



# Rapid Appraisal of Home Affairs Policy and Practice Affecting Children in South Africa

Research commissioned by the Alliance for Children's Entitlement to Social Security



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**A C E S S**

# Alliance for Children's Entitlement to Social Security

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## **Rapid Appraisal of Home Affairs Policy and Practice Affecting Children in South Africa**

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### **Note:**

The names of all project participants have been changed to protect their anonymity.

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## Abbreviations

ACCESS	Alliance for Children's Entitlement to Social Security
AIDS	Acquired Immune Deficiency Syndrome
ASSA	Actuarial Society of South Africa
BC	Birth Certificate
CBO	Community based organisation
CSG	Child Support Grant
DHA	Department of Home Affairs
EC	Eastern Cape
EPWP	Expanded Public Works Programme
FBO	Faith based organisation
FS	Free State
G	Gauteng
GHS	General household survey
HA	Home Affairs
HIV	Human Immunodeficiency Virus
ID	Identity document
KZN	KwaZulu Natal
L	Limpopo
MOU	Maternity obstetrical unit
MPCC	Multi purpose community centre
MPU	Mpumalanga
NC	Northern Cape
NGO	Non-governmental organisation
NPR	National Population Register
NW	North West
SA	South Africa
SAPS	South African Police Services
SASSA	South African Social Security Agency
UNICEF	United Nation's Children's Fund
WC	Western Cape

## **1. Executive summary**

This rapid appraisal was commissioned by the Alliance for Children's Entitlement to Social Security, to inform evidence-based recommendations to the Department of Home Affairs (DHA) for improved access for children and caregivers to enabling documents.

The DHA has recently embarked on a high level Turnaround Strategy, to transform the department into a modern, efficient, cost-effective service organisation responsive to the needs of all clients. This exciting initiative presents a unique opportunity for radical systems reform. It is hoped that this research will contribute to the vision and design of the 'new' Home Affairs.

### **(Section 3) Methodology**

The research was designed using a predominantly qualitative approach, in two case study sites - an urban township in the WC (Khayelitsha), and a deep rural community in KZN (Nongoma). Interviews and observations were undertaken with Home Affairs Staff, clients, NGOs, community workers and other service providers. Collecting information from a range of sources in each site enabled the validation of findings through triangulation.

In order to better understand the scale of particular issues and geographical variability, a self completed questionnaire was distributed to organisations around the country that have programmes in place to assist children to access enabling documents. Data from 90 self-completed questionnaires is included in the report.

### **(Section 4) The DHA mandate**

The Department of Home Affairs has two core responsibilities, namely to facilitate the movement of people in and out of the country (immigration services) and to administer citizenship and provide enabling documents to South Africa citizens (civic services). The rapid appraisal focused on the latter of these – the administration of civic services and, in particular, the issuing of enabling documents (i.e birth and death certificates and ID documents).

A review of policy and legislation governing the DHA mandate reveals an unwieldy and complex legal framework requiring better alignment and consolidation.

### **(Section 5) Why are enabling documents important for children**

Access to enabling documents from Home Affairs is essential for all South Africans, but particularly for children living in poverty. For these children and their caregivers, birth certificates and ID books represent a lifeline to a variety of Government services and benefits targeting the poor, including social grants, housing subsidies, job creation programmes and death benefits. Research demonstrates that it is the most vulnerable individuals that typically struggle to access these benefits, and that poor access to enabling documents is a significant contributing factor.

### **(Section 6) Who has access to enabling documents and who does not?**

The Department of Home Affairs is responsible for maintaining the National Population Register (NPR). The NPR records registered births, deaths, identity, marriages, divorces and movements of all South African citizens and permanent residents. In order to be issued with a birth certificate, death certificate or ID document, an applicant's particulars have to be recorded on the population register. This is done first and foremost through notification of the applicant's birth. Birth registration is therefore an essential basic service.

Over the past few years, South Africa has made significant strides in improving the rate of birth registration for children within the year of birth. Despite these improvement however, over 20% of



children under the age of 14 years who died in 2004 had never been registered. Furthermore, there is provincial and local variability in the proportion of children whose births are registered, with an inverse correlation between poverty and birth registration. Improvements in birth registration figures nationally therefore conceal pockets of poor registration in particularly impoverished communities. In order to address this issue, there is a need to understand the major barriers to service access and delivery (described in sections 7 to 13).

### **(Section 7) Service access – a review of the DHA Footprint**

The current number and location of HA fixed service points is almost 50% short of the recommended footprint (based on accepted travel norms). Plans have been approved to extend the footprint, but budget allocations have lagged behind.

Non-traditional service points (including mobile units, multi-purpose community centres and hospital registration points) were recently added to the DHA footprint, significantly extending the reach of the Department. They make up 43% of all HA service points, yet account for only a small proportion of all civic transactions. The research identified several possible reasons for this, including poor operations management, equipment failures, staffing issues, lack of awareness raising initiatives, and inadequate training. The research highlighted several key opportunities for expanding HA outreach to poor communities, including improved collaboration between relevant Government Departments and between the State and NGO services (see section 14).

### **(Section 8) Client care and communication - revisiting Batho Pele**

The Batho Pele programme was initiated by Government to improve service quality, ensure access to information for service users and promote efficient administration and good governance within the public sector. Interviews and observations in the two case study sites however point to the fact that service delivery is not in line with Batho Pele principles and programmes. While there was evidence of good practice amongst particular individuals within Home Affairs, a range of mechanisms are needed to institutionalise good practice amongst all officials and across all service points.

### **(Section 9) Cross cutting process issues impacting on service delivery and access**

Several cross cutting service issues were identified through the research as impacting negatively on service delivery. These include:

- The centralization of functions at Head Office in Pretoria, resulting in delays in processing applications and in correcting minor errors on enabling documents.
- Poor administrative systems and numerous handovers of each application, creating opportunities for documents to be lost, stolen or incorrectly processed and contributing to delays and bottlenecks.
- Poor intra- and inter-departmental communication
- Poor stock management and slow requisition systems for basic supplies
- Frequent problems with computers and related equipment
- Insufficient staff, absent staff, inadequately trained staff and low staff morale
- Inconsistency in processes and requirements between offices and between officials in the same office
- Poor communication with clients on requirements (and alternatives) for applications
- Delayed and misplaced applications

The combination of the above issues results in clients having to make repeated visits to Home Affairs for a single application, wasting their own and the Department's resources in the process.

### **(Section 10) Document errors and duplication:**

Errors on supporting documents were common in the research sites and included incorrect birth dates, incorrect or misspelled names, incorrect gender, incorrect photographs and duplicate IDs (i.e. two people are issued with the same ID number). In almost every case where the DHA had made an error on a document, clients were expected to cover all of the (direct and indirect) costs of rectification. Reasons for errors included:

- Inaccuracies in the process of completing application forms
- Illiteracy amongst clients
- Language issues
- Poor training, low interest levels and low motivation of staff
- Mistakes on supporting documents (eg. clinic cards)
- Errors in data capturing - the official completing the form is not the same person who enters the client's details on to the system.

### **(Section 11) Fraud, corruption and extortion:**

Government officials from every department involved in the research emphasized the need to prevent fraudulent applicants from obtaining IDs and birth certificates. The dual mandate of immigration and civic services places pressure on departmental officials which ultimately impacts on service delivery and access for clients. The research suggests that errors of inclusion are perceived as more important than errors of exclusion, alienating many legitimate applicants.

Despite the emphasis on keeping out fraud, there were clear indications that fraud and corruption were rife within the Department itself. Inefficiencies in service delivery provide corrupt officials with the opportunity to demand illegal payments from legitimate applicants trying to negotiate their way through the system. The research illustrates further how efforts to prevent fraud are fuelling fraud by forcing some applicants to by-pass requirements that they cannot meet.

### **(Section 12) Additional challenges to birth registration**

In addition to the issues already covered, several other challenges to birth registration were identified through the research.

In order to register a birth, the applicant / informant needs to produce proof of maternal identity and, where the child takes the father's surname, proof of paternal identity. The person registering the birth also needs to provide Home Affairs with acceptable proof of birth. The research identified several challenges associated with these requirements.

Important to note is the fact that many of the difficulties associated with birth registration are exacerbated in the context of HIV/AIDS. High levels of poverty, maternal illness and death and increased child mobility in AIDS-affected communities leaves many children without the supporting documents and/or adults required to register their births. In such cases, clients are typically referred to state social workers, further incapacitating an already overburdened child protection system and leaving many applicants at a dead end.

### **(Section 13) The costs of 'free' enabling documents**

DHA fees are subject to regular review and are updated from time to time in amendments to the regulations. Birth and death registration and ID applications are ostensibly free (first applications) but the real cost to the client is frequently high and, very often, outside of the reach of the poor. These costs include travel (often repeated visits to Home Affairs are necessary), the costs associated with obtaining supporting documents (eg. baptismal certificates), photocopy and

photograph charges, medical reports (required to address gender / age inaccuracies), and illegal DHA 'fast tracking' (or equivalent) fees. The most significant cost to the client however is likely to be the months / years of lost income from social grants that cannot be claimed without enabling documents.

#### **(Section 14) The benefits of collaboration**

The research highlights several examples of good practice in overcoming service challenges. In particular it emphasises the value of collaboration between Departments, and between the DHA and civil society stakeholders. Successful partnerships described in the report include school based registration programmes, online birth registration at health facilities, DHA participation in grants jamborees, and the use of trained community workers to facilitate access for the poor to enabling documents.

#### **(Section 15) The DHA Turnaround Strategy**

The Turnaround Strategy is the DHA's latest and most ambitious attempt yet at addressing the challenges that have long plagued the Department. The transformation of the Department has been designed in three phases. Phase 1 (June to December 2007) involved the research and design of a new service model, to be piloted in Phase 2 (2008) and fully implemented in Phase 3 (2009). Details of progress to date and future plans are included in Section 15.

Through electronic correspondence and a series of planning meetings with the Turnaround Task Team, preliminary findings from this rapid appraisal are being fed into the design of the new service model (Phase 1). However, opportunities for civil society engagement in Phase 1 have been extremely limited. This is a major process shortcoming within the Turnaround Strategy and one which needs to be urgently addressed.

**Section 17 contains a summary of recommendations** for addressing key service challenges identified through this research.

## 2. Background

ACCESS is an alliance of over 1500 children's sector organisations countrywide, providing a range of services and support to children. Members operate in diverse rural and urban settings and include community based organisations, faith-based groups, NGOs, paralegal offices and research institutes. While the services they provide vary considerably, most member organisations are involved in one way or another in supporting access for children and caregivers to enabling documents, such as birth certificates and ID books.

Regular communication with members around the country highlighted the challenges that many communities face in accessing vital enabling documents, and the knock-on effect that this has on access to other services and benefits. Key stakeholder meetings were held between November 2006 and January 2007. These meetings agreed the need for a national campaign, to address the challenges identified by member organisations. As the first step in this process, a rapid appraisal of Home Affairs policy and practice was commissioned. The aim of the rapid appraisal was to consolidate the evidence needed to inform a well targeted advocacy strategy. The rapid appraisal took place between June and October 2007.

Given the limited timeframes, the study focused on civic services, and in particular, on access for children and caregivers to ID books, birth certificates and death certificates

The objectives of the rapid appraisal were to:

- Review policy governing DHA civic services to South African citizens
- Identify and review challenges to DHA service delivery and access
- Identify examples of good practice in overcoming challenges
- Develop recommendations to inform a national campaign, including input into the Department's Turnaround Strategy

### **3. Methodology**

#### **3.1 Secondary research**

The appraisal included a review of laws and policy, relevant research and other secondary sources, including: strategic plans and annual reports produced by the Department over the past 3 years, budget vote speeches and other DHA briefings, minutes of parliamentary portfolio committee meetings, press releases, minutes from various civil society meetings / discussions / workshops regarding Home Affairs, and relevant correspondence between NGOs and the Department of Home Affairs. The researchers also reviewed the supporting affidavits submitted to the High Court of South Africa in the matter of ACCESS versus the Minister of Social Development (Case number 5251/2005). This case argues that the barriers to accessing enabling documents make them an unconstitutional requirement for grant access.

#### **3.2 Primary research**

##### **3.2.1 Qualitative data collection**

The project was designed using a qualitative case study approach in two sites - an urban township in the WC (Khayelitsha), and a deep rural community in KZN (Nongoma). The two sites were purposefully selected because they represent vastly different contexts and because the principle researcher had local knowledge of the sites and contacts to help facilitate access.

Data was collected (by the principal researcher and a research assistant) through interviews and participant observation with Home Affairs staff (operating at a number of levels, including front office and management), police, health workers, educators and school management, social workers, ward councilors, street committees, staff and community workers / volunteers from non-governmental organisations and community based organisations, and with Home Affairs clients.

Interview schedules were designed (and piloted) to allow for flexibility in the interview process. Questions were clustered to enable a conversational approach.

Ten clients in each site were identified through NGOs for in-depth interviews. They were selected by the researchers from a pool of clients, currently being assisted by the NGOs, to include a range of 'typical' problem cases. This in-depth client sample is therefore not representative of the Department's general client base, and includes only those clients who have experienced some problem with accessing Home Affairs documents.

Information from these clients helped the researchers to develop a deeper understanding of the challenges faced by applicants. Interviews with others in the two case study sites, observations at service points and information collected through self-completed questionnaires (see 3.2.2) provided the perspective on the extent to which these challenges were shared.

Collecting information from a range of sources in each site enabled the validation of findings through triangulation.

The researchers also gained first hand experience of the application process by assisting officials in completing application forms for birth notification.

Data was also collected via telephonic interviews and email from a broad spectrum of key stakeholders nationally.

Preliminary findings were presented at a consultative workshop with representatives from 10 well established provincial / national NGOs with years of experience in this field. The meeting provided an opportunity for peer review. Participants interrogated and validated key observations and shared organizational perspectives and experiences. These were incorporated, where possible, into the final report.

The table below presents a summary of primary research participants involved in the qualitative review.

Source	Rural site	Urban site	Other (national)
Home Affairs clients	10 clients	10 clients	
NGOs, CBOs, paralegal agencies, academic institutes	2 organisations	7 organisations	19 organisations
Home Affairs officials	District Office manager Front office staff	<ul style="list-style-type: none"> <li>• District Office manager</li> <li>• Front office staff</li> <li>• Home affairs staff at maternity unit</li> <li>• Home Affairs staff operating a mobile Unit</li> </ul>	<ul style="list-style-type: none"> <li>• Representatives from the National DHA</li> </ul>
Other Government Departments	<ul style="list-style-type: none"> <li>• Health</li> <li>• Education</li> <li>• South African Police Services</li> <li>• Social Development</li> </ul>	<ul style="list-style-type: none"> <li>• Health</li> <li>• Education</li> <li>• South African Police Services</li> <li>• Social Development Local Government</li> </ul>	
Observed interactions between clients and Government officials	<ul style="list-style-type: none"> <li>• Home Affairs front office and management</li> <li>• SAPS officials preparing affidavits</li> </ul>	<ul style="list-style-type: none"> <li>• Home Affairs front office and management</li> <li>• SAPS officials preparing affidavits</li> <li>• South African Social Security Agency – grant applications</li> </ul>	

### 3.2.2 Quantitative data collection

In order to better understand the scale of particular issues and the variability across provinces and rural / urban locations, a self completed questionnaire was developed and distributed nationally. The questionnaire was designed to be completed in under 10 minutes. It was distributed via relevant networks (through email, fax and hand delivery) to hundreds of organisations helping children and caregivers to access Home Affairs documents.

