



**Commissioner  
for Children**

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#amazwiamancinciMAKAVAKALE

## **Western Cape Commissioner for Children's inputs on the National 2023 Medium Term Budget Policy Statement (MTBPS)**

### **1. Introduction**

The Western Cape Commissioner for Children (WCCC) must protect and promote children's rights in the Western Cape. The WCCC is an oversight mechanism for social sector departments namely the Western Cape Education Department, the Department of Health and Wellness, the Department of Cultural Affairs and Sport, and the Department of Social Development. The Commissioner has been working in partnership with a group of Child Human Rights Defenders, called Child Government Monitors (CGMs), since the establishment of the office in June 2020. These CGMs are self-nominated or recommended to the WCCC by child rights organisations or community members. The Commissioner engages with the CGMs weekly via a WhatsApp group to educate children on their rights and how the government works, as well as to understand children's lived realities in the Western Cape. It is the institutional mission of the WCCC to make little voices count with decision-makers - #littlevoicesMUSTcount, #amazwiamancinciMAKAVAKALE, #kleinstemmetjiesMOETsaakmaak. The WCCC consulted with 17 Child Government Monitors on their views on the MTBPS to inform this submission. When asked if the CGMs understood the Minister, a CGM said:

*"I could understand what he [the Minister] was talking about because we had a training on the government lexicon." – Vimbai*

The WCCC has been capacitating CGMs to understand budget public budgets from a child rights approach since July 2022.

This submission will focus on the following:

- Developing a child-centred and child-friendly governance system
- Considering the debt burden on children
- Cutting Social Sector spending in real terms
- Diminishing the Child Welfare and Child Protection budget
- Reconfiguring the State from a rights perspective

## 2. Developing a child-centred and child-friendly governance system

South Africa is duty-bound by the Convention on the Rights of the Child, the African Charter for the Rights and Welfare of the Child and the Children's Act 35 of 2008 to fulfil child participation rights. However, children's substantive participation in governance decision-making has a long way to go in South Africa. To feel included, children need to hear key decision-makers make mention of them. This not only acknowledges their value in our society but also frames governance from a futures-oriented, outcomes perspective. A word search of the MTBPS speech and main document confirms that the words 'child', 'children', 'childhood' and 'learner' do not appear. When asked if the Minister made special reference to children, the CGMS noted:

*"Not once did I hear child, children or kids" – Lilitha*

The Western Cape Commissioner for Children recommends that we have a more child-centred approach to governance. When we re-orientate, there is a need to change the manner we engage which includes children – and is also beneficial to most of the population who struggle with the technical orientation of our governance system. This means that the government needs to develop more child-friendly, plain language means of communicating.

A child-friendly governance system entails listening to and incorporating children's views into governmental processes that impact their lives. Children want to understand and be involved in processes such as public budgets. Child Government Monitors noted that the MTBPS was not presented in a child-friendly manner. They said:

*"I had to Google some words." - Isabella*

*"I don't think it was in a child-friendly way... there were big words." – Kristen*

Children can make a unique contribution to society when they are included in governance processes that have an impact on their lived realities. Therefore, the CGMs proposed the following recommendations for a child-friendly MTBPS:

*"To make things easier for children to understand the Minister should have colourful drawings on the screen, tell the speech in a story form and make it entertaining. Use words that children will UNDERSTAND and not need to Google" – Imivuyo*

*"Advice to the minister is like creating like cartoon videos where they make everything easier for the children to understand as well as interesting, just like comic books. Also, like big words add it on a treasure box or say like a gift bag that looks like it's opened the word and definition even apps where children can engage more with government on the app but in child friendly ways 😊" - Cai*

*“Kids are on their phones these days so government should go where the kids are which is social media, so they can Create a social app for kids. Create tik toks skits.” – Inathi*

The Western Cape Commissioner for Children recommends that we build more relevant and relatable methods of communicating with all in South Africa. Children are excellent advisors for contemporary forms of communication.

Children also think very deeply about issues that affect their society. They want to understand how they can contribute to the betterment of the world. They demonstrate their eagerness to understand the world in which they live and the forces that shape their realities. In our discussions with the CGMs, they understood acutely how the debt burden would affect the lives of children and their families today and the responsibilities they would inherit in the future.

