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Child migrants are falling through the gaps of bureaucracy, reports **Nicole Johnston**

Children are leaving their homes in increasing numbers in a desperate quest for survival. Some leave after being orphaned by Aids, others migrate to the cities to seek jobs and escape the food shortages caused by cycles of drought and flood. Many flee in the wake of political upheavals. Cities such as Johannesburg are a magnet for children who believe they will find work, food and peace on its streets.

Despite many countries in the region having signed international conventions on children's rights such as the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, migrant children often slip through the cracks in systems where the social fabric is frayed and formal social services are overburdened and under-resourced.

Southern Africa is the region hardest hit by Aids. Research by the Southern African Migration Project (Samp) on the impact of HIV/Aids on child migration found that by 2004 over 10% of children in the Southern African Development Community were orphans. Samp also found that a significant number of children migrated as a result of HIV/Aids-related illness and death in the family, both from urban to rural areas, as well as across international borders.

In 2005, Lesotho and Malawi had estimated adult HIV prevalence rates of 23% and 14% respectively. The nature of the epidemic erodes the extended family structures that would usually serve as a safety net.

"At present we have lots of very old people supporting very young people, but when these elderly people die, the children may end up on the streets of the cities," explains Loren Landau, director of the Forced Migration Studies programme at Wits University.

"We are not aware of definitive statistics on children moving across borders in the Southern Africa region," says Fiona Napier, adviser to NGO Save the Children. "Some children come across borders illicitly, so there are no records of these children kept by border authorities." Save the Children is currently doing research on the scale of child migration in the region.

Children who migrate because of political instability tend to get lost in the refugee and asylum-seeker pro-



Despite many countries signing conventions to protect children's rights, thousands are being forced to leave home because of desperate situations. Photograph: Oupa Nkosi

cess says Zonke Majodina of the South African Human Rights Commission.

Most have been robbed on their journey or on arrival — Johannesburg's Park station is notorious for armed gangs who prey on new arrivals. At the central Methodist church in the Johannesburg city centre, up to 600 people who have fled their countries of origin find refuge. "We see up to 30 new people a day," explains Bishop Paul Verryn "and often 10 of these are children under 18."

Despite being penniless and adrift in a strange and often dangerous country, child migrants are expected to travel to the Home Affairs department in Marabastad, Pretoria, where they face endless queues necessary to merely secure an appointment. "I saw someone who has just been given an appointment card for a date in August!" exclaims Verryn.

And while they wait for their fate to be decided by the bureaucracy, these children are utterly bereft. "Nothing that a human being requires to function is in place," says Verryn. "In some instances it is as basic as 'where can I get clean water to drink?' It is hugely tragic to be plummeted into such deep hopelessness at such an early age."

Without any support networks, these children will be more vulner-

able and likely to get involved in sex work, drawn into the criminal underworld or exploited by unscrupulous employers, says Landau.

The South African Immigration Act is largely silent on the issue of child protection and the new Children's Act does not include unaccompanied minors, despite there being a significant number of children who require this protection, says Jacob van Garderen of Lawyers for Human Rights.

Police officers or immigration officials often pick children up off the streets. In theory, they should be referred to a social worker who will arrange for them to be accommodated in a place of safety while social workers investigate their circumstances, try to trace their families and explore the feasibility of reuniting them. A case should then be opened in the Children's Court that will hold an enquiry to decide if a guardian should be appointed for the child or whether adoption or fostering are an option. The best interests of the child are supposed to be paramount in this process.

"Unfortunately this doesn't happen," says Van Garderen. "The police often ignore their own policies and

procedures and children are often deported without going through the Children's Court process." He attributes this to the fact that there is not one consolidated policy, instead "we have an ad hoc policy written in a series of memoranda". This is compounded by the fact that "there is very little collaboration between the department of home affairs, the department of social development and the police" adds Van Garderen. It is a view echoed by Majodina: "The various government departments don't work well together and they don't understand the policy. There is no coordination between them and there is a big gap between policy and implementation."

"We have very few social workers, and the ones we do have are incredibly overworked," says child rights researcher Glynis Clacherty. "They can barely cope with South African children, never mind migrants."

While Majodina acknowledges the strain being placed on an already overburdened social and justice system, she points out that South Africa is bound by international child rights conventions to which it is a signatory. "We hope that one day there may be a regional policy framework which addresses the protection of these children," says Napier.

But Verryn says we cannot begin to deal with the issue of child migration until we recognise the real genesis of the problem. "We need to be realistic and recognise, for example, that there is a crisis of huge proportions in Zimbabwe, which will keep producing these numbers of refugees and asylum seekers".

Landau concurs with this, using the example of Zimbabwe's recent "slum clearances" as an illustration. He says many of the child migrants arriving in South Africa have been displaced twice — first during the farm invasions and then during Operation Murambatsvina. "They survived the first round of dislocation, but the second round exhausted families' coping mechanisms and depleted the resources they may have had, such as savings."

Clacherty often meets the children when they are at their lowest ebb: in addition to daily challenges such as what they will eat, where they will sleep and whether they will go to school, migrant children also have to deal with exploitation by employers, abuse by police and government officials and xenophobia from ordinary citizens. "The children say 'you must tell people why we come here. We don't choose to be here, but there is no food at home.'"

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