Data from 90 self-completed questionnaires was entered and analysed in Excel. The table below presents an overview of the number and location of organisations in the questionnaire sample.

Province	Number of organisations
Eastern Cape	12
Free State	6
Gauteng	27
KwaZulu-Natal	21
Limpopo	5
Mpumalanga	3
Northern Cape	4
North West	2
Western Cape	3
National	7
<b>Total</b>	<b>90</b>

30% of the organisations reported serving primarily rural clients, 22% serviced urban clients and 48% said they supported clients from both rural and urban areas.

Information from the questionnaires is included in the body of the report. This information provides an important quantitative perspective on the qualitative information collected through the case study sites. However, given the small sample size, the results must be interpreted with caution.

### 3.3 Research limitations

This research has several limitations:

- The rapid appraisal was completed in four months. As a result of the tight timeframes, the research was limited in its scope and in some instances the report only scratches the surface of fairly complex issues.
- The research is primarily qualitative in nature. The self completed questionnaires add a dimension of the quantitative but the sample size is not significant enough to draw statistically significant conclusions. This is a limitation in that the findings will be used to advocate for improvements to service delivery at a national level. More substantial quantitative data could have provided powerful advocacy material.
- Access to secondary sources of information was a major challenge. The research that has been done on this issue is limited. The most comprehensive assessments of Home Affairs services in South Africa have been commissioned by the Department of Home Affairs and the reports are not available to the public.
- Engagement with the Department of Home Affairs was limited. Despite numerous attempts to secure meetings, we were unable to interview several officials who could have contributed substantially to the research. At a national level, three meetings were held with representatives from the Director General's office and the international consulting team working in the department to facilitate improvements. These meetings were however held on condition of confidentiality and the information obtained through the meetings could not be included in the report.
- Given the limited timeframes, the researchers were unable to do a comprehensive scoping of other departmental strategies to address similar or related challenges.
- A review of the literature on organizational theory would also have contributed to the research. Furthermore, there is much to learn from good practice examples in other middle income countries that have undergone similar public sector reform. Both of these however were beyond the scope of the study.

#### 4. The Home Affairs Mandate

The Department of Home Affairs has two core responsibilities<sup>1</sup>:

1. Civic services: To administer citizenship and provide enabling documents to SA citizens
2. Immigration: To facilitate the movement of people in and out of South Africa

The launch of the 'National Immigration Branch' in 2005 aimed to improve the quality of services rendered with respect to immigration (2). The overall transformation of the Civic services branch of Home Affairs has been identified as the next critical intervention. This rapid appraisal focuses on civic services.

There are 5 core civic services, namely:

1. Issuing birth, marriage and death certificates – this includes:
  - o Registration of births up to 15 years, marriages and deaths – this information is captured on the National Population Register
  - o Applications for abridged birth, marriage or death certificates
  - o Applications for unabridged birth, marriage or death certificates
  - o Rectification of personal particulars – this includes alteration of forename, surname, amendment of date of birth etc.
2. Late registration of births for person over the age of 15 years (late birth registration for applicants over the age of 15 years is always accompanied by an application for a first issue of an Identity document)
3. Issuing of ID books:
  - o Application for an ID document for persons over the age of 15 years
  - o Application for re-issue of ID book
  - o Temporary ID
4. Citizenship } not dealt with in this rapid appraisal
5. Passports }

In the 2006/07 financial year, the Department of Home Affairs issued (Department of Home Affairs 2007):

- 4,263,271 birth, marriage and death certificates
- 1,986,000 ID books

The Department employs 5270 people, of whom the majority (78%) is employed within the civic services division.

##### 4.1 The legislative framework

The Home Affairs mandate is derived from numerous pieces of legislation. Multiple Acts, amendments and cross references create an unwieldy and complex legal framework. Amongst other documents, the work of the Department is governed by the following (Department of Home Affairs 2006):

##### Births, marriages and deaths

- The Births & Deaths Registration Act, 1992 (Act No 51 of 1992), subsequently amended in 1997 (Act No. 67 of 1997) and in 1998 (Act No. 43 of 1998).
- The Regulations promulgated in terms of the Births and Deaths Registration Act, 1992 as amended

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<sup>1</sup> The Department also has several auxilliary functions, including oversight of the film and publication board, the government printing works, and the independent electoral commission.



- Delegations by the Minister in terms of the Births and Deaths Registration Act, 1992
- The Marriage Act, 1961 (Act No 25 of 1961)
- The Regulations promulgated in terms of the Marriage Act, 1961
- Recognition of Customary Marriages Act, 1998 (Act No 120 of 1998), that came into effect on 15 November 2000
- The Regulations in terms of the Recognition of Customary Marriages Act, 1998 (Government Gazette No 21700, 1 November 2000) that came into effect on 15 November 2000

#### **Identity documents and identification**

- Identification Act, 1997 (Act No 68 of 1997). This Act repealed previous Identification Acts (Act No.72 of 1986, Act No. 21 of 1991, Act No. 4 of 1993 and Act No. 47 of 1995).
- The Regulations in terms of the Identification Act, 1997

#### **Citizenship**

- The South African Citizenship Act, 1995 (Act No 88 of 1995) as amended
- The Regulations in terms of the South African Citizenship Act, 1995 as amended
- Delegations in terms of Section 22 of the South African Citizenship Act, 1995

#### **Travel documents and passports**

- South African Passports and Travel Documents Act, 1994 (Act No 4 of 1994) as amended
- South African Passports and Travel Documents Regulations, 1996 as amended

#### **Immigration**

- The Refugees Act, 1998 (ActNo 130 of 1998)
- The Regulations made in terms of the Refugees Act, 1998
- The Immigration Act, 2002 (Act No 13 of 2002)
- The Regulations made in terms of the Immigration Act, 2002
- The Criminal Procedure Act, 1977 (Act 51 of 1977)

#### **Other relevant mandates include:**

- The South African Constitution
- The Universal Declaration of Human Rights
- The Public Services Act No 103 of 1994, and associated regulations
- The Promotion of Access to Information Act No 2 of 2000
- The White paper on the Transformation of the Public Service, Government Gazette No 1227, 24 Nov 1995
- The White paper on the transformation of public service delivery: Batho Pele, Government Gazette No 18340, October 1997.
- The White Paper on an integrated National Disability Strategy, 1997
- The Promotion of Administrative Justice Act, 2000
- The Intergovernmental relations framework, Act 15 of 2005

## **4.2 The National Population Register**

In line with its legislative mandate, the Department of Home Affairs is responsible for maintaining the National Population Register (NPR). The NPR records registered births, deaths, identity, marriages, divorces and movements of all South African citizens and permanent residents (Statistics South Africa 2006).

In order to be issued with a birth certificate, death certificate, ID document, travel document etc. applicant's particulars have to be recorded on the population register. This is done first and foremost through notification of the applicant's birth. Details are then updated / amended as

necessary over time. Birth registration is therefore critical to maintaining an accurate and complete NPR and to the issuing of all enabling documents (see 12 for further discussion on this).

The NPR records the following particulars on every registered individual:

- Identity number (issued at the time of birth registration)
- Surname, full forenames, gender, date of birth and place or country of birth
- For individuals >16 years, the register includes a postal / residential address
- Details of naturalization (if appropriate)
- Marriage particulars
- Photograph (>16 years)
- Fingerprints (>16 years)
- Details of travel documents issued
- Details of death or departure from SA

### **4.3 Birth registration and certificates**

The official recording of the birth of a child by Government is a fundamental human right and an essential means of protecting children (UNICEF 2005). Birth registration serves two primary purposes: legal – acknowledging the child's existence and entitlements; and statistical – recording national demographic data.

#### **4.3.1 Provisions governing birth notification**

The registration of births is governed by the Births and Deaths Registration Act, 1992, (Act No. 51 of 1992), amended in 1997 (Act No. 67 of 1997) and in 1998 (Act No. 43 of 1998). Regulations (Government Gazette No. 4908, 9 September 1992, First amendment Sept 1994, Second amendment Oct 1996, Third amendment July 1998, Fourth Amendment Feb 1999, Fifth Amendment August 1999), give effect to the objects of the Act.

Section 9 of the Births and Deaths Registration Act (Republic of South Africa 1992) states that in the case of any child born alive, the birth must be registered within 30 days. Either of the biological parents can register the birth, or, if neither of the parents are able to do so, a person caring for the child or a person assigned by the parents can register the birth. If birth registration happens after 30 days but before 1 year, the informant has to provide reasons for late registration. The regulations are not clear on what reasons would be satisfactory but do state that if not satisfied, the case may be referred to an immigration officer or be otherwise investigated.

Where the notice of a birth is given more than one year from the date of birth (Republic of South Africa 1992), the birth will not be registered unless the parents comply with the prescribed requirements for a late registration of birth. In such cases, the Fifth Amendment of the Regulations (Republic of South Africa 1999) require that notice of birth be accompanied by "all available documentary proof of his or her identity and status and if possible, an affidavit by an adult family member at least 10 years older than the person concerned confirming his or her identity and status, as well as reasons for the late notice in writing: Provided that in the absence of conclusive documentary proof, the Director-General shall, subject to the provisions of section 7, verify the information by careful questioning of the deponent of the affidavit and also the person whose birth is being given notice of, if the latter is 14 years or older" (Section 6.7). - The regulations do not spell out what 'documentary proof' is required / accepted.

Late birth registration for a person over the age of 15 years is automatically accompanied by an application for an ID document.

Birth registration is not done if a person dies before notice of their birth has been given.

Section 25 of the Births and Deaths Registration Act, 1992, (Act No. 51 of 1992) outlines provisions for determining the surname of a minor. A child born to married parents may be registered under the surname of either the father or the mother or the surnames of both father and mother joined together as a double barreled surname. A child born out of wedlock can only be registered in the name of the father at the joint request of both parents, in the presence of a Home Affairs official.

#### **4.3.2 Issuing a birth certificate**

Upon registration of a birth, a birth certificate is issued. There are two types of birth certificates:

- An abridged version (does not contain the details of the biological parents): this is issued immediately at any Home Affairs service point and is free.
- An unabridged version (includes the details of the biological parents): An unabridged certificate costs R50 and takes between 6 and 8 weeks to be issued from Pretoria.

The regulations (Republic of South Africa 1999) state that a child cannot be issued with a printed birth certificate (either abridged or unabridged) unless information on the biological parents is available on the population register. In cases where the biological parents details are not recorded on the register, the regulations call on the Director General to determine the citizenship status of the person and, if the person is a SA citizen, issue a birth certificate.

Birth certificates serve as legal records of birth and identification. They also provide data that can be used to monitor fertility trends, population growth and population composition.

#### **4.4 Identity documents**

The issuing of identity documents is governed by the Identification Act (Act No. 68 of 1997).

An individual is assigned an identity number at birth notification i.e. the ID number on a birth certificate is the same as the ID number that will appear on that person's ID book. The number is compiled in a prescribed manner, including (in figure codes) the individuals date of birth, gender and citizenship status.

The Identification Act (68 of 1997) and regulations (Republic of South Africa 1997; Republic of South Africa 1998; Republic of South Africa 2006) state that all South African citizens (and persons who are lawfully and permanently resident in the Republic) must apply for an ID book within 30 days of turning 16 years. Applications are accompanied by 2 photographs (in the prescribed format) and fingerprints and/or palm prints if necessary. A certified copy of the birth certificate and/or a reference book number, or, if applicable, a copy of the TBVC-countries' identity or travel document should be submitted with the application.

Where the applicants birth was never registered, the applicant needs to follow the procedure of late birth registration as outlined above.

Once an application for an ID has been made, the client is issued with an Acknowledgement of Receipt, (form BI-1151). This should be presented by the applicant to a home affairs official when any enquiries are made regarding the status of an application.

Identity documents are processed in Pretoria and then either returned to the Home Affairs office where the application was lodged or to the Post office nearest the applicant. The Department has a contract with the Post Office, whereby identity documents are posted to an address stipulated by the applicant. Alternatively, the document can be collected from the post office. Unclaimed identity documents are destroyed for security reasons after a period of one year.

According to the Department's website ([www.dha.gov.za](http://www.dha.gov.za)), if an applicant's identity document is not received within or after the prescribed period of two months, the necessary enquiries must be made at the office of the Department where the application was lodged. The regional or district offices are equipped with terminals, which are linked to the Department's mainframe. This allows officials to trace the status of applications.

#### **4.5 Death registration and certificates**

Since 1994, the South African government has made significant strides in improving death registration ([www.mrc.ac.za](http://www.mrc.ac.za)). When a person dies, a medical practitioner has to complete the prescribed Home Affairs form – detailing the cause of death. In some areas where it is not possible for a medical practitioner to complete the death notification, a traditional leader may be authorized to do so.

The death notification form is submitted to the Department of Home Affairs to register the event of the death, and at a later stage, these forms are given to Statistics South Africa to code the information.

Regulations in Government Gazette No. 4908 9 Sept 1992 state that if the deceased's particulars are on the population register (i.e their birth was registered) then a death certificate be issued on notification of death. Where notification of death is given for a person whose details are not on the population register, only a handwritten death certificate can be issued. With regards the latter, the Act implies that this is relevant only to non South African citizens, and does not make provision for South African citizens who were not registered at birth.

## 5. Why are enabling documents important to children?

Identity documents from the Department of Home Affairs are necessary in order to, among other things, obtain a school leaving certificate, enter tertiary education, open a bank account, secure employment, obtain credit, apply for a driver's license, and travel outside of the country.

Home Affairs documents are also a requirement for access to benefits targeting the poor, including social grants, death benefits, housing subsidies and the public works programme. This section provides a brief description of each of these, and explores the implications for target beneficiaries of poor access to enabling documents.

### 5.1 Social grants

"In our region of the Eastern Cape, only about 55 children out of 300 eligible children receive the child support grant. The reason for this is that most people in our community - the poorest district in South Africa according to STATS SA, 2000 - can't afford the R100 taxi fare to get to Home Affairs in Mthatha. This trip has to be done a number of times to get each DC, BC, ID, etc"

NGO, Eastern Cape

An analysis of the General Household Survey data for 2005 shows that 66% of children in South Africa (almost 12,000,000) live in households where the total monthly income is less than R1,200 (including all sources of income). Child poverty in South Africa is exceptionally high, and correlated with poor health outcomes and reduced access to education (Meintjes, Leatt et al. 2006).

Core to government's poverty alleviation strategy is the delivery of social grants to the poor.

Current SA legislation provides for 3 child specific grants.

- The child support grant (R200 per month) is for children under the age of 14 years whose caregivers qualify in terms of an income related means test (total annual household income must not exceed R13200 in rural areas/informal dwellings and R9600 in urban areas). Once a grant is approved, the child's caregiver will receive the money monthly until either the caregiver dies (at which point the child's new caregiver has to reapply), the child dies or the child reaches the age of 14 years.
- The foster care grant (R620 per month) is for children under the age of 18 years who have been placed in foster care with a legally appointed foster parent by order of the court. Foster placements are reviewed every 2 years.
- The care dependency grant (R870 per month) is for children between the ages of 1 and 18 years who require permanent home care due to a severe disability or chronic illness. In order to qualify, the combined income of the child's caregiver and his/her spouse cannot exceed R48 000 per annum.

Non child specific grants that indirectly benefit children by increasing household income include:

- The old aged pension (R870). This is available to men over the age of 65 years and women over the age of 60 years with an annual income not exceeding R20 232 (single person) or a joint income not exceeding R37 512 per year (if married).
- The adult disability grant (R870) is available to women between the ages of 18 and 60 and for men between the ages of 18 and 65, who are unable to work because of a mental or physical disability. The income threshold for the means test is the same as the threshold for the old aged pension.