### **3. Considering the debt burden on children**

The MTBPS notes that the current debt to Gross Domestic Product proportion is 74,7% in the 2023/4 financial year. Debt service costs as a proportion of total spending for 2024/5 to 2026/7 is 17,1% which the Minister recognises is greater than the individual spend on basic education, health, or social development respectively. The Minister asserts that the debt burden will put further pressure on social sector spending. This is of grave concern to the Commissioner and children. We understand that increased borrowing results in increased interest payments which are a first charge on government expenditure. As a result, increased interest payments also squeezes out social spending which hit children of poor families the hardest. CGMs are worried about the deprioritisation of the social sector and the inter-generational burden of government debt.

CGMs opine that if the government increases revenue by broadening the tax base by increasing Value Added Tax (VAT), this would have a detrimental effect on children and families, especially those already living in poverty. When asked whether children also pay tax, CGMs inputed that children pay tax, even when they buy sweets:

*“I think 15%” – Jonay*

Children are cognisant that they are also taxpayers. The government should consider taxation from this perspective too. Children are current taxpayers and inheritors of the debt burden. This is a greater motivation for the government to engage directly with children when they make important governance decisions. They show incredible insight and empathy for the lived realities of families living in poverty, should the government choose to grow revenue by increasing VAT. CGMs are aghast:

*“The prices will go up and some people won't be able to afford some things.” – Layla*

*“Because if VAT is increased the good and services will be more expensive imagine the toll on struggling parents already” – Vimbai*

The Western Cape Commissioner for Children recommends that the government does not increase VAT as it will have a detrimental effect on children and families, especially those already struggling to survive. The Child Government Monitors and the Commissioner are also worried about the effect that the burden that debt service costs place on the current fiscal space for social spending.

#### **4. Cutting Social Sector spending in real terms**

According to the Minister, “Our challenge is that rising debt services costs are crowding out important social spending”. Based on the WCCC's consultation with children, they champion the prioritisation of social sector spending in real terms. They are concerned about access, quality service provision, and outcomes. Children shared perspectives on social sector spending that matters most to them – education and health.

*“I think education and the quality of education is extremely important because it links to [the] drop-out rate and youth unemployment” – Isabella*

*“Having more access to clinics and hospitals nearby instead of having to travel very far” – Lilitha*

Children want quality education that will equip them for life. They want health services that are near communities in need and responsive. When the children speak with the Commissioner, they also share concerns about the violation of their dignity rights by social sector service providers. Quality teaching and nursing must include mutual respect to inculcate a human rights culture. The ethos of care of frontline services such as teachers, nurses and social workers need to be evident not only as part of a Batho Pele value but as part of a Constitutional obligation.

Children were also worried about the protection and prevention of violence in their community, commenting on the safety of communities.

*“To stop gangsters bro to stop crimes ... To make the community beautiful to build a better ecosystem just to find the problems and help them. Communities in South Africa aren't really a child's best place to be so if the money can make it a better place that will be good for the children.” – Vincent*

*“Since they said they would allocate money to the police departments make sure those police departments keep the children safe in those communities” – Vimbai*

The safety of communities is a grave concern for children. Children expect the government to take their part of the responsibility for child safety and protection to fulfil. Therefore, children do not understand why social sector spending is being reviewed for consolidation when, as is, the budget does not cover the mandates of access, quality, and the realisation of rights.

### **5. Diminishing the Child Welfare and Child Protection budget**

The expenditure priorities detailed in chapter 4 of the MTBPS explicitly state that: "Provincial (Social Development) budget allocations will not increase in line with inflation, leading to a funding gap for core services and transfers to non-profit organisations. The sector needs to reprioritise and realign resources to avoid adverse effects on service delivery".

This is a problematic stance to take because the Minister fails to recognise that many of DSD's Constitutional mandates, particularly for child welfare and protection, are implemented by non-profit organisations. In this milieu, NGOs should be considered a functional arm of the Department, according to jurisprudence. Thus, by cutting funding to NGOs, the Minister is effectively limiting the DSD from implementing its Constitutional mandate to protect children.

The deprioritisation of social development is not new to the 2023 MTBPS. Since 2016, an analysis of funding patterns by UNICEF for social welfare services, shows a decline in funding.

