and rights of children in the province. The office has oversight over the Departments of Education, Social Development, Health as well as Cultural Affairs and Sport.



Above: Christina Nomdo  
Western Cape Commissioner for Children

*“The Commissioner for Children must promote and protect the needs, interests, and rights of children in the province.”*

The powers and duties of the Commissioner for Children are to:

- Monitor: The impact of government services, policies and laws on children and points out negative impacts
- Investigate: Complaints about government services and make recommendations
- Research: Policy or practice developments that affect child rights
- Educate: Everyone on the laws, programmes and projects for children
- Lobby: Key decision makers on laws, policies and practices affecting children
- Advise: Government on improvements to realise child rights
- Recommend: A clear course of action to change law, policy and practice that negatively affects children
- Child participation: Children should know about and be involved in the work of the Commissioner for Children and be able to inform the Commissioner of their perspectives of their rights, needs, and interests.

## A challenging start

I was appointed as the Commissioner for Children on 1 June 2020, during the COVID-19 pandemic. My appointment coincides with International Children's Day. In the Western Cape, it was the first day of school for matriculants and Grade 7s (one week ahead of the rest of the country). Children were very worried about attending school just after a national hard lockdown. I know this because, for example, Chelsey Botha a then matriculant at Elsie's River High sent me a poem and Mubeen Ganie a Grade 7 learner in Belhar penned me a letter of their concerns.

Children were struggling to live in COVID times. They asked me to profile their need for mental health support in addition to the other personal protection equipment. For the longest time, I had to manage the demands of the office on my own. Starting a new office with constrained resources was a major drawback.

Samantha Morris plays a pivotal role as my personal assistant and supported me from the start. Delays in approvals resulted in the first staff member only joining on 1 February 2021. Fortunately, Tessa Goldschmidt is a Research Psychologist eager to apply her skills in the child participation mandate of the office. The second staff member, Rofhiwa Ntlantsana is a Social Worker who joined us on 1 June 2021, as a contract worker. Together they will work to enable the Commissioner to engage children in communities and those in state care.

A third staff member, Cameron Cyster, leads the Investigations and Advice branch of the office has a background in Organisational Psychology and experience in policy and strategy research. They joined the office on 1 July 2021. The office will only be able to afford one more staff member within the current budget envelope. This means we can only afford a quarter of the capacity needed to fulfil the entire mandate of the office.

The biggest challenge that the Commissioner for Children needs to overcome is the prevailing mindset of society in relation to the position of children as lesser humans deserving of fewer rights.

Children's rights are easily explained as having three categories (the 3 Ps) – rights to protection from harm, rights to provision of services to achieve wellbeing, and rights to participate in all decisions affecting their lives.

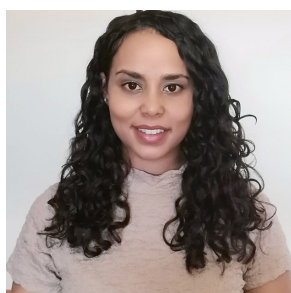
Children have no legal responsibility to fulfil their own rights. Parents and legal guardians are the primary duty bearers who are responsible to fulfil their children's rights. Government is the secondary duty bearer and must step in when parents are unwilling or unable to fulfil children's rights. They must also create an enabling environment for children's rights to be fulfilled. We say simply, that a rights culture requires mutual respect of all individuals regardless of age.



*Left:  
Samantha Morris  
Personal Assistant to  
the Commissioner for  
Children*



*Left:  
Rofhiwa Ntlantsana  
Children's Commissioner  
Officer  
Investigations and Advice*



*Left:  
Tessa Goldschmidt  
Children's Commissioner  
Officer  
Investigations and Advice*



*Left:  
Cameron Cyster  
Deputy Director  
Investigations and Advice*



## The approach of the Commissioner

As an oversight mechanism, the office should create change strategically and systematically. It requires building trust with key role players in the governance system to appreciate the office as a child rights resource.

The values adopted were CHILD-centered.



## Some progress

### 1. Relationships with government

Thus far we have built good relationships with the leaders in the social sector cluster for which we have oversight.

We meet as needed with Heads of Departments and Members of Executive Council to exchange perspectives on the role of their department in realising child rights.

We have engaged the Premier and the Director General in the province.

We have also connected with the Speaker of Provincial Parliament.

Reaching out to other actors such as the Police and Corrections Commissioner and provincial head of the National Prosecuting Authority places me in a good position to promote a child-friendly criminal justice system.

There are more key relationships we need to strengthen going forward especially with political parties across the board.

### 2. Child Government Monitors

The negative mindsets, attitudes, and practices towards children is addressed by building practice models of meaningful child participation in governance. The first of these models is a partnership with children to form the Child Government Monitors, some of whom are promoted to the Commissioner for Children's Advisory Council.

Children self-nominate, are nominated by child rights organisations, or are elected by their communities' children to be part of this group.

They meet with the Commissioner formally once a week from 5 to 7pm and share understandings of childhood, children's rights, social justice, and governance.



Above: The Commissioner for Children meeting with Brian Schreuder and Brent Walters of the Western Cape Education Department



They love to debate issues and see whether they can arrive at a consensus position statement which they present to me as a submission. Individual children from anywhere in the province can also make submissions to the Commissioner for Children.