- Social Relief of Distress. This is a monthly payment, for a maximum of 3 months, for adults who are unable to support their family's basic needs because of a crisis of a temporary nature. The amount of the payment varies but cannot exceed the maximum adult grant (R870).

The benefits of social grants for the poor are well documented, including improved access to health and education, and basic goods and services, improved nutritional status and employment outcomes (Committee of Inquiry into a Comprehensive System of Social Security for South Africa 2002; Devereux 2002; Sogaula, Van Niekerk et al. 2002; Barrientos A and P 2003; Dieden and Gustafsson 2003; Legido-Quigley 2003; Booysen 2004; Case A 2004; Lund 2004; Kakwani and Subbarao 2005; Samson, van Niekerk et al. 2006; Agüero, Carter et al. 2007).

Section 27(1) of the South African Constitution states that “everyone has the right to have access to – (c) social security, including, if they are unable to support themselves and their dependents, appropriate social assistance (Republic of South Africa 1996).

Access to social assistance is dependent on access to Home Affairs documents. In order to apply for a child support grant for example, the child must have an abridged birth certificate and the child's caregiver must have a 13-digit bar-coded ID book. If the caregiver is married, her marriage certificate will be required. Caregivers of children who have been orphaned face added challenges in accessing social grants. In addition to their own ID documents and birth certificates for the children in their care, these caregivers are expected to produce the biological mother's death certificate (See 12.3.2 for more information on this). If the children are using their father's surname, his death certificate may also be required. In addition to the above requirements, caregivers applying to foster a child are sometimes (this is at the discretion of the presiding magistrate) expected to produce the child's unabridged birth certificate.

All of these 'enabling' documents are only accessible through Home Affairs services, making Home Affairs a critical partner in the delivery of South Africa's constitutional obligations to children.

As has been described elsewhere<sup>2</sup>, (Sogaula, Van Niekerk et al. 2002; Van der Berg and Bredenkamp 2002; Blacksash 2003; Makiwane and Rama 2004; Goldblatt and Rosa 2005; Streak 2005; Giese 2007) this research repeatedly documented incidents of caregivers being unable to access social grants because of barriers to accessing enabling documents from Home Affairs, and because of Departmental errors on documents. The case study below illustrates how 'enabling' documents can be disabling.

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<sup>2</sup> See for example Sogaula, Van Niekerk et al. 2002; Van der Berg and Bredenkamp 2002; Blacksash 2003; Makiwane and Rama 2004; Goldblatt and Rosa 2005; Streak 2005; Giese 2007

## # 1. Enabling documents disable grant access

Zanele is short and slim with the customary red clay paint covering her face. She invites us into her home – a neat 2-roomed stone brick dwelling. Zanele was born at home on January 26<sup>th</sup> 1975. She describes how she applied for an ID in 1994 “without any problems”. “I went with my mother to the Nongoma office. I paid for photographs and had an extract from school letter. There was no notification [that I should collect it] but I went to check after a few months and it was there.” But when Zanele applied for a CSG in November 2005, she was informed that the ID she was using did not belong to her. “The officials [at SASSA] said that the ID belongs to another woman in Alexandria, Gauteng. They said this woman has my name and ID number and is receiving the grant”. As a result, Zanele was unable to submit an application. “They [the SASSA officials] were rude. They said that I must go back to Home Affairs and re-apply for an ID because it was not mine. They tore up my application and handed it back to me,” she said. “I have not returned to social services since then.” Zanele went back to Home Affairs and explained the problem to a senior official. “Home Affairs was unhelpful” she says. “They said that the ID number belongs to me and they were not going to re-do it and that there was nothing they could do.”

Between January and March 2007, one of the NGOs involved in the research facilitated access to 1051 social grants (primarily Child Support Grants) in the two case study sites. Over the same period, they assisted with applications for 1335 Home Affairs documents – the majority of these documents were directly associated with the applications for the 1051 grants. Project managers in the two sites estimate that for between 50% (Khayelitsha) and 80% (Nongoma) of their clients, the primary barrier to grant access is Home Affairs documents.

Interviews with SASSA officials corroborate these figures. A frustrated SASSA official in Nongoma said that “Many [clients] struggle with grant access because of problems with Home Affairs documents”. These problems include a lack of documents, fraudulent documents, errors on documents, duplicate documents, and documents which are damaged eg. where the photograph is not clear. Pointing to the queues of about 130 people lined up to submit grant applications that day, the SASSA official makes his point “Look at these people” he says “6 out of 10 of these clients will be turned away today because of problems with Home Affairs documents”.

In 2005, the Alliance for Children’s Entitlement to Social Security (ACCESS) initiated court proceedings against the Department of Social Development. The case calls for a review of supporting documentation for grant applications precisely because of the difficulties faced by poor caregivers in obtaining ID books and birth certificates. A supporting affidavit submitted by the Blacksash Trust to the High Court (2005) highlights the challenge for clients. The following is an extract from the affidavit:

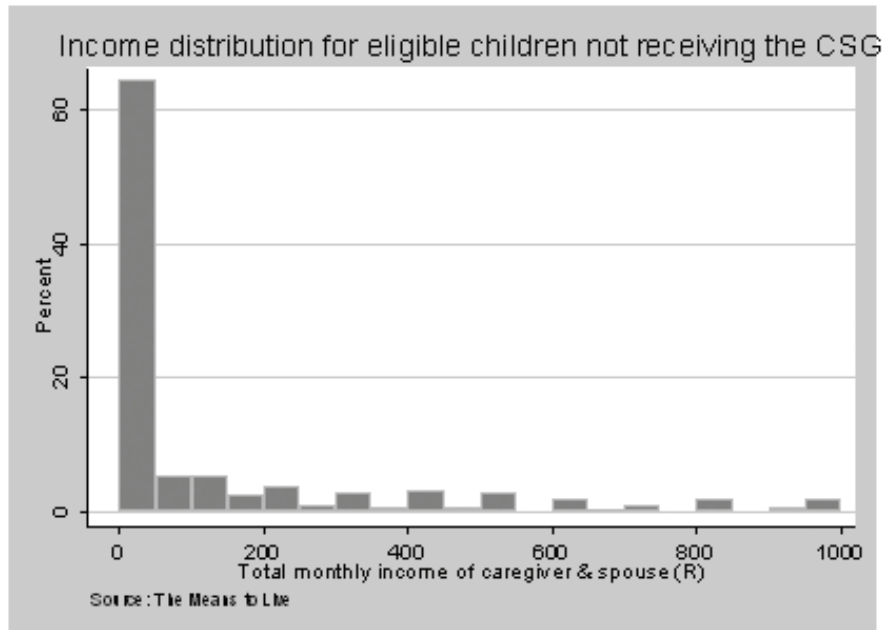
“Some of our clients cannot apply for a foster care grant - which will bring them a much needed income to care for the child - until the foster care placement is finalised, but the social worker / magistrate will not process the foster care placement until they have the full [unabridged] birth certificate. The clients do not have the money [currently R50] to pay for the birth certificate until they get the grant, but they will not get the grant without the birth certificate.”

There is evidence to suggest that barriers to accessing enabling documents have the greatest impact on the poorest and most vulnerable children.

Rosa et al (Rosa, Leatt et al. 2005) surveyed a representative survey of nearly 1,200 children in two sites (one urban, one rural) as part of a study to determine access to government poverty alleviation programmes for children. The study found that 35% of children who were eligible for the Child Support Grant were not accessing it. An analysis of household income of non-grant recipients showed that almost 60% of these children lived in households with no income i.e. the most vulnerable households. In other words, the poorest children were the ones least likely to have access to the grant. The primary reason for non grant access was the inability of caregivers

to provide the required documents (including birth certificates and ID books). The figure below (Rosa, Leatt et al. 2005) shows the household income distribution of children who were eligible for the CSG but not receiving it.

**Fig. 1. Income distribution for eligible children not receiving the CSG**



An analysis of the General Household Survey data found similarly that households in the poorest quintiles are least likely to be accessing a child support grant - 57% of children in quintile 1 are eligible but not accessing the CSG, versus 39% in quintile 4. The pattern is even more striking for the old age pension. Here, 58% of eligible pensioners in quintile 1 are not receiving the old age pension, versus 8% in quintile 5 (Goudge, Gumede et al. 2007).

Importantly, without income support (grants), households are less able to afford access to other vital services and so the knock-on effects of not having enabling documents are multiplied.

Furthermore, there is evidence to suggest that eligible persons without grants are less likely to be awarded fee exemptions for other state services than those who are receiving a grant. In this way, the most vulnerable households continue to be prejudiced.

In a review of costs and other barriers to Health care access, Goudge et al (2007) documented that patients who were receiving a social grant were more likely to be granted a fee exemption than patients that were not receiving a grant (despite being eligible). Health administrators required that patients without a grant provide documentary proof of income, whereas patients who were receiving a grant were automatically assumed to be eligible for health fee exemptions. Patients that were receiving a grant were therefore more likely to seek health care early and to return for repeat visits as necessary. The study concluded that the poorest tend to be excluded from grants and exemptions and therefore have higher cost burdens, and are more likely to struggle or fall further into poverty.



## 5.2 Death benefits

HIV/AIDS primarily affects the age bracket of adults that are most likely to be economically active – leading to illness and death amongst breadwinners in already poor households. For affected families, the financial implications of the loss of a breadwinner can be mitigated if the breadwinner contributed to an appropriate social insurance fund, including provision for death benefits for dependents. However, access to death benefits is hampered by, among other things, poor access to enabling documents.

The manager of a small NGO in the former Transkei describes one of several cases that he is currently working on, to assist beneficiaries to access death benefits.

### # 2. Death benefits – beyond the reach of the poor

“Mr Maleyile was a highly respected member of our community” says Dave, the manager of a small local NGO supporting families in the area. “He worked hard at the mines and sent money back monthly to care for his wife and 8 kids. He contributed religiously to his Provident Fund in order that his wife and children would be cared for in his absence.”

Mr Maleyile lived and is buried in a remote rural village in the poorest district of the former Transkei. The village has no road, no running water, no toilets, no electricity, no functional school, and no clinic. As a result, 90% of adults in the village are illiterate, including Mr Maleyile’s widow, Nothembiso. Since the death of her husband 4 years ago, Nothembiso has been unable to claim any of the death benefits due to her and her children. She is terminally ill with severe epilepsy and the children have been removed from school. “She doesn’t have money to make phone calls” says Dave, “and even if she walks 6km to the next village where there is a road, she has no money to pay for a taxi.”

In order for Nothembiso to apply for the money owing in the Provident Fund, three certified photocopies of the following documents are required: Nothembiso’s ID, her mother’s ID (her mother was a dependent of the deceased), her deceased husband’s ID, his death certificate, their marriage certificate or alternatively (the union was a traditional marriage) affidavits from various traditional leaders confirming the marriage, and birth certificates for all 8 of her children (difficult to obtain because they were born at home). The journey to the closest Home Affairs office takes 5 hours and costs R100 return. Obtaining each one of these documents would require multiple trips.

Nothembiso also needs proof of her children’s school attendance (they can no longer afford to attend school), written confirmation from the local chief of her physical and postal address (there is no postal address), and a bank account (very difficult for someone in her position to open).

“Now,” says Dave “the above is a difficult task for someone with no money, but it is almost impossible for someone illiterate. All the time while I am working through this incredibly frustrating process, I’m aware that there must be tens of thousands of widows out there struggling to access money owed to them, and thousands more who have already given up”.

## 5.3 Housing subsidy

Home Affairs documents also present a barrier to access to State Housing subsidies (Hall 2005).

The National Housing Policy (rooted in the Housing White Paper, published by government in December 1994) makes provision for financial grants from government to assist homeless South African citizens to access a house. These grants are called housing subsidies. The National Housing Code lists the supporting documentation needed to apply for a housing subsidy. These include several documents from Home Affairs, namely ([www.housing.gov.za](http://www.housing.gov.za)):

- A certified copy of the 13 digit bar-coded ID of applicant (plus spouse)
- Where appropriate, a certified copy of a marriage certificate, divorce settlement or spouse's death certificate
- Certified copies of birth certificates of all dependents

Without the necessary Home Affairs documents, poor caregivers cannot benefit from housing provisions for the poor. There is anecdotal evidence to suggest that lack of housing contributes to the fragmentation of families. In some instances, mothers who move to the city to find employment are forced to leave their children behind (in the care of others) because of inadequate accommodation (Hall, Leatt et al. Forthcoming).

#### **5.4 Public works programmes**

Public works programmes form an important component of the Government's strategy to reduce unemployment. At its policy conference in 2002, the African National Congress resolved to expand labour-intensive construction methods to create jobs for the unskilled and unemployed. The Expanded Public Works Programme (EPWP) was launched in 2003, aimed at providing poverty and income relief through temporary work opportunities (Phillips 2004) for a minimum of one million people in South Africa between 2004 and 2009 ([www.epwp.gov.za](http://www.epwp.gov.za)). The programme specifically targets non-working individuals from the most vulnerable communities. Workers are usually employed on a temporary basis, either by Government, NGOs or contractors.

In order to secure a job with the EPWP, workers may be required to produce an ID book and to provide bank account details for payment. This was a problem in the case study sites.

#### **# 3. Thokozile needs an ID to get paid**

Thokozile lives in Mandlezulu, a rural town 30 minutes drive from Nongoma. Her baptismal certificate shows that she was born in December 1957. She has lived in Nongoma all her life but has no form of identification. Thoko relays her attempts at accessing an ID book. "I can't remember the year I first applied for an ID" she says. "All I know is that May 2007 was my 5<sup>th</sup> time". She pulls out an "Acknowledgement of Receipt" form with the Nongoma HA official stamp displayed in the right hand corner. She continues: "This is the first receipt I have received since I started applying." She made application twice at separate jamborees organized in Nongoma. Despite the ease with which Thoko was able to apply each time, attempts to ascertain where and when her ID would be ready repeatedly showed "application status non-existent". With each application, Thoko submitted a copy of her Baptismal certificate; and was accompanied by an older relative who shared her surname.

She explains that she is working part-time for the Municipality Road Cleaning Project [a project of the Expanded Public Works Programme]. "I started working for this project at the beginning of this year. They asked for an ID and I used my sister-in law's ID because I do not have an ID document. They used to pay me R380 wages in cash per month up until May 2007 when they said I have to have a bank account. My sister-in-law has a bank account so I asked her whether I could use hers for my wages to be deposited. She was ok with this. When she hands me the monies though it's always less than what I should be paid. She gives me R210.00." When asked whether she questioned her sister-in-law as to the lesser amount she responds with a wry smile: "She says there are bank charges. I think these bank charges are too high!"

The Expanded Public Works Programme is a core national poverty alleviation strategy. Without enabling documents, the very people who most need to access the programme are excluded or prejudiced.

## 6. Who has access to enabling documents and who does not

The National Population Register records all registered births and deaths. In order to determine the number of *un-registered* persons in South Africa, one has to draw on a range of other sources. This section draws on data from death statistics, modeled projections of birth rates and from national and local surveys, to describe the current status of registration nationally and provincially.