**National and provincial department of social development spending on childcare and protection services FY2016 – FY2023 (FY2016=100)**

<b>R' million</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>	<b>Annual real average % growth</b>
National (Child social grants)	59,496	63,896	68,793	79,873	93,819	80,533	85,156	89,760	5.3 %
National (non-grant)	167	492	170	196	189	158	180	179	0.9%
Provincial programme 3: Children and Families	6,487	6,972	7,625	8,155	8,928	8,460	6,679	6,010	-0.9%
<b>Total childcare and protection (incl. grants)</b>	<b>67,239</b>	<b>72,428</b>	<b>77,695</b>	<b>89,459</b>	<b>104,287</b>	<b>90,425</b>	<b>93,309</b>	<b>97,295</b>	<b>4.7%</b>
<b>Total childcare and protection excl. grants</b>	<b>7,743</b>	<b>8,532</b>	<b>8,902</b>	<b>9,585</b>	<b>10,468</b>	<b>9,892</b>	<b>8,153</b>	<b>7,534</b>	<b>-0.34%</b>
<b>Total childcare and protection (provinces only)</b>	<b>7,575</b>	<b>8,039</b>	<b>8,731</b>	<b>9,389</b>	<b>10,278</b>	<b>9,734</b>	<b>7,972</b>	<b>7,355</b>	<b>-0.37%</b>
<b>Total national DSD budget</b>	<b>147,324</b>	<b>159,379</b>	<b>172,065</b>	<b>199,183</b>	<b>227,500</b>	<b>231,865</b>	<b>247,854</b>	<b>263,029</b>	<b>7.5%</b>

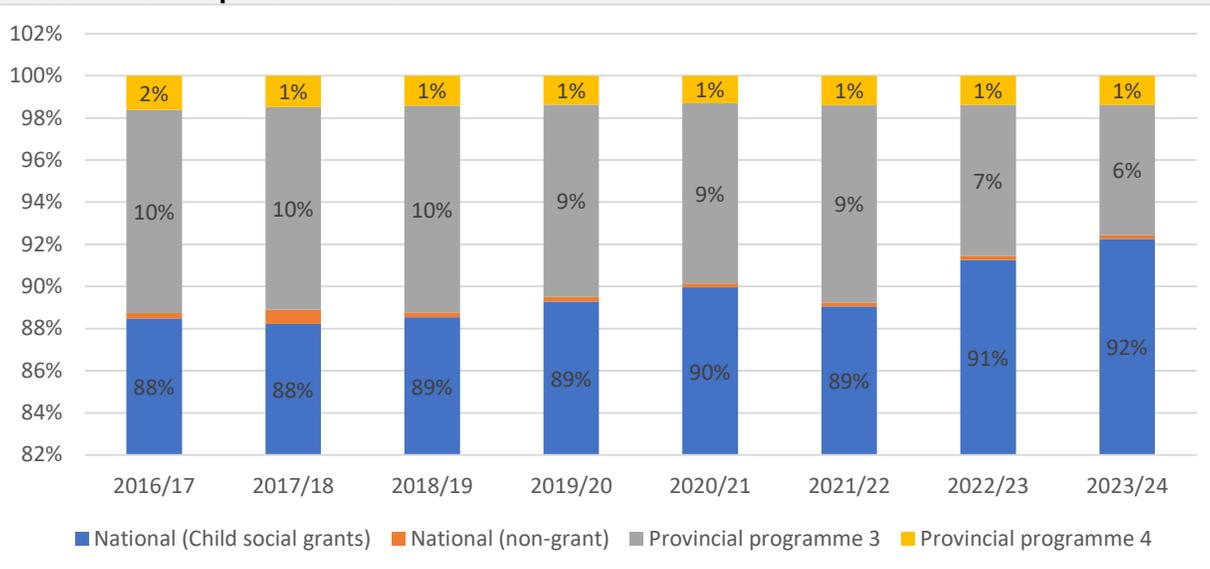
Source: UNICEF analysis, National Treasury, 2016 – 2023. National and Provincial Estimate of Expenditure.

Provinces consume the largest share of non-grant childcare and protection spending (in comparison to national government), although spending levels in FY2023 have stagnated below those achieved in FY2016. The nine provincial departments of social development show a combined childcare and protection spending of R7.3 billion in FY2023 after peaking at R10.2 billion in FY2020. Programme three makes up a larger share of the provincial spending (and childcare and protection services), but it has been declining at an annual average rate of 0.9% over the period under review.

Provincial childcare and protection service allocation have not been cushioned against budget cuts as it was done with social grants despite the two complementing each other. Growth in the respective budget allocations of provinces has been flat ranging between 0 and 1% over the eight-year period (See Table 1).

**Figure 3 below further demonstrates the dominance of social assistance grants in the social development childcare and protection spending.** The share of provincial non-grant childcare and protection spending has declined from 12% to 8% over the eight-year period from FY2016/17 to FY2023/24 largely driven by programme four.

**Figure 3: Share of childcare and protection spending by national and provincial department of social development –FY 2016 – FY2023.**



Source: UNICEF analysis, National Treasury, 2016 – 2023. National and Provincial Estimate of Expenditure.