Twelve children from this group are selected by the Commissioner, based on their commitment to the group, to serve on the Advisory Council. From 1 June 2021, new additions to the Advisory Council are Mwilu (17 years old from Bellville), Keren (17 years old from Belhar) and Alessio (17 years old from Mitchell's Plain).

When members of the current Advisory Council turn 18 years old, they will be succeeded by Brandi (14 years old from Heathfield), Ruan (13 years old from Rietpoort), and Rushaan (14 years old from Worcester). The 18-year-olds are welcome to stay in the group as mentors.

The Child Government Monitors do not even realise how significant it was for them to inform a submission to the African Peer Review Mechanism on 'secondary education as a youth development strategy', or the 'List of Issues Prior to Reporting' from the United Nations Committee on the Rights of the Child, or set a new bar for meaningful participation with children in National Parliament when they made their submission on the 'Children Amendment Bill 2020'.

Monitors believe their top 3 achievements for the first year were:

- Compiling a joint written submission with the Commissioner for Children on the Children's Amendment Bill and presenting it in the first ever closed oral hearings session for children and youth in National Parliament on 14 May 2021,
- Being involved as monitors and advisors in the first Western Cape Commissioner for Children's office, and
- Exercising their freedom of speech and expressing their views to society.

Children will participate fully in my office and partner with me to make practice, policy, and law reforms. This gives effect to their right to be involved in all decisions affecting their lives.

This stance challenges the current hierarchies of power in our society. Building this model of meaningful child participation in a governance institution has drawn the attention of scholars and child rights champions internationally.

*Below: Child Government Monitors on the steps of the Good Hope Chamber, Parliament.*



Children were involved in the office as advisors from the very first day on 1 June 2020. We set the vision of the office of the Commissioner for Children as: “Reimagining and Remaking Childhoods”. With the Child Government Monitors we launched the hashtags below which convey our mission statement:

#littlevoicesMUSTcount  
 #kleinstemmetjiesMOETsaakmaak  
 #amazwiamancinciMAKAVAKALE

Child Government Monitors are involved in many aspects of the office. They had the final say on the office logo design, they are our brand ambassadors, they narrated our mandate so even young children could understand it, they visited the potential permanent office of the Commissioner, they were involved in staff interviews and the monitors are the first to be informed of new developments in our office including being the first audience of our official reports. Their opinion of our work matters.

Below: Child Government Monitors



Above: Children creating a poster at a child rights workshop

### 3. Community Child Rights Workshops

We actively promote child rights by visiting children and their parents in the communities where they live. The second child participation model is the Community Child Rights Workshops.

The workshops are an important way to monitor the relationship between children and their parents. We encourage parents, as primary duty bearers, to champion child rights and advise them not to violate these rights. In the first year, we focused on visiting rural communities to acquaint ourselves with the lived realities of children in these areas and because they do not often get prioritised, being far away from the hub of power.

I visited Matzikama Municipality in October 2020, Bergrivier Municipality in November 2020, and Hessequa Municipality in March 2021. In the next year, we plan to prioritise visits to Bitou, Laingsburg, and Prince Albert Municipalities. We attend events and workshops in the City. However, COVID times means that we proceed with caution.

This strategy of community visits covered so many of my duties, it:

- enabled me to monitor the impact of government service delivery,
- enabled me to respond immediately to requests for investigation,
- Informed my research into the character of childhoods in the province,
- enabled me to create awareness on children's rights legal instruments, and
- informed advice and recommendations from my office to government.



#### 4. Relationships with Children's Commissioners Abroad

The whole world, and especially Children's Commissioners, were learning what their roles should be in COVID times.

The meeting with the first ever Indian Children's Commissioner convinced us to commit to 'reimagine childhoods'.

We found a synergy of purpose with the Children and Young People's Commissioner Scotland on working directly with children.

The Children's Commissioner for Jersey inspired us to improve our communications strategies.

We also traded strategies of coping with children's COVID realities with the Ombudsman for Children in Sweden.

Most recently, we engaged the Danish Parliamentary Ombudsman who were astounded at the breath of expectations within our mandate.

We were invited to a conference with the European Network of Children's Commissioners and the European children who attended congratulated us on our strategy of travelling to children in rural areas.

There are many Ombuds institutions in South Africa and elsewhere from whom we can learn. We also have much to share.

In the first year of office, we have already attracted the attention of international scholars who wish to hear how we do what we do. We have also entered into partnerships where our Child Government Monitors will engage other children in rights organisations abroad.



Children deserve more! We have not done enough. However, we will strive to do our best within the constraints placed on the office. Many people do not understand the office is not a frontline child protection service, but an oversight mechanism which reviews the work of government and others working with children.

**“Children deserve more!  
We have not done enough.”**

We will build stronger investigations and advice capacities to clarify the value we can add to governance. The office takes a measured approach when child rights violations appear in the news by reflecting on the underlying factors placing children at risk. The office is determined to be a foremost champion for violence prevention. This means encouraging the support of parents, making sure that services are responsive but also proactive, and reminding society that we all have a role to play in addressing the norms that perpetuate a culture of violence.

We will continue to engage all stakeholders, especially from July 2021, when our office has increased its capacity.


Strategies that will be implemented across the remaining four-year terms include:

- Working in partnership with the Child Government Monitors,
- Engaging organisations working with children to improve services,
- Conducting Community Child Rights Workshops throughout the province,
- Promoting violence prevention, holding government accountable to respond, and
- Conducting public budget analysis to determine the commitment to child rights.

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