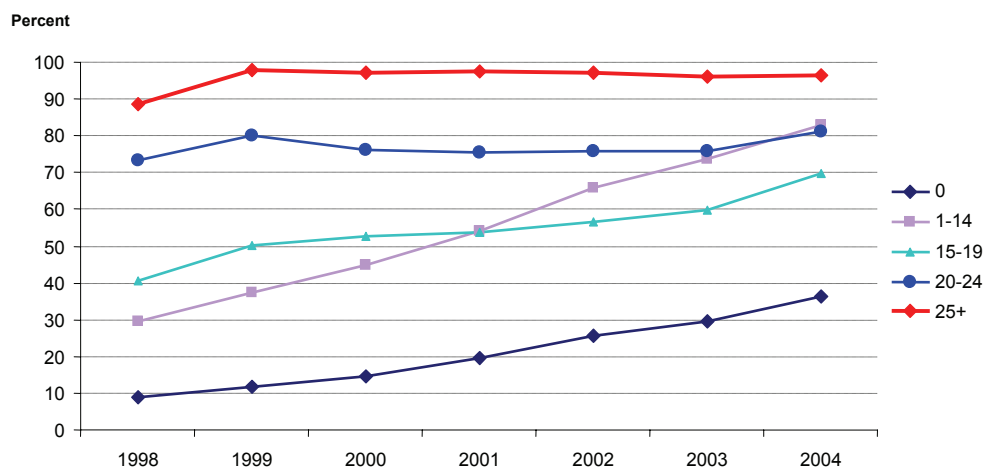
### 6.1 A review of death statistics

One mechanism for determining the proportion of the population that does not have access to enabling documents is to review death records. Deaths that are reported to the DHA fall (broadly) into two categories.

1. The first category includes all death registrations for persons whose births were recorded on the population register (i.e. the deceased had an ID number): In these cases, assuming the personal details match, the death is also recorded on the population register
2. The second category includes all death registrations for persons whose births were not recorded on the population register (i.e. the deceased did not have an ID number): In such cases, the death is not recorded on the population register.

On a regular basis, paper records of all deaths (both categories) are sent to Statistics South Africa where statistical reports are produced. The graph below presents an analysis of death notification data (Laubscher, Bradshaw et al. 2007). It compares the number of recorded deaths in Category One (i.e. persons with ID numbers) within particular age cohorts against the total number of recorded deaths (Category One plus Category Two) of persons within the same age bracket. This analysis has several obvious shortcomings<sup>3</sup> but nonetheless provides interesting data.

**Fig. 2. Completeness of ID registration for deceased persons 1998-2004**



<sup>3</sup> The deceased population may be biased towards the most vulnerable (and hence least likely to be registered). On the other hand, the data excludes all deaths that are not reported to the Department of Home Affairs which would bias the sample towards the 'less' vulnerable.

It is clear from the graph that for deaths of persons under the age of 20 years, birth registration is not good, especially in the under 1's. In 2004, less than 40% of children who died in the first year of life had had their births registered.

For adults 25 years and over, registration is about 96% and the figures are quite stable between 1998 and 2004. In age group 20-24, the register is about 80% complete, and also reasonably stable over this period.

However, the increases over this period for the age groups under 20 are marked. Birth registration for the 1-14 year olds has improved from around 30% in 1998 to over 80% in 2004. The most likely explanation for this trend is the motivation for birth registration created by the extension of social security provisions for children, notably the introduction of the Child Support Grant in 1998.

## **6.2 ASSA modeling**

Improvements in birth registration over time can also be seen in comparisons between numbers of births registered within any one year and the expected number of births within that period. Estimated number of births per annum is calculated using modeling techniques developed by the Actuarial Society of South Africa (ASSA)<sup>4</sup>.

ASSA modeling predicted an estimated 1,100,000 births in South Africa in 2005 (Dorrington, Johnson et al. 2006). As of 29<sup>th</sup> April 2006, 848 043 birth occurrences in 2005 had been registered with Home Affairs (Statistics South Africa 2006). Based on the ASSA estimates of projected births therefore, roughly 77% of births in 2005 were registered by 29 April 2006. At a macro level, these figures demonstrate a substantial improvement in birth registration over the past 7 years - up from 25% of estimated births that were registered in 1998 (Statistics South Africa 2006)<sup>5</sup>.

However, completeness of birth registration in year of birth varies considerably by province, from 62.4% in KZN to 96.7% in Western Cape. Furthermore, national trends in birth registration hide the granularities of birth registration figures in different contexts eg. in communities heavily affected by HIV/AIDS and in deep rural areas.

One of the ways of unpacking disparities in birth registration (and hence access to enabling documents) across different contexts and identifying 'hot spots' of poor registration is to review data from national and local surveys.

## **6.3 National and local surveys**

In 2005, the Human Sciences Research Council was commissioned by the National Department of Home Affairs to undertake a citizen registration survey (Human Sciences Research Council 2005). The survey included interviews with approximately 7000 South African residents in 720 enumerator areas (EA). Approximately 10 residents of 16 years and older were randomly selected from each EA using a Kish grid. A summary of the findings of the study are presented in the table below.

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<sup>4</sup> The ASSA AIDS and Demographic model is used to project the demographic impact of HIV/AIDS on a population.

<sup>5</sup> Importantly, this calculation only includes birth registrations within the year of birth.

**Fig. 3. Proportion of respondents with birth certificates and bar coded IDs per province.**

	WC	EC	NC	FS	KZN	NW	GT	MP	LP	Total
BC	98	81	91	86	70	74	92	76	84	83
b-c ID	90	93	95	90	93	93	95	95	93	93

This survey suggests good uptake of BC and IDs nationally (83% and 93% respectively), with some provincial variability mirroring the conclusions of the ASSA modeled projections (i.e. highest uptake in WC and lowest in KZN). The report describes pockets of poor access to Home Affairs services, notably the tribal areas in the Eastern Cape, where 31% of respondents did not have birth certificates, as well as rural areas in the Free State (23% non-access), and urban informal areas in Gauteng (26% non-access).

Almost half (43%) of those that had never had a bar coded ID also did not have a birth certificate. 59% of respondents without bar coded IDs and birth certificates were 21 years or younger, and almost two thirds (62%) were female.

Various other smaller studies have looked at birth registration in particular areas. The list below provides an overview of the findings of some of these studies:

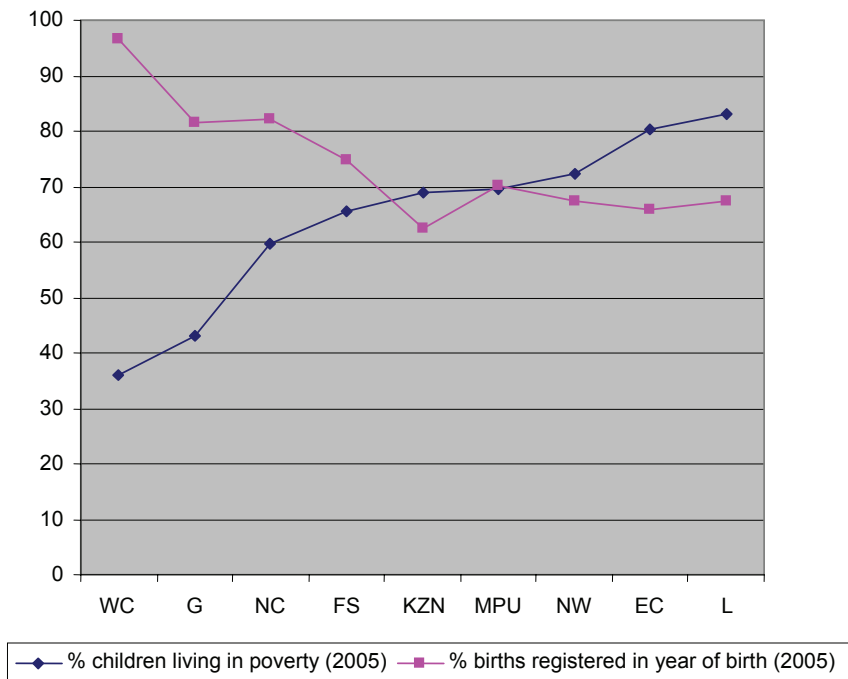
- In 2005, Valley Trust was commissioned by UNICEF (Dove and Naude 2005) to undertake a baseline survey of birth registration in Umlazi, KwaZulu Natal. This survey was part of a pilot project to determine the benefits of online birth registration at the Prince Mshiyeni Memorial Hospital (PMMH). The study included interviews with 399 households (with a total of 3284 household members) in the catchment areas for the PMMH maternity unit and its 20 feeder clinics. 80% of 3284 household members had had their births registered across the study area, but variability between villages was high. The proportion of children <2 years with birth certificates varied across the 21 different clinics – from 42% to 95%. In general, rural clinics had a lower percentage of children with BC than clinics with urban catchment areas. As found elsewhere, birth registration was poorest amongst the younger children: 38% of 0-3 month old children did not have birth certificates, 19% of children aged 3 to 12 months were not registered, 16% of children aged 1-15 years and 13% of children over the age of 15 years.
- Various surveys of birth registration at (mostly) rural schools have been undertaken by a number of NGOs over the past few years. These studies site significant variability between schools, with the highest rates of non-registration in the most remote areas.
  - In 2005, a survey revealed that between 10% and 45% (depending on the school) of children attending primary schools in Umkhanyakude did not have birth certificates. Amongst high school learners, between 10% and 51% had not had their births registered (Tomlinson, 2005 in Dove and Naude 2005).
  - The Media in Education Trust (MIET) have been working in 3 school clusters in the areas of Mt Ayliff, Dudumeni and Flagstaff in the Eastern Cape since 2003 to address high levels of poverty. A survey administered in August 2003 in 35 schools (12,247 learners) showed that 51% of learners did not have birth certificates ((Dove and Naude 2005).
  - A baseline survey of birth registration in 8 schools in Nongoma, KwaZulu Natal in 2006 revealed that 35% of the 3071 learners surveyed did not have birth certificates. The proportion without certificates varied across the schools from 21.5% to 58% (Giese, unpublished report to funders).

#### **6.4 What do these figures tell us?**

Analyses of birth and death registration data point to the fact that there has been a significant improvement in birth registration over the past 8 years. Despite these improvement however, over 20% of children under the age of 14 years who died in 2004 had never been registered.

Furthermore, there is provincial and local variability in the proportion of children whose births are registered, with an inverse correlation between poverty and birth registration. The graph below illustrates that the provinces with the greatest proportion of poor children (children living in households with a total monthly income of <R1,200) (Meintjes, Leatt et al. 2006) are also the provinces with the lowest proportion of births registered in year of birth (Statistics South Africa 2006). The situation is particularly dire in the predominantly rural provinces, namely KwaZulu Natal, Eastern Cape, North West and Limpopo.

**Fig. 4. Birth registration and child poverty**



Improvements in birth registration figures nationally conceal the fact that pockets of poor registration remain in particularly impoverished communities. Those individuals who are most in need of state support have the poorest access to enabling documents. In order to address this issue, there is a need to fully understand the barriers to service access and delivery.

Sections 7 to 12 detail some of these barriers, and explore mechanisms for overcoming them.

## 7. Service access – a review of the DHA Footprint

Service access is first and foremost a function of the adequacy of the DHA footprint i.e. the number and location of service points around the country.

In 2004/05 the Council for Scientific and Industrial Research (CSIR) was commissioned by the DHA to review the Department's 'footprint' (Portfolio Committee Briefing July 2006 available at [www.pmg.org.za](http://www.pmg.org.za)). Several recommendations were made for service provision in areas where access was limited. The underlying assumption being that residents should not have to travel more than 30 minutes to the nearest full service point (except in the case of the Northern Cape, where a 60 minute maximum travel time was used) (personal communication, CSIR). For possible locations of mobile units, the assumption was that they serve areas with a population of less than 20 000. The footprint was approved in 2006 but progress with expansion has been slow, largely because the budget for expansion was only approved for the Medium Term Expenditure Framework 2008/09-2010/11 (personal communication National DHA).

DHA service points can be classified into two categories: traditional and non-traditional. The table below provides an overview of the current and approved number of traditional service points (personal communication, Director-General's office).

### 7.1 Traditional service points

Traditional service points include:

- RO: Regional Offices
- DO: District Offices
- PSP: Permanent service points
- TSP: Temporary service points (there are approximately 123 of these, although the number is not stable)

**Fig. 5. Current and approved traditional service points in each province**

Province	Regional Offices	District offices		Permanent service points	
	Curr (App)	Current	App	Current	App
EC	6	17	28	23	28
FS	3	9	9	10	13
GT	8	23	37	6	45
KZN	7 (8)	15	36	25	31
L	4	14	27	25	49
MPU	3	13	19	8	25
NC	3	5	6	1	24
NW	3	14	16	0	18
WC	4	10	12	1	26
<b>Total</b>	<b>41 (42)</b>	<b>120</b>	<b>190</b>	<b>99</b>	<b>259</b>

The gap between the approved (necessary) footprint and the current footprint is large (Portfolio Committee Briefing July 2006 available at [www.pmg.org.za](http://www.pmg.org.za)). As per the above figures, 491 regional offices, district offices and permanent service points are necessary for the department to deliver services as per agreed norms and standards. In contrast, the department has only 260 of these service points currently – 47% (231) short of the approved target.

Furthermore, while all traditional service points are supposed to offer the full range of Home Affairs services, many do not. As a result, clients may wait unnecessarily and then end up having to travel substantially further than the prescribed travel norm, to access the services they require. As an example, the Nongoma office is not able to take applications for re-issues of IDs, birth certificates or death certificates and is not able to issue civil marriage certificates. There is no visible information at the Home Affairs office which informs clients of the limited services on offer and no support for clients having to travel the extra 50 km (each way) to the regional office.

One indication of insufficient service points is the length of time that clients are required to wait in queues at Home Affairs offices. Fifty-six percent of respondents who returned the self-completed questionnaire reported that their clients usually or always waited more than 2 hours to be seen by an official. Twenty six percent reported that clients wait in excess of 5 hours (usually / always). For many clients, transport restrictions mean that they cannot wait for hours to be seen. In Nongoma, a nurse at the local hospital described how “People wait and wait. If it is time for the transport which brought the client to the office to return to the rural villages for the day, the client has no option but to leave and return the following day if she needs HA services”. An NGO in the Pietermaritzburg area reported similarly that clients living far from town “must rise before dawn to walk considerable distances before securing transport to Howick and then to Pietermaritzburg”. By the time these rural clients arrive at Home Affairs the queues are unmanageable and it is unlikely they will be helped before closing time. “This costly journey becomes a pointless exercise” and one that inevitably has to be repeated.

Ninety four percent of respondents reported that they had clients who travelled further than 20km to reach the nearest Home Affairs office and 95% reported that clients struggle to pay the transport costs.

Observations and reports on the physical state of Home Affairs offices indicated substantial variability in the quality of service infrastructure. The Home Affairs office in Khayelitsha is relatively new, spacious, clean, has sufficient seats and adequate distances between waiting areas and counters (for confidentiality). In contrast, the Home Affairs offices in Nongoma were small, with outside waiting areas on wooden benches (for those who arrived early enough to get a seat). Of the questionnaire respondents, 38% reported no/poor access to clean toilets at Home Affairs offices, and 1/3 reported that the offices do not provide covered seating for clients in waiting areas.

## **7.2 Non-traditional service points**

There are three types of non-traditional service points: Multi purpose community centres (MPCC), Mobile Units and Hospitals. DHA currently provides services through 74 MPCCs, 109 mobile units and 101 hospitals.

Non traditional service points were added to the footprint after the CSIR study, to increase accessibility and, in particular, increase birth registrations. They make up 43% of all HA service points, yet reports from various Home Affairs officials point to the fact that they are currently underutilized, accounting for only a small proportion of all civic transactions.