A disaggregated provincial analysis shows that Gauteng province has the highest childcare protection spending followed by KwaZulu Natal, Eastern Cape and Western Cape provinces. The prioritization of social development spending across the provinces is somewhat consistent with the prevailing socio-economic attributes of each province. Spending growth across the nine provinces shows an increasing trend between FY2016 and FY2020 before the decline induced by the Covid-19 budget cuts.

In the Western Cape, the WCCC has spent the past year engaging the child protection sector to understand the key challenges affecting the sector. Through these engagements, funding deficits have been identified as a resounding challenge impacting Designated Child Protection Organisations (DCPOs); who are the implementing agents of the DSD's child protection mandate. As a result of funding cuts in the Western Cape, DCPOs have begun closing offices across the province, which leaves vulnerable children in those districts without critical social work intervention. The same trend can be seen in other provinces across the country, according to child rights activists, such as in the Eastern Cape, Gauteng, and Kwa-Zulu Natal.

The WCCC understand the precarious fiscal context the country finds itself in, which necessitates some budget cuts. However, budgets should not be reduced across all Departments, especially those rendering critical services – such as the Department of Social Development. For critical social services to be stabilised across the country, the Western Cape Commissioner for Children recommends that the Minister consider increasing the Department of Social Development budget in line with inflation.

## **6. Reconfiguring the State from a rights perspective**

In the 2023 State of the Nation Address, the President announced plans to review and reconfigure the state to consolidate the fiscal envelope. In the MTBPS, the Minister reiterated this intention by further elaborating on the following criteria to be used when determining whether a Department, service, programme or entity should be closed or merged:

- The performance and size of the Entity or Department, especially if it is no longer fulfilling its mandate or does not have the capacity to fulfil its mandate;
- The ability of a larger Department to absorb the functions of smaller Departments;
- The duplication and overlap of functions across departments and entities, and;
- The clarity and execution of the legislative mandate.

It is clear by the criteria above that operational indicators are being used as a yardstick to determine the value of a department, programme or entity. While such indicators are useful to determine a standard of departmental or programmatic performance spending efficiency – they fail to take the human impact of service delivery withdrawals into account. In this context, the WCCC would like to stress the importance of a human rights impact assessment being the foundational decision-making tool when the necessity of a government service is being called into question. Here, a human rights impact assessment (HRIA) is a process for identifying, understanding, assessing and addressing the effects of a government programme or service upon the human rights fulfilments of affected citizens and/or communities.

The process of an HRIA usually includes the following steps<sup>1</sup>:

- Defining the Departmental/Entity mandate, program, or project to assess.
- Identifying the people likely to be affected by the Departmental/Entity mandate, program, or project
- Gathering and analysing evidence about the potential effects of the Departmental/Entity mandate, program, or project on people, communities, and/or the environment,
- Providing decision-makers and people who may be affected with information about the potential effects, and;
- Evaluating the proposal and considering alternatives to reduce potential problems for people, communities and/or the environment.

In addition to including an HRIA in the decision-making toolkit, the State must also make special considerations for children. In this case, a child rights impact assessment should be included in the HRIA of Departments, Entities, programmes and services. Here, a child rights impact assessment will predict the impact of any proposed law, policy or budgetary allocation, on children and the enjoyment of their rights. This is especially important when deciding to reconfigure a social sector department, programme or service.

The Western Cape Commissioner for Children recommends using human rights impact assessments, especially children's rights assessment tools, when reconfiguring the State.

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<sup>1</sup> MacNaughton (2015). *Human Rights Impact Assessment: A Method for Healthy Policymaking*

## 7. Conclusion and recommendations

*“Once again children were not considered directly on the MTBPS and it's saddening. Children were not mentioned but services that affect children were vaguely mentioned like health and education and safety (law enforcement) and it's sad to see that children aren't a priority in the country” - Vimbai*

In conclusion, the children and the Commissioner would like to plead for the prioritisation in governance. We propose the following recommendations:

- Develop a more child-centred approach to governance.
- Build more relevant and relatable methods of communicating with all in South Africa.
- Avoid an increase in VAT as it will have a detrimental effect on children and families, especially those already struggling to survive.
- Consider increasing the Department of Social Development budget in line with inflation
- Use human rights impact assessments, especially children's rights assessment tools, when reconfiguring the State.

**The Commissioner thanks the following CGMs for their input and analysis: Layla, Vimbai, Tara, Lilitha, Vincent, Kristen, Jarred, Ande, Inathi, Isabella, Jonay, John-Lee, Jenicton, Zoey, Mikayla, Cai and Imivuyo.**