

**CENTRE FOR CHILD LAW RESPONDS TO THE ARTICLE ON IOL TITLED  
“ABUSED, ORPHANED CHILDREN GO HUNGRY AFTER R7M ‘DISAPPEARS’”  
dated 8 July 2018**

**FOR IMMEDIATE RELEASE**

**09 July 2018**

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The Centre for Child Law (the Centre) is registered as a Law Clinic and through strategic impact litigation aims to set legal precedent to improve and strengthen laws pertaining to children. The Centre contributes towards the establishment and promotion of the best interests of children in South Africa through litigation, advocacy, research and education.

The Centre is gravely concerned about the conditions reported in the IOL article<sup>1</sup> dated 8 July 2018 regarding the treatment of the children housed at Father Smangalis Mkhathshwa Child and Youth Care Centre (“CYCC”).

The article describes the dire situation that the children resident at the CYCC, find themselves in. The children are removed from their caregivers in terms of a Children’s Court order and are placed in these CYCCs because they are in need of care and protection. There is a presumption that the CYCCs will provide the children with a stable and protected environment for the children to be able to develop outside of the family home, but in this situation the children are suffering. Child and youth care centres must offer a therapeutic programme designed for residential care of children outside the family environment and prepare children for reunification with their families where appropriate.<sup>2</sup>

This is not the first CYCC to have sub-standard care, the Centre has in the past intervened on behalf of children who were in CYCCs with similar or worse problems and it is disheartening to see children who are already traumatised by the situations that led to them being removed from their parental or family environment, being failed by those tasked to protect them.

On the same premises as Father Smangalis Mkhathshwa CYCC, there is a secure care child facility, called Soshanguve Secure Care Centre that houses children coming in from the child justice system after

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<sup>1</sup> IOL Article by K Ngoepe: <https://www.iol.co.za/news/south-africa/gauteng/abused-orphaned-children-go-hungry-after-r7m-disappears-15898670>

<sup>2</sup> Section 191(2) Of the Children’s Act 38 of 2005.

they have committed offences. In 2016, major problems were uncovered there regarding the well-being of the children as well as how dire situation they lived under are. The Centre for Child Law managed to get a court sanctioned Developmental Quality Assurance undertaken at the CYCC to evaluate the extent and seriousness of the problems related to the care of the children and the findings of the report were very alarming.

The Centre currently has a case in the High Court Gauteng Division (Pretoria) where our client, an orphaned child, was placed at Father Smangaliso Mkhathswa CYCC. In the same case we also ask for an intersectoral policy from the Department of Social Development, Department of Health as well as the Department of Basic Education, which should guide the Departments' on how these centres should be run in order to deliver on their constitutional and statutory mandate for the protection of vulnerable children.

In addition to the above, the Centre is involved in an International Global Study on Children Deprived of their Liberty,<sup>3</sup> where research is being undertaken in relation to the different settings where children are in facilities. The focus is on the conditions of the facilities, the treatment of children by those tasked to care for them and the evaluation of whether the rights of children are protected in such facilities. We believe that this global study will uncover more concerning stories about the treatment of children deprived of their liberty and that the IOL article is simply just scratching the surface. To this end, the Centre intends to take steps to ensure that the situation at the Father Smangaliso Mkhathswa is investigated and that the children at the heart of the matter are treated in a constitutionally compliant manner.

**Ends.**

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<sup>3</sup> Global Study on Children Deprived of their Liberty:  
<https://www.ohchr.org/EN/HRBodies/CRC/StudyChildrenDeprivedLiberty/Pages/Index.aspx>



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