### 7.2.1 Multi purpose community centres (MPCC)

Eighty three multi purpose community centres were approved for the 1<sup>st</sup> stage of rollout ([www.pmg.org.za](http://www.pmg.org.za)) and 74 are currently operational. MPCCs are intended to provide a one-stop-shop for several government services under one roof. The decision on where to locate each MPCC is subject to agreement by a number of Departments. For the 1<sup>st</sup> generation of MPCCs, the DHA was not the lead department in determining placement so the location of the initial centres was poorly matched with the need for Home Affairs services. For 2<sup>nd</sup> generation MPCCs, the DHA and SASSA will take the lead in deciding the location of service points. Government's target is to have established 300 MPCCs by 2014 (personal communication, National Department of Home Affairs).

### 7.2.2 Mobile Units

The Department of Home Affairs accelerated the mobile unit programme in the 2005/06 financial year, with the launch of 64 new 'state of the art' units, to add to the 3 already in existence (Department of Home Affairs 2006). An additional 42 units were added in 2006/07, bringing the total number of units currently in operation to 109. Mobile units are equipped with computers, printers and satellite links to the National Population Register. As such, they are theoretically able to process applications for most Home Affairs documents and to print abridged certificates immediately.

There are numerous advantages to mobile units and there was widespread support from research participants for improving the quality and reach of mobile services, particularly in rural areas. However, several key issues (identified through this research and corroborated in various DHA documents and Portfolio Committee briefings) need to be addressed in order to realise the full potential of this important programme:

- There are insufficient numbers of active units. In both sites, Home Affairs managers sited the shortage of mobile units as a problem. They also mentioned that the mobile units had a pre determined schedule leaving little flexibility to respond to a need in a particular area.
- There were frequent reports of mobile units not operating because the department has insufficient drivers with the necessary code 14 drivers license. A Home Affairs official in Khayelitsha explained that while the number of mobile units in the area had increased from 1 to 6, there was only one qualified driver.
- Furthermore, the units do not have dedicated staff to process applications. The Department explained that the posts associated with Mobile units have not been approved and budgeted for so staff need to be deployed from district offices, reducing the capacity of the district office to provide services.
- Equipment in the units is frequently out of order (IT equipment is not robust enough to handle the dirt roads and systems are not in place to maintain / repair equipment). A Home Affairs official in Nongoma described how "the Computer doesn't work [in the mobile unit shared by the 4 districts in Ulundi]. It hasn't worked for months, since 2006, so they can't issue birth certificates, they can only take down applications". NGOs in other rural areas commented similarly.
- If the computers / printers are out of order, clients make their applications at the mobile unit and then have to either travel to the nearest fixed office to collect their birth certificates or wait for the department to deliver the documents to them a few weeks later. Not surprisingly, research participants complained about a poor return rate on applications lodged at mobile units. Several clients mentioned that when they followed up on their applications, they were told that there was no record of an application on the system. A project manager from an NGO commented "50% of the time clients get their documents and 50% of the time not. Now people are reluctant to apply at the mobile unit".

- Mobile Units form a critical component of the Grants Jamborees (See 14.2 for further information on jamborees). A jamboree brings together a range of relevant government departments, to enable clients to access a number of services at one time and in one venue. NGOs co-ordinating these jamborees complained that the mobile units were always late for events and were generally the first to leave. The success of a jamboree depends entirely on the ability of Home Affairs to process birth certificates. At one jamboree in the Western Cape, the event ground to a halt for 2 hours because the mobile unit ran out of petrol.

Research participants all called for a greater number of mobile units and for better management of the units to ensure more effective service delivery. There are lessons to be learnt from other Departments in this regard<sup>6</sup>.

### 7.2.3 Hospital birth registrations

In line with the commitment to improve service access, the Department of Home Affairs has extended birth registration to selected hospitals around the country. Through this programme, the Department supplies equipment and staff to hospitals with maternity and obstetric units, to facilitate immediate birth registration for newborn babies, preferably prior to discharge. This service is currently available at 101 health facilities around the country.

Research participants (including health workers and home affairs officials) in the two sites strongly supported birth registration at place of birth. Of the health facilities in the two case study sites, online birth registration was only available at one Maternity Obstetrical Unit (MOU) in Khayelitsha. At the time of the research, there were plans afoot to expand this service to a second MOU in Khayelitsha (once space for the service had been secured at the health facility). Home Affairs services at the Khayelitsha MOU were limited to birth notification for children under the age of 1 year, although attempts had been made to expand the service to include death registration.

The Department of Home Affairs in Nongoma also had plans to extend online birth registration facilities to the local Benedictine hospital, although officials from the two Departments involved (Health and Home Affairs) had different perspectives on the status of these plans. Officials from the Department of Health informed us that they had been unsuccessful in securing a commitment from Home Affairs to deliver the service at the hospital. They were frustrated and disappointed that there had been no follow through from Home Affairs, even after the hospital allocated office space to the DHA to deliver services. (This space has since been re-allocated to another function). Home Affairs officials on the other hand said that the plans for online registration at the hospital were well underway and the service would be operational within two months.

Despite widespread support for birth registration at health facilities, the service is often underutilized and Home Affairs staff posted at health facilities are not always functioning at capacity. Issues which need to be addressed in order to ensure better uptake of this service include the following:

- Better visibility of registration services at health facilities: Hospital registration services need to be better advertised and signposted within health facilities.
- Improved birth registration awareness campaigns through antenatal and postnatal care: Dove and Naude (2005) found that of 105 pregnant women attending 20 clinics in the Umlazi area, 81% reported that they had not discussed birth registration with anyone.
- Basic training of health workers on birth registration requirements and processes: Health workers are not trained on birth registration processes or requirements. Health staff (including

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<sup>6</sup> As an example, SASSA has had substantial success in increasing the number of grant beneficiaries through mobile services.

antenatal and postnatal clinic staff and staff at the MOUs in both sites) provided birth registration information to clients on an ad hoc basis. When asked how they knew about the processes and requirements for birth registration, staff at the MOU in Nongoma replied “We are mother’s ourselves so know what to tell new mother’s to do.” None of the health staff interviewed had received any formal training on birth registration requirements or processes. Given the important role that health workers play, this is a missed opportunity to promote early registration.

- Sensitivity to cultural practices around naming: Services need to take into account the delayed naming of a newborn (in line with cultural practices) which makes it difficult for mothers to register the birth of their babies immediately. A Home Affairs official at the Khayelitsha MOU explained that “with the correct documents” – mother’s ID and proof of birth – “it takes 3 minutes for a Birth Certificate to be issued” at the MOU. “But the child’s names are very important for this process to be completed. Without the child’s names, there can be no birth certificate issued. This is a problem”.
- Lack of maternal ID: Many mothers do not have IDs at time of delivery and so cannot register the birth of their babies (Dove and Naude, 2005, document this as the single most common reason for non registration of births). Efforts need to be made to facilitate and fast track ID applications for expectant mothers. Furthermore, mothers with pending ID applications should be allowed to register the birth of their babies using their own birth certificates as proof of identity.
- Better alignment with hospital admissions and discharge: Birth registration at hospitals operate 5 days a week and only during working hours. Some mothers are discharged within hours of giving birth and the opportunity to register the child is lost.
- Equipment problems: similar to those faced by other service points – prevail at Home Affairs services points in health facilities.
- Increased coverage: Hospital based birth registration could circumvent many of the key challenges to accessing enabling documents and should ideally be available at all MOUs.
- Expanded services to reach more children: In order to make optimum use of Home Affairs staff deployed at health facilities, there is a need to explore the possibility of expanding hospital services to accommodate other clients. As an example, children admitted to hospitals represent a particularly vulnerable group. Their stay in hospital presents an opportunity to enquire about birth registration status (at intake) and – if necessary - facilitate registration. Such partnerships would have mutual benefits for both Departments. As demonstrated earlier, non-registration is a significant barrier to grant access and poor grant access is associated with poor health outcomes (particularly nutritional outcomes) in children. Improve birth registration could ultimately help to reduce the burden on health services.

## 8. Client care and communication: revisiting Batho Pele

Batho Pele is a Sotho phrase meaning “People First”. The Batho Pele programme has its roots in a number of policies and legislative frameworks designed to set appropriate service standards with clear performance indicators, ensure access to information for service users, and promote efficient administration and good governance within the public sector ([www.dpsa.gov.za](http://www.dpsa.gov.za)). Batho Pele is based on the premise that in order to reach aspired levels of excellence in service delivery, public servants have to become more service oriented and accountable to clients.

Core to Batho Pele is the message that citizens are at the centre of public service planning and operations. It deliberately moves from a dispensation which excluded the majority of South Africans from the government machinery to one that seeks to include all citizens.

Eight Batho Pele principles, grounded in constitutional imperatives, provide the framework for service excellence:

1. Regular consultation with customers
2. World class service standards
3. Service access
4. Ensuring courtesy
5. Providing information
6. Openness and transparency
7. Redress
8. Value for money

Several campaigns have been launched over the past few years under the Batho Pele banner. Some of these are listed in the table below alongside comments on the extent to which these campaigns were evident in the two case study sites.

Batho Pele campaigns	Site observations
The client is always right campaign	All discussions, interviews and observations pointed to the fact that officials were generally suspicious of client’s intentions. Officials at all levels obsessed about the need to ‘keep out fraud’. This translated into practices which were alienating to service users (See 11.1 for further discussion on this)
Nametag campaign (launched Dec 05) making it compulsory for all officials to wear name badges	Name badges were not consistently worn in the two case study sites and only 31% of questionnaire respondents reported that officials always wore badges.
Internal and external signage for all DHA offices	External signage at the DHA office in Khayelitsha is good. On entering the building clients are also presented with a large board detailing the costs of various services (in English and Xhosa). In contrast, there was no external signage at the Nongoma office. There were no posters on the walls indicating costs and the only information which was displayed (operating hours) was outdated.
Improve service access through non traditional service points, including increased numbers of mobile units and DHA participation in multi-purpose community centres	Mobile units were theoretically available in both sites but officials complained that they were seldom available for use because they were shared with other areas, had equipment problems and did not have dedicated staff. (See 7.2.2 for more information)

Adherence with Batho Pele principles in the two sites was inconsistent. Home Affairs staff that were interviewed knew of Batho Pele but had never received training on its implementation.

There was a perception amongst some officials from Home Affairs that many clients who reported having problems were just 'chancers'. When referring to the difficult cases that she deals with at jamborees, a home affairs official commented "most of them have already been to the [home affairs] offices and have been told what they need to get but they have the attitude that they 'rather not have it', than go through the hassle of getting all the necessary requirements".

Neither of the two case study sites had helpdesks in the Home Affairs offices. Officials explained that they were too short staffed to provide this service but agreed that it would be useful. Poor queue management and poor communication with waiting clients meant that many applicants were left to wait for hours, unnecessarily.

"The bad thing is that they [front office officials] disappear; there is no warning or announcement that they are going to close the counter for an hour or a few minutes. They simply leave. The official calls you to come to the counter, but still leaves you standing in front of the counter. Another official may send a client to counter "8 or 9" but no one is there to help"

NGO from an urban area in the Western Cape

There were also reports from NGOs of Home Affairs staff being verbally abusive towards young mothers with babies and towards elderly clients. Project staff reported that Home Affairs officials who received complaints about services were quick to pass the buck, blaming a range of external factors.

"If I have a problem with something, officials say it is in the manual so you can't argue with it. If you ask them about why they did it differently last time, they say it is no longer done that way. Officials claim computers are down even when the system is operating. – officials blame problems on 'computers', 'manuals', 'Pretoria'. So there is nothing that clients can do to challenge them."

Project manager, KwaZulu-Natal

The research observations and interviews highlighted the fact that the vast majority of citizens are far from the "centre of public service planning and operations" as aspired to in Batho Pele. Time and again we heard about and saw clients being turned away from Home Affairs with no reasonable explanation or alternatives provided. These individuals were unable to stand up for themselves, let alone hold service providers accountable.

"Rural people don't complain a lot. They are fearful. The belief exists that if I have nothing - who am I to say something. Government officials are intimidating to rural people and there is no option but to leave or back off when a government official at HA says one needs more documents. Community people feel threatened. They experience government officials as rude, demanding and not approachable"

NGO manager, KwaZulu-Natal

Importantly, not all experiences with Home Affairs staff were negative. A client applying for an emergency passport commented "The staff at counters knew what they were doing and when they were not sure, they referred me to a senior official. She [the senior official] called me when my emergency passport was ready as well as when my actual passport arrived. She was reliable because she called to report on the status of my passport when she said she would. She wore a name badge. She had a good attitude and was polite."

NGOs in Khayelitsha commented on the excellent support and services they received from one senior official in particular. She was always available to assist and, where clients were unable to meet departmental requirements, exercised a measure of discretion to ensure that their applications were successful.

Clients who were accompanied by trained community workers or NGO staff were definitely at an advantage over unaccompanied community members. Several clients who were interviewed spoke about the difference in the treatment they received at Home Affairs when accompanied by someone who is knowledgeable about the process. One client had made 4 unsuccessful applications for an ID book over the past few years. She was assisted by a community worker with her most recent application (her 5<sup>th</sup>) and this was the first time she had ever been given an “acknowledgement of receipt” slip.

Trained community workers in both the sites had demonstrated success in processing ‘complicated’ applications, primarily because they understood the process, knew the requirements and had access to senior officials. Said one community worker in Nongoma “Clients who don’t have community workers to help them really suffer”. Acknowledging the preferential treatment which ‘accompanied’ clients enjoyed, a social worker in Khayelitsha pointed out that “you need to get better service for everyone, not just for some people. For the general public, there is no ‘special’ help desk or complaints procedure. People who are turned away just go home”.

A range of mechanisms are needed to improve client relations and to better manage the client service interface. These include innovative queue management systems, better trained front office staff, easy access to support personnel (in unusual / difficult cases), a trained cadre of community development workers at all major service point, and mechanisms to deal promptly and effectively with client complaints. Furthermore, improved feedback loops are necessary to keep clients informed of the status of their applications and to alert clients as soon as possible if further information / documentation is required.

## **9. Cross cutting process issues impacting on service delivery and access**

The research identified several cross cutting service issues impacting on service delivery and access.

### **9.1 Centralisation of functions**

Home Affairs officials in the sites complained that the centralization of functions at Head Office in Pretoria led to unnecessary delays in processing applications and in correcting minor errors on enabling documents.

Currently, local offices are only able to register births, marriages and deaths on the National Population Register and to issue abridged certificates. For unabridged certificates and for amendments to registration details, applications are lodged at the local office but can only be processed at Head office. This involves retrieving the original application form, from over 100 million paper files housed in Pretoria. There is a need to review this system so as to allow for the issuing of unabridged certificates at local service points. The unabridged version contains full details of biological parents which will help to curb fraudulent grant applications and ensure that full details are already on the system when an ID application is lodged. In order to issue unabridged certificates at local service points, officials will have to capture more information on every applicant at intake<sup>7</sup>. This may be more time-consuming initially but, in the long run, will address some of the existing service challenges.

In order to improve efficiency in the delivery of services, the Department also needs to decentralise more of the functions associated with high volume cases, including common cases which currently fall outside of the 'norm'. Staff at service points need to be equipped with the necessary authority and skills to deal with the range of 'difficult' cases typically occurring within particular types of communities. Common problems (eg. lack of maternal identity) which are relatively 'high volume' will require a review of policies and procedure manuals so as to ensure that such clients can be mainstreamed within service delivery at local levels. Less common problems may have to be dealt with by specialized units. It is however essential that access to these units is facilitated. Partnerships with other departments and with non-governmental organisations could play an increasingly important role in this regard.

### **9.2 Unwieldy paper trail**

The Department of Home Affairs launched a Track and Trace system in 2007 (see 15.2.1 for further information on Track and Trace). The system was designed to provide a streamlined, efficient, customer-centered ID process which will enable customers to query the status of their applications without having to queue at an office (Department of Home Affairs 2007).

Track and Trace allows personnel within civic services to track an ID book application on the mainframe, from when the application is made to the point at which the applicant receives the ID book. The system is intended to help address fraud and corruption, improve turnaround times, and eliminate queues of people wanting information on the status of their application.

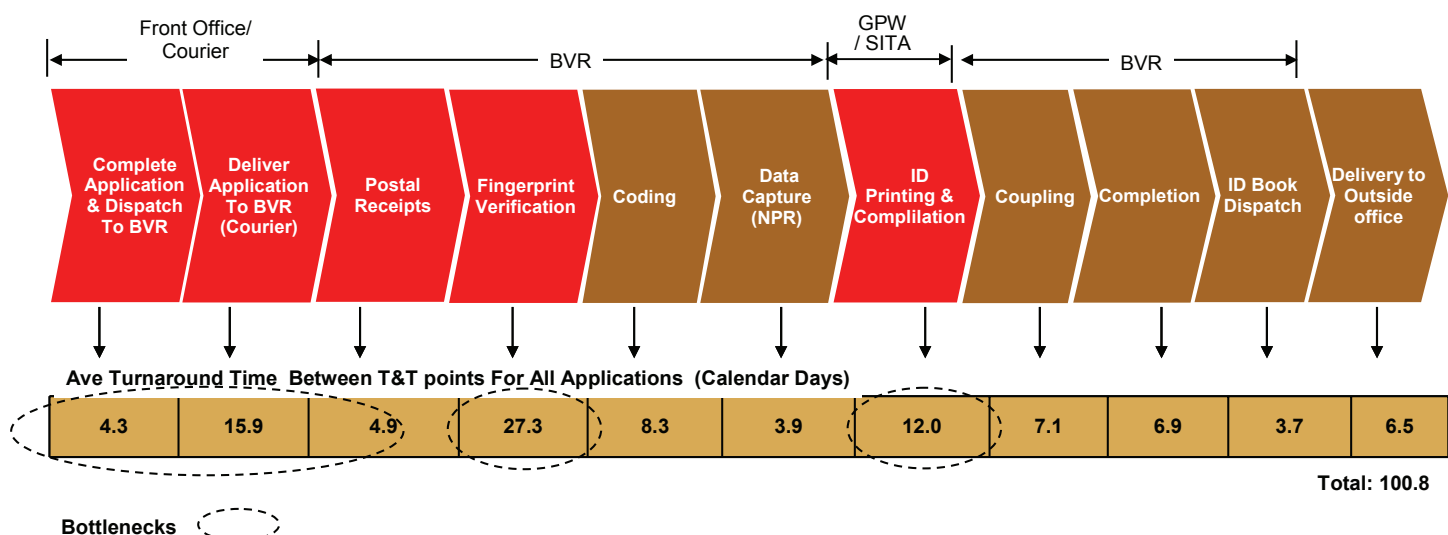
Track and Trace also allows management to retrieve statistics / productivity reports on individuals / offices so as to monitor performance. It provides a useful tool for analyzing the efficiency of the application process (Department of Home Affairs 2007).

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<sup>7</sup> The NPR interface at service points would need to be adapted accordingly.

The diagram below represents a high level process analysis undertaken using data from Track and Trace. It illustrates bottlenecks in the processing of ID applications (each of which takes an average of over 100 days from point of application to dispatch) and involves numerous handovers between individuals / teams responsible for different functions (Department of Home Affairs 2007).

**Fig. 6. High level process analysis of ID applications**



Numerous handovers create opportunities for documents to be lost, stolen or incorrectly processed and lead to unnecessary delays and bottlenecks. Illustrating the extent of the problem, the Director General reported a backlog of over 600 000 records awaiting processing at the fingerprint capturing point in Pretoria.

Once completed, original records are housed in poorly managed filing systems in two venues in Pretoria. All registrations prior to 1991 (107 million) and after September 2004 (17 million) are in the form of paper records only<sup>8</sup>, with no backup or electronic copies.

### 9.3 Internal communication

Communication problems within Home Affairs were evident between different levels of operation (eg. between district and regional offices) and between officials in the same office. Examples of poor communication include the following:

- Senior Home Affairs officials in the sites had not been briefed on major developments within the department (notably, the Turnaround Strategy - see 15.2). When asked about this, representatives from the national office acknowledged the problem saying that planned weekly updates and a road show on the turnaround process had never materialized.
- The research also highlighted the fact that there are no established feedback loops whereby problems facing officials / clients can be communicated to management so as to review guidelines or establish process norms for addressing common challenges.

<sup>8</sup> Between 1991 and 2004 records were also scanned into microfiches / EDMS (56 million)



- The Track and Trace system allows officials to identify where an application is located at any one time but, if the system records a problem with an application, no details are provided on the nature of the problem. The local office has to wait for the original application form to be returned from head office in Pretoria with handwritten details of the problem.
- When faced with a problem, local officials are required to contact head office in Pretoria but have no fixed point of contact.
- Communication is further hampered by the fact that 30% of staff do not have access to email and for those that do have email access, ongoing problems with outdated technology make functioning sporadic.
- Poor communication between officials within the same office was highlighted by inconsistencies in requirements and processes. This is discussed further in 9.8.

#### **9.4 Inter-departmental communication**

An application for a birth certificate or ID can involve up to six different government departments, including Home Affairs, Health, Education, Social Development, Police and local government.

Where Departments in the sites worked together, the benefits of collaboration were clearly evident. In both sites for example, the Department of Home Affairs worked with and through schools to improve access for learners to birth certificates and ID books. Similarly, in Khayelitsha, the Department of Home Affairs and Health worked together to enable birth registration at the local MOU.

There were however several examples of poor communication between departments which impacted negatively on the ability of clients to access enabling documents. One of the most stark examples of this is the circular referral of elderly caregivers in Nongoma.

A senior DHA official in Nongoma explained that she frequently comes across cases where grandmothers are caring for their grandchildren in the absence of any proof of birth or identity for the children. In such cases, she said “I refer the client to the social workers ...to investigate the home circumstances”. The Department of Home Affairs in Nongoma will only assist such clients if they submit a social worker’s report. “The problem is with the social workers” she explains “they don’t want to complete the reports. So they send the client to the police [for an affidavit]”. The official explained that the client then returns to Home Affairs with an affidavit but is turned away again, to obtain a social workers report. “This happens about once a week” she says. When asked about the outcome for clients, she said “I don’t know what happens to them, but I don’t think they are helped [by social development] because I never see them again”. The two Departments are located within 1km of each other but have never met to discuss this problem.

Another issue which was common to both sites was the poor communication between Home Affairs and the South African Police Services. Clients are frequently referred to SAPS to obtain affidavits in support of birth registration or application for an ID book.

Clients, police and home affairs officials complained about the quality of affidavits. Incorrect or incomplete affidavits were frequently rejected by Home Affairs. When asked about this, police officials commented that the Department of Home Affairs had never provided training or guidance on what should be included in an affidavit. They explained further that clients are often sent to them from Home Affairs without clear instructions on what they need from SAPS. Clients misunderstand or forget the detail of the instruction and subsequently return with an affidavit that cannot be used.

In both sites, NGOs had attempted to play a role in facilitating improved interdepartmental collaboration. A project manager from one local NGO recalled a planning meeting where the NGO brought together Home Affairs, Health and Social Development. “The meeting was clearly the first opportunity the Departments had had to share grievances”, he explained. “It shows no

integration and no communication because it seemed these officials had never met before. There were lots and lots of questions [for Home Affairs] because other departments such as Health and Welfare cannot work without Home Affairs.”

## **9.5 Stock management**

Poor stock management and slow requisition systems for basic supplies severely hampered service delivery in Nongoma. A project manager from a local NGO in Nongoma described her frustrations:

The printing machine [at the Home Affairs office in Nongoma] does not have ink at moment, and this happens often so clients won't get a birth certificate immediately. Sometimes the officials take down applications anyway and people come back in 3 weeks time for the printed BC and sometimes they don't take applications because of this. This problem occurs about once a month. Every month, there are problems like this – printer, paper, computers are down, no ink etc. This is not communicated to clients so people arrive and are not helped. Clients cannot return because of the costs of transport”.

Nationally, 46% of organisations that returned the self-completed questionnaire reported this to be a common problem at the Home Affairs offices with which they work.

According to a source from national DHA, service points should never run out of basic supplies because they are allocated petty cash “in case of emergency”.

At the time of the research, the printer ribbon in Nongoma had been dry for over two weeks. When asked about the availability of petty cash to purchase a new ribbon, the Nongoma office manager explained that her office did not have petty cash<sup>9</sup>. When the printer ribbon is dry, officials in Nongoma capture applications for birth certificates on the appropriate form, and enter the client's details onto the computer. The client then has to travel about 50km, at a cost of approximately R60 return, to the regional office in Ulundi to collect the printed birth certificate. When asked whether the Department could not arrange for the printed birth certificates to be delivered to Nongoma, the researchers were told that Home Affairs does not provide transport for this. An obvious solution would have been to allow one person to travel to Ulundi using public transport to collect the batch of birth certificates printed that day. Again we were informed that this is not possible because each applicant had to collect their own birth certificate, personally (apparently to prevent fraud). Clients who have already traveled substantial distances at an average cost of R24 to get to the Nongoma office then have to incur further travel costs (around R60) to obtain a document that is ostensibly “free of charge” and which they are unlikely to obtain the same day. Not only does this situation violate the rights of clients, but it creates a market for extortion, an issue which is addressed in 11.4.

## **9.6 Information technology systems**

Several Department of Home Affairs documents over the past 3 years have recognized outdated and inadequate information technology systems as a major problem. The Department has committed to addressing this (Department of Home Affairs 2007) as part of the national Turnaround Strategy (discussed in 15.2)

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<sup>9</sup> Several reasons were given by different research participants as to why the Nongoma office does not accept cash. These include that the office does not have a receipt book, that the office does not have a cash register, and that the office does not have a safe. Another reason cited by several participants was that the Nongoma office was not allowed to handle cash any longer because cash paid by clients in the past had not been submitted to the regional office and there were suspicions of corruption.

Frequent problems with computer equipment were reported in both the sites. Problems included faulty equipment, insufficient computers, connectivity problems (with the National Population Register) and theft (eg. copper cabling). A senior official at the Home Affairs office in Khayelitsha lamented the lengthy wait for replacement equipment from Pretoria "You order something now and it is delivered in 2 or 3 months time".

Computer problems lead to backlogs in capturing applications which restrict the number of new applications that can be accepted. When combined with poor management, IT problems are a major contributing factor to poor document access. This is illustrated starkly in the extract below.

In an effort to support access to enabling documents, an international NGO provides free transport for clients from various schools in the area to the Nongoma Home Affairs offices on a weekly basis. After weeks of unsuccessful attempts to obtain birth certificates for 16 clients, the NGO manager submitted a journal of events to the provincial Department of Home Affairs, calling for action to be taken. The extract below is taken from correspondence between the NGO and the Department.

Tues 23rd Jan 2007: Clients wanting to apply for birth certificates are told that Home Affairs is experiencing a backlog from October 2006 and thus cannot process new applications.

Tues 30 Jan 2007: Clients return but are told that they can not apply for birth certificates because the office has run out of printer ink.

Thurs 8th Feb 2007: Clients are told the computer is at the regional office so they can not process birth certificates.

12 – 16 Feb 2007: A representative from the NGO speaks to the Home Affairs manager. She explains that the NGO cannot continue to bear the cost of transporting people to town every week, only to be turned away. The HA official agrees that community workers will be allowed to take copies of their clients' ID books to Home Affairs and make appointment dates for their clients to apply for birth certificates, instead of the clients themselves having to come in.

Mon 19th Feb 2007: Community workers arrive at Home Affairs with copies of clients' ID books and are told to leave and return only with their clients.

## 9.7 Staffing

Numerous staff related issues were identified during the course of the research. Nationally, the Department is plagued with chronic understaffing. According to reports in the media, the DHA had 2000 vacant posts to be filled during the 2007/08 financial year (Cape Argus 23 May 2007).

A national official explained that provinces are grossly under capacitated, and that a shrinking pool of staff are required to manage a growing workload, resulting in burnout and high staff turnover. In both case study sites, managers complained of not having sufficient staff, either because posts were empty or staff was off sick for long periods of time. Staff morale amongst Home Affairs officials in the sites was low, with numerous complaints about the frequent change in senior leadership within the Department, accompanied by changes in management style, policies and practices.

There were also reports from research participants of front office staff lacking the skills to adequately handle difficult cases. Explaining the problem with front office staff, the project manager of one NGO said "Most of the front office staff are interns. They don't have the necessary information. ... they need to have full staff at the front desks because this is the face of the Department".

Interviews and observations with Home Affairs front office staff, managers and senior officials from the national department all point to the fact that staff (particularly at local service points) do not receive adequate training. According to representatives from the national DHA, the Corporate Services branch of DHA is responsible for training. Apparently, a survey is regularly completed to determine training needs at all offices "and these are supposed to be built into the training programmes, but the problem is that this doesn't happen", explained a senior official.

Of particular concern is the lack of training for staff on how to handle difficult / complicated cases. As a result, clients are unnecessarily turned away, applications are poorly completed or submitted by staff in an incomplete state, data errors are common and processes and requirements are inconsistently applied, even within the same office.

## 9.8 Uniformity in policies and processes

One of the greatest challenges to the delivery of Home Affairs services to South African citizens is the inconsistency in processes and requirements. Eighty percent of questionnaire respondents nationally reported that Home Affairs officials provide inconsistent information to clients.

"Officials are not consistent with information. Different officials give different information and even the same officials give different information on different days. If you come with the same problem later, they change their story".

Project manager, rural KZN

This was a common complaint amongst research participants in the two sites, and an issue which the researchers observed firsthand. Inconsistencies were apparent between offices, between different officials within the same office and even between conversations with the same official.

When asked how the Department ensures consistency in application processes and requirements, district office managers referred the researchers to a set of manuals. These are apparently intended to guide all application processes and include an ID manual, birth and death registration manual, marriages manual and an amendment manual. A core task statistics manual outlines the prescribed length of time for every activity. "The manuals are available to all staff" explained a district office manager. "It is easy, they explain exactly what needs to be done". When asked to produce the manuals, we were told by this same official that the manuals were housed

with the regional office, over 50km away. In both case study sites, the manuals were not readily available to staff and could not be shown to the researchers. The national Department of Home Affairs confirmed the existence of the manuals but said they were out of date and contained confidential information which meant they could not be shared.

The lack of uniformity in processes is compounded by inconsistencies in information in various official DHA sources (including website, e-portal, handbook and senior officials) and a lack of clarity in the regulations. Furthermore, as mentioned earlier, officials at service points have no fixed point of contact with the head office in Pretoria, to deal with queries.

In some instances, officials made demands of clients which are not apparent in any policy documents. For example, some officials only allowed one birth certificate application per person per day, others demanded that clients provide proof of residence for ID applications, and others insisted that clients over the age of 40 years obtain a doctor's letter (at a cost of R150) to confirm age for late birth registrations.

### **9.9 Partial information provided**

In both the sites, research participants complained that clients were not provided with the full list of requirements for their application at the first visit. Clients were typically informed by Home Affairs to bring a document / witness and when they returned, they were given the next instruction. As a result, most clients had to endure multiple visits to Home Affairs for a single application.

"The HA office sends them to get a letter from the Induna. And they go back and get the Induna and go back again [to the office] and then the official tells them to bring the next thing ... and they can end up doing 4 or 5 trips. They don't provide all the information at once. They are deliberately confusing people. They will tell the person to get this document but don't tell him or her about other documents. They only tell her when she brings the one document 'no you need another document too'".

School principal, Nongoma

"Clients are provided with information 'one by one'. For example the client is told to bring a relative who is 10 years older than them [to verify their identity] and when they return with the relative they are told that the person has to have the same surname as them and are sent away to get an affidavit stating why the person does not have the same surname....If you don't have the necessary documents, the officials are not really informative. The client will end up having to return 3 or 4 times ...".

Community worker, Khayelitsha

Research participants also mentioned that the language used by officials was vague and difficult to understand and that officials did not explain to clients the range of alternative supporting documents that are accepted. This problem was evident in the interviews (it was difficult to obtain details on the full set of requirements and alternatives from Home Affairs officials) and in our observations of interactions between clients and home affairs officials, as illustrated in the case below.

#### # 4. Poor communication on alternatives

We arrive early at the Home Affairs offices in Nongoma, just as the first clients are being ushered in. A young woman approaches the desk. She pulls various forms from an A4 envelope, placing her baptismal certificate, certified copies of her parent's IDs and their original marriage certificate on the counter. She is here to apply for an ID. Her birth was never registered so she needs to complete a late birth registration first. The HA official looks through the papers and asks the young woman about her parents' whereabouts. When she explains that they are not living in Nongoma, the official hands her back her documents and tells her to return with her parents. The exchange is brief and abrupt. She is 19 years old and caregiver to her 3 younger siblings. She needs her ID in order to access grants for their care. The official does not explain to her that, if her parents are not available, she can bring a relative 10 years older than her to witness on her behalf, or, if this is not possible, she can ask the local Induna to support her application. After arriving early, having traveled and waited for at least 3 hours, her exchange with the official lasts no more than a couple of minutes. The young woman leaves disheartened. When asked by the researchers what she plans to do now, she replies simply 'I am going home'.

When asked about their reasons for not providing clients with full information, officials complained that clients did not remember a long list of instructions. Awareness raising campaigns and simple handouts, in the local language, with clear information on requirements for various application processes would go a long way to alleviating this problem.

#### 9.10 Delayed / misplaced ID applications

The strategic plan for the period 2007/08-2009/10 (Department of Home Affairs 2007) sets out what the Department intends doing in the 2007/08 financial year towards progressively achieving the full implementation of the three year strategic plan. One of the objectives for civic services is to issue enabling documents and provide core services according to specific timeframes (service standards). In particular, the Department has committed to ensuring that by the end of the first quarter of the 2007/08 financial year, 95% of all applications for identity documents will be correctly processed within the following timeframes:

- Re-issue – 4 weeks
- First issue – 6 weeks
- Late registration of births – 12 weeks
- Temporary ID certificate – 7 days

As mentioned previously, the Department has instituted measures to track each application through the system (Track and Trace), so as to identify and address inefficiencies, reduce fraud and prevent loss of documents. There were clear indications of the benefits of the Track and Trace system in the sites but problems with delayed and lost documents remained a major issue in both areas.

ID applicants are (theoretically) issued with an "acknowledgement of receipt" form once an application is lodged. Clients typically wait about 3 or 4 months and, if not notified that their ID has arrived, then return to the office where the application was lodged to query the status of their application. If the application was submitted, Home Affairs officials are able to search online using Track and Trace, and update clients on the status of their application. While observing interactions at the Nongoma office, we documented 16 queries on ID application status. Every one of the applications had been lodged over 3 months previously, and some as long as 6 months before. Of these 16 clients, only three clients were told that their books had been printed and posted. 5 others were told that their application was still in the system and eight were informed that there was a problem with the application. For the latter group, the application was either missing or incorrect. Incorrect applications would be returned via post to Nongoma. The eight clients concerned were told to 'come back next month'. The official was unable to tell the

clients what the problem was with their application. She explained to us that she would have to wait until the original applications were returned with a note on what information was missing or being queried. Emptying the contents of a large brown envelope of returned applications, the official explained that about 10% of all ID applications from Nongoma (30 per month) are returned from Pretoria with queries.

'Missing applications' remain an issue of concern, despite the introduction of Track and Trace. It was clear from the research that the 'acknowledgement of receipt' given to clients was not sufficient proof of application to guarantee the delivery of an ID document. In an affidavit to the High Court (case 5251/2005), the Legal Resources Centre documented this issue. They noted that "many clients come to us with receipts that were given to them by officials at the Department when they submitted their applications. However, on every occasion when I have checked with the Department about one of these applications I have been told that there is no record of the application being made. In some cases, clients have made several applications all of which have disappeared even though they were given receipts on each occasion documents were submitted".

Some clients are not issued with receipts at all. And others are issued with receipts which contain none of the detail necessary to trace the application. When asked why some clients did not have receipts, a social worker replied "you can't ask for a receipt, they [home affairs officials] will chase you out".

The research identified several possible reasons for unsuccessful or 'lost' ID applications. These include:

- Multiple birth registration: Many children are not resident with their biological parents and some may have moved between several caregivers. In such cases, caregivers may be unaware that a child's birth has already been registered and they may register the birth again, perhaps even using slightly different details. When the child applies for an ID book, dual birth registration can cause problems.
- Postage: Several Home Affairs officials referred to the challenges with post office deliveries of ID documents, including inefficiencies with the post office, problems with incorrect / outdated addresses, and poorly managed collection systems (eg. clients page through a box of IDs at the post office and 'choose' their one). ID books that are not delivered to the correct recipient within 12 months are returned to Pretoria and destroyed.
- Poor administrative capacity amongst Home Affairs officials: There were complaints from NGOs of a lack of basic administrative capacity amongst Home Affairs staff. As an example, the following is an extract from an affidavit submitted by the Children in Distress Network to the Cape High Court in the case of ACCESS versus the Department of Social Development (case number 5251/2005). "Identification documents are frequently filed incorrectly or filed under the applicant's first name. There are also numerous examples of clients being telephoned by Home Affairs and informed of the arrival of their documents, yet these documents cannot be located when the client arrives to pick them up".
- Incorrect or incomplete applications. One of the primary reasons why applications are rejected in Pretoria is that they are submitted (by Home Affairs officials from local service points) with incomplete or incorrect information. Problems with front office inaccuracies include errors in capturing information, insufficient or incorrect supporting documentation, poor fingerprinting and incompletely filled out application forms. The research highlighted the fact that where information was missing or unclear, the Department did not actively contact applicants to resolve the matter. The onus was on the client to continually query the status of the application and to determine if further information was required. In a letter to the Department of Home Affairs in 2006, the Legal Resources Centre argued that the failure of the Department to pro-actively inform clients of problems with their applications is a rights violation. The following is an extract from the letter:

“We are of the respectful opinion that your failure to properly and effectively advise applicants of the further information required is, firstly, a breach of their right to information in terms of section 32(1)(a) of the constitution, secondly an unjustifiable limitation of their rights to lawful, reasonable and procedurally fair administrative action under the Promotion of Administrative Justice Act and section 33(1) of the constitution and, thirdly, it is an unjustifiable limitation on their rights of access to a range of constitutionally protected benefits which require an identity document or birth certificate, including access to social assistance, social security, adequate housing and education.”

- Numerous handovers (discussed in 9.2) of each application between the point of application and final dispatch also exacerbate document loss / delay.
- Another explanation for ‘lost’ applications is corruption (this is discussed further in Section 11).

### **9.11 The need for multiple visits**

All of the above cross cutting service issues, including inconsistent requirements, equipment problems, queues, failure to deliver full services, incomplete information, absent staff (eg. the person responsible for fingerprinting may be absent), lost applications etc. all result in most clients having to make multiple trips to process a single application. Often clients become frustrated with one office and try to apply at another service point, wasting their own and the Department’s time and resources. Frustrated clients who lodge multiple applications – because they have given up on an earlier application - also increase the chance of document error and duplication. Consider for example the case of Thandiwe:

#### **# 5. Thandiwe’s multiple trips to Home Affairs**

The large straw mat is laid down on the floor of the mud hut and we are shown to sit. Thandiwe is 42 years old and has lived in Nongoma most of her life. The small mud hut is home to Thandiwe and her six children. Until recently, Thandiwe’s other two children lived with their biological father outside of Nongoma. The father has passed away and, as soon as she can afford the transport, she plans to fetch the children and bring them back to her home.

Thandiwe explains that she has tried 4 times to apply for an ID book. She does not have a birth certificate so used a school extract letter to lodge her first application. This was over 10 years ago “when nothing happened, I applied again”. This time Thandiwe applied at the Matekhulo Home Affairs office. The officials there would not accept her application “They said I must come with both my parents ID documents. I was not carrying them so my application was not processed.”

In 2006 Thandiwe went to the Mtubatuba HA office to apply once again. The officials gave her different information: “You must come with someone 10 years older than you when you apply to witness for you.”

In 2007 she went to the Nongoma office again to apply for an ID. She arrived prepared, with both of her parent’s ID books. This time she encountered a problem which she had not encountered before. When she submitted her parent’s IDs, the official would not accept them “You are lying” he said “These are not your parents. They are too old to have given birth to you. Find your biological parents and come back!” Feeling helpless and discouraged, Thandiwe left the office. She is frustrated by her many failed attempts and by the inconsistency of requirements. “All my brothers and sisters have ID’s and they are younger than me. They used my parents ID books when they applied for their IDs. Why is my case treated differently?”

None of Thandiwe’s children have birth certificates. Four of the eight children were born at her home and these children have no proof of birth. The other 4 were born at the clinic and each has a clinic card. “the nurses at the clinic did encourage me to register the children but I don’t have an ID, so I have not done it” she says. Once she has her ID, she can begin the process of



registering the children's births and obtaining birth certificates. She can then apply for the grant. Unemployed Thandiwe is disheartened "How am I going to survive if I don't have money?"

Clients also typically have to return several times to check on the status of their applications. Observations in the two sites revealed that a large proportion of the clients at the Home Affairs offices were there to follow up on applications that had already been made. The observations highlighted the poor communication between officials and clients around application status. Many clients who had waited hours to be seen by an official were simply informed that their documents were not ready and that they should return (again) the following month. The Track and Trace system (See 9.2) creates several alternative mechanisms for clients to follow up on applications which, theoretically, enables them to avoid unnecessary trips to service points. These mechanisms include SMS updates, a call centre and a website. However, several NGOs reported that the call centre / local office phones were not answered or that officials who did answer the phones were unhelpful. There were also reports that the SMS updates were confusing to clients. One NGO described how a client received an SMS notifying her that her application had been processed but when she went to collect the document, it had not yet been posted back from Pretoria.

## 10. Document errors and duplication

There were numerous accounts from research participants in the two sites and from NGOs around the country of IDs and birth certificates that contained incorrect information. Home Affairs officials at both sites admitted that errors were common.

### 10.1 Common problems

Errors on documents amongst research participants included incorrect birth dates, incorrect or misspelled names, incorrect gender, and incorrect photographs.

#### # 6. My ID says I am a man

Vusumuzi is a soft spoken woman in her early thirties. She shows us her ID book, issued on 20 Nov 1995. She said she applied for her ID book through her school and the process had been easy. She had a school extract letter and was accompanied by her father. He had his ID and her mother's ID with him. With the support of the school, and a payment of R50 - the standard fast tracking fee in the area - her application was successful.

Vusumuzi has six children. When she went to HA to apply for their birth certificates, her application was denied because her ID number indicated that she was a male. She explains "the home affairs official told me to go to the Doctor in town to have blood tests to show that I am female". She tells us the tests will cost R150. She was also told that she would need to buy revenue stamps to reapply for her ID and that she would have to pay R50 to 'fast track' her application.

Community workers, Nongoma

Duplicate IDs (i.e. two people are issued with the same ID number) also present a major problem for Home Affairs clients. Over 50% of the 90 organisations that returned the self-completed questionnaire reported having clients with duplicate identity documents. Several such clients were identified in the two research sites. Nombeko's story illustrates the difficulties this causes.

#### # 7. A duplicate ID means no grant

Nombeko is 50 years old and has lived in Khayelitsha for 10 years. She's originally from the Eastern Cape. "My problem is that I am not allowed to access the grant for my two children [aged 10 years and 12 years] and my grandchild". The Department of Social Development (DSD) sent Nombeko a letter in 2006 informing her that the two grants she had been receiving would be stopped. "The letter said that I work for government and have no right to access the grant". Nombeko went to the SASSA offices in Khayelitsha and an official subsequently visited her home "and saw for himself I am not working for government. But," she adds, "he said he could not reinstate the grant". Nombeko contacted a local NGO for assistance. Investigations revealed that a staff nurse in Qumba in the Eastern Cape was accessing the CSG using the same ID number as Nombeko. Nombeko was advised by Home Affairs to apply for a new ID. She lodged a new application and was charged "about R60".

"In the meantime", says Sisi - the project manager from the NGO - "Nombeko received a summons from the Department of Social Development to appear in court on the charge of receiving a grant while working for the Government. They were demanding that she pay back the monies". Nombeko, accompanied by a representative from the NGO, has been to court several times. "But the matter keeps on being postponed". Every time Nombeko travels to court, she spends 3 to 4 hours waiting and it costs her R20 return. When the NGO representative is unable to attend, she also has to pay for someone to interpret for her. The case is still pending.

Three months after re-applying for a new ID document, Nombeko received it. "I was not notified or informed that it was ready, I just went to the [Home Affairs] office in Khayelitsha and it was there". Unfortunately the DHA re-issued Nombeko with the same ID number as before. In February 2007, Nombeko submitted her third ID application. This time, the DHA asked for a range of supporting documents, including an original school extract letter from her primary school in the Eastern Cape. The NGO intervened, arguing that this was an unacceptable demand given the circumstances. Sisi explains how the matter was finally resolved "Home Affairs asked whether there was someone who could confirm Nombeko's date of birth and age. Fortunately her older sister was available to do this." Nombeko was not expected to pay for the third application. "But I am worried that my ID has not arrived yet" says Nombeko "it has been more than 3 months since I applied ... and it should have been here by now!"

When asked about cases like this, a senior SASSA official in Khayelitsha pointed out that if somebody applies for a grant using the ID number of an existing grant recipient, her grant application will be unsuccessful and the original grant will be stopped until the matter is resolved. "It doesn't make any difference [if the original grant application is legitimate], the grant will be stopped if someone else applies for another grant using the same ID number. Until the Department of Home Affairs sorts out the duplication error, SASSA cannot do anything".

Notably, problems with errors and duplication were raised by almost every research participant. Many service providers (including health workers, SAPS and SASSA officials) described personal experiences of trying to have incorrect details corrected. In many of these cases, new documents arrived with the same mistake or another error.

Clients usually did not notice errors on their documents until the document was used to access another Government service. For most clients, this was a Government grant. The grant application process is therefore a useful gauge of the extent of the problem. A senior SASSA official in Nongoma put the problem in perspective.

"Wrong information on documents is a major problem in this community. Wrong spelling of name, wrong spelling of surname, wrong age ... you can see that the person is old, but the ID says she is young. And then she cannot get the pension. This is a serious problem and somehow we have to change it. This happens a lot, a lot! They [clients] will have to rectify a mistake. And they have to pay home affairs for rectifying the problem. Plus they have other costs such as paying the priest for a baptismal certificate proving that the date of birth is different to that on the ID book. And they need to get a witness or Induna to testify on their behalf. This means they have to pay for travel for them and the witness to home affairs offices. The client has to pay lots". He said it is especially difficult to correct mistakes on an ID book. "Some people who had problems in 2004 are still crying today. Some have applied 3 times for an ID to be corrected and it comes back with the same problem".

## **10.2 How do errors occur?**

Interviews with clients and officials and observations at application points highlighted numerous potential avenues for error:

- Home Affairs officials typically complete the forms themselves. Officials' inaccuracies may be compounded in instances where it is difficult to hear what clients are saying, names are difficult to spell, and applicants might be vague about their particulars (research participants described the reluctance of some clients to explain their personal circumstances to Home Affairs officials, especially where offices provide no opportunity for confidentiality).
- High levels of illiteracy amongst clients makes it difficult for clients to check that the information entered on the forms is correct
- Even literate clients are not always afforded the opportunity to check the information on the forms

- Language is sometimes an issue, where officials cannot communicate with clients in their mother tongue and officials are not necessarily familiar with the spelling of names
- Poor training, low interest levels and low motivation of staff further contribute to the likelihood of error
- Mistakes on supporting documents (eg. clinic cards) are another source of error.
- Handwriting is another contributory factor. The official completing the form is not the same person who enters the client's details on to the system.
- The high number of handovers (see 9.2) of every application increases the likelihood of error

### 10.3 Correcting the problem

The Identification Act (Act No 68 of 1997) states that if an identity document or birth certificate does not reflect correctly the particulars of the person to whom it was issued, the person concerned - or the person's guardian – must immediately hand the document over to Home Affairs for correction, cancellation or replacement.

According to the DHA website ([www.home-affairs.gov.za](http://www.home-affairs.gov.za)) and handbook (Department of Home Affairs 2005), any information on an identity document which is incorrect as a result of a Departmental error, will be corrected free of charge. The client is however required to provide substantiating documentary proof in respect of any changes that need to be made. In instances where duplication occurs, details need to be forwarded immediately to the Department's Head Office for further action.

The regulations state that it is an offence for an individual to use an identity document / birth certificate with incorrect particulars (Section 18e of Identification Act 68 of 1997). Any person contravening this is subject to a penalty or imprisonment for up to five years. Mistakes that are made by the Department can therefore result in legal action being taken against innocent people. Despite the gravity of incorrect / duplicate documents, the Department does little to actively support attempts by clients to have details corrected. In almost every case, clients in the sites met with resistance from Home Affairs officials when they tried to correct their documents and they were expected to pay for amendments.

The Department of Home Affairs (in both sites) explained that in order to resolve the matter of duplications, the department had to track down both ID holders, and obtain both sets of fingerprints. Clients have to provide proof of birth and pay for a second application. Each client would then be issued with new (and different) ID numbers, together with confirmation letters stating that their ID numbers have been officially changed. "It is a lengthy and difficult process," explained one Home Affairs official, who only knew of one case where the matter had been successfully resolved in this manner.

Different departmental officials provided different information on the procedure regarding charges for correction of errors. We were told by one official that if the client noticed the error immediately (on handover), the information was corrected free of charge. Another told us the client had six months to report the error in order to claim free correction and a third told us that the client had up to 12 months. When asked about this, national DHA representatives were unsure as to the official policy.

A senior official in Khayelitsha was sensitive to the fact that clients were unfairly prejudiced by having to pay for correcting Departmental errors on documents. She explained though that there was little that could be done at a local level because head office required that procedures be followed. She described a recent Imbizo where people complained to the minister of Home Affairs that they had to pay to correct mistakes made by departmental officials. "The minister then says, 'no they must not pay', the department will correct these errors at no cost. But," she explains "when the office requests that details be corrected for free, the applications are rejected in Pretoria and returned for payment".

## 11. Fraud, corruption and extortion

The Department of Home Affairs has been plagued with accounts of corruption at all levels. A recent press release by Director-General Mavuso Msimang (27 September 2007) announced that “at least 189 Home Affairs officials have either been dismissed or suspended between April and September 2007, charges ranging from fraud, misappropriation of state funds, aiding and abetting illegal immigrants, illegal issuing of documents, selling fraudulent documents, abscondment, soliciting bribes and theft of face value documents. Of the 189 officials, 56 were dismissed for committing serious acts of misconduct. Meanwhile, during the same period we have suspended 34 officials and issued 99 final written warnings” ([www.home-affairs.gov.za/media\\_releases](http://www.home-affairs.gov.za/media_releases)).

This study did not review accounts of corruption at a national level and so does not comment on it. However, the researchers did investigate the nature and extent of fraud, corruption and extortion on the ground.

The primary research in the two sites painted a somewhat complex and convoluted picture with regards fraud and corruption. On the one hand, officials demanded that a 69 year old grandmother (applying for an ID for the first time) who had lived in Nongoma all of her life, bring in a witness, 10 years older than her, with an ID book and bearing the same surname - ostensibly to ‘prevent fraud’. Yet these same officials accepted obviously false baptismal certificates that are openly available for sale at the Home Affairs office.

The challenges and contradictions of fraud and corruption in the case study sites are discussed below.

### 11.1 Balancing a dual mandate

Government officials from every department involved in this research emphasized the need to prevent fraudulent applicants from obtaining IDs and birth certificates. South Africa is a beacon of hope for many other African countries and the demand for legal and illegal citizenship documents is large and growing. Some officials were clearly torn between keeping illegal immigrants out and facilitating access to enabling documents for legitimate applicants. The dual mandate of immigration and civic services places pressure on departmental officials which ultimately impacts on service delivery and access for clients.

A national DHA official explained the predicament facing the Department “there are between 3 and 6 million illegal people in SA. These people cost the state several billion rands a year. We want to assist [clients] but we also want to prevent fraud.” Officials are pressured on the one hand to scrutinize every application to prevent fraud and pressured on the other to facilitate access to documents for South African citizens in line with the Batho Pele principles of customer care, including the principle that the “customer is always right”. The following exchange with a Department official illustrates this issue:

Referring to clients who do not have all of the necessary documents, the official commented “we do trust them but they are making us not to trust them”. She cited an example of a client who wanted to apply for an ID book. He said he was born in SA but she found out that he was actually born in Lesotho. She said people also report errors on their ID when there is no error. “They say they are older than their ID says”. “Things like this make it difficult for us.” “But you can see when it is a genuine case by the way the person acts” She said if the client gets arrogant with her and demands that she help them, she can tell that “something is not right”. She said in the genuine cases people “just listen and co-operate”

The manager of an NGO in Khayelitsha reflected on the other side of this experience:

“The officials have an accusatory approach to client liaison. They say ‘the client is lying’, ‘the client has stolen the child’...there is a general attitude of ‘us’ and ‘them’.”

In many instances in the two sites, officials just went through the motions of requesting ‘proof’ which had no substance. The baptismal certificates are one case in point. Another is the reliance on affidavits. Officials demanded affidavits, not to keep out fraud, but to cover themselves in the event that an application ended up being fraudulent. The demand for affidavits placed an excessive load on the South African Police Services in both sites, without serving any real purpose.

## **11.2 Affidavits**

Clients were referred to police for affidavits for a range of reasons.

In most cases, SAPS officials were required to write the affidavit before certifying it. No effort is made to check that the information that is provided is true. Some of the problems with affidavits were discussed earlier. Police officers receive no training on what to include in an affidavit and in both case study sites the police commented that completing affidavits consumed an inordinate amount of police time, taking officers away from other important duties.

A senior police official from the Khayelitsha office complained: “oh, you should see the queues. Monday, Thursday, Wednesday, every day. There are queues outside of people come for affidavits” Affidavits are requested to verify that clients “don’t have work, non support, no father” or to confirm that a particular adult is caring for a child. “We have 3 shifts a day and we get between 20 and 25 affidavits per shift. Let’s say between 50 and 75 per day. And this is besides when the community come for certifying [photocopies of] documents – that’s another story. There are queues for that too!. The members [police officers] really get impatient with this.”

The researchers observed trained community workers and police officers preparing and certifying affidavits at a jamboree in Khayelitsha and recorded the time taken for each process. In a total of 16 work hours, community workers produced 83 affidavits. Each document was then certified by a police officer at an average of 1.7 minutes per document and 3.8 documents (affidavit plus supporting documents) per client. Based on these figures and conservative assumptions of demand, two police officers are required full time simply to prepare and /or certify affidavits every day in Khayelitsha. A striking waste of resources, especially considering that there are no systems in place to verify the information.

A police officer explained that “it is their word [the client]. They swear to the statement.” Members are supposed to go through the statement with the client and check with them whether the information is correct and true. “But”, says the Captain, “the police officers mostly take the affidavits themselves”. “We don’t check the information,” agreed another officer, “we just stamp and sign it”. “The only proof that is required is proof of identity. The person requesting the affidavit must bring their ID book along”.

## **11.3 Fear of fraud fuels fraud**

Apart from creating unnecessary paperwork, mechanisms to keep out fraudulent applications create (sometimes insurmountable) barriers for legitimate applicants. As discussed elsewhere in this document, challenges to obtaining proof of birth and maternal identity leave many applicants at a loss. Legitimate applicants are caught between a rock and a hard place. Unable to negotiate their way through the bureaucracy, many are forced to resort to fraudulent means of obtaining documents.

A clear and fairly common example of how anti-fraud measures lead to fraud was the response from clients who were unable to provide proof of maternity (Discussed in 12.3.2). Proof of maternal identity is required to prove that the child was born to a South African citizen. In the absence of proof of maternal identity, as discussed above, clients are typically referred to state social workers. Social worker case loads result in long waiting periods. In addition to this, research participants reported a reluctance on the part of families to provide details of their difficult circumstances to social workers. A far easier way around the lack of maternal identity is to find an adult with the same surname as the child who is prepared to 'pose' as the biological mother for the purposes of birth registration. This tactic is used when the biological mother is deceased, absent, or unable to get her own ID (eg. teenager).

When asked about incidents like this, a senior SASSA official said that he knew of many cases where caregivers of children were unable to track down the maternal documents necessary to register the child's birth. "The caregiver is unable to get documents the legitimate way so she pays R100 to a Home Affairs official and gets the document like that. She puts her name down as the mother". "Many times we have seen genuine cases. Not fraud, but just that [maternal] documents are not there and the person has been up and down."

A principal from a school in Nongoma explained that this was a common and 'accepted' practice. "People pose as orphans' parents" said the principal. "You can discuss this problem openly with Home Affairs and they will help you. They will tell you to find someone with the same surname as the child. You just need your ID. And you need to pay for this." There was evidence to suggest that this phenomenon was occurring in both the sites. The following case involves a woman in Khayelitsha.

#### **# 8. Finding a 'mother' so as to register a birth**

Anita's mother died without ever having obtained an ID. As a result, Anita had been unable to register her own birth and apply for her ID book. She explains how "one day counselors were campaigning for people in the Khayelitsha community to register to stand in line for a house in Khayelitsha. I decided to register and while looking through the list of people already registered, noticed a person with the same surname as me. Because I know it is difficult for people without a BC to get an ID, I wrote down this person's address and when I felt brave enough, went to her home. This woman agreed that I could use her ID to get mine". When Anita got to Home Affairs, the official requested that she bring her "mother" with her, because her signature was required on the birth registration form. "I started crying", said Anita "I felt hopeless because I knew she would not come with me. It was enough she had given me her ID without a problem. Another official asked me why I was crying. I explained my situation and was open about the fact that this was not my biological mother's ID book. He was kind and friendly" said Anita "and he said 'Don't worry I am going to help you'". Together, Anita and the official found a woman in the queue who could witness for Anita. "I returned the ID book that I borrowed," says Anita, "and I have not seen the woman since".

#### **11.4 Bribery and extortion**

Desperate clients may also be forced into a situation where they pay bribes to officials in order to bypass inefficiencies in service delivery. There were for example reports of clients paying bribes in order to move to the front of long queues, and paying R50 'fast tracking' fee to increase the chances of their ID being processed within the prescribed period. Similar incidents were documented by Blacksash in their 2003 review of 13 Home Affairs offices in four provinces. "A lot of people were complaining about the money that they have to pay to the officials in order to speed up their applications. Most of them [clients] are not working, but they are asked to pay" (Blacksash 2003).

The printing of birth certificates in Nongoma presented a classic example of client extortion.

As mentioned earlier, the Nongoma office was unable to print birth certificates at the time of the research because the printer ribbon in the office was dry. The office was unable to purchase a replacement ribbon because it did not have access to petty cash. The petty cash had been removed because of previous incidents where funds had gone missing. The office was therefore not allowed to handle money and any process involving cash (including re-issues of certificates) had to be referred to the regional office over 50km away – greatly inconveniencing clients. A local principal explained how home affairs officials were taking advantage of the situation by printing birth certificates ‘on the side’.

“Birth certificates have to be printed in Ulundi [the regional office] and it takes clients R40 to get there and they have to wait about 1 week. Clients can apply to get it today at Nongoma but there is a certain amount you have to pay. It is R20. I don’t know whether this is legitimate or not” added the principal. “But it is always easier to use money [R20] here rather than go to Ulundi [R40]”. “This tells us that people here [home affairs officials] can help us on the same day” if they want to.

The very intervention designed to stop office corruption (i.e. not accepting cash) has created a black market opportunity for corrupt officials, and an incentive for ongoing inefficiencies (frequent dry printer ribbons) in office management.

In Nongoma, it appeared to be accepted practice that Home Affairs officials charge between R50-R100 for first time ID applications and R20-R50 for a birth certificate or death certificate. The ‘real’ price of each document was not displayed in the office and clients were led to believe that this is the norm.

A local SASSA official was clearly exasperated by the extortion of clients. He said it was difficult to address though because clients are prepared to pay so that they can get their documents and apply for a grant. “People wait on the list to be issued with a birth certificate or ID until they pay a bribe” explained the official “Home Affairs can’t print birth certificates in Nongoma so applications are taken and sent to Ulundi and people have to wait, and return several times, for the printout. People are kept waiting for a long time. Those who pay a bribe get the documents immediately.” He said he asked one of his clients why he had paid R50 for something that should be free. The client said “I waited all of last year [for a birth certificate] so for me to pay R50 to get a birth certificate and collect the grant is alright because at least my problem is solved”.

The majority of organisations (67%) that completed the self completed questionnaires reported that first time applications were free and that clients were never charged for the application. However there were reports from NGOs on 11 different Home Affairs offices where applicants were usually / always charged for first time applications. These offices were evenly spread across rural and urban areas.

Most tragic of all is the fact that some clients in the sites who paid the bribes were still unsuccessful in obtaining documents. They were not issued with receipts and could therefore produce no evidence of the transaction.

### **11.5 Loopholes for illegal activity**

The mechanisms that exist to prevent fraudulent applications impact on the ability of the poor to access documents that they are entitled to. At the same time, these mechanisms are fraught with loopholes for illegal opportunists with resources and initiative.

A senior government official in Nongoma explained how easy it is to ‘get around’ the system, either obtaining citizenship illegally or obtaining a birth certificate for a child who does not exist (so as to access government benefits). He described for example how stolen clinic cards were



available on the market for R300. He said he caught someone selling stolen cards and reported them to the local police. He has heard nothing from the police since handing over the culprit. There were similar reports of illegal immigrants purchasing baptismal certificates, bribing Home Affairs officials and 'buying' affidavits from a local Induna to 'verify' identity and parentage.

Another apparent loophole is the easy access to re-issues of birth certificates. A home affairs official explained that anyone can get an original birth certificate as long as they are able to provide the name and birth date of the child. The applicant need not even provide the details of the child's mother or father. This birth certificate can be used to access an identity document or social grant.

Conversations with a range of service providers and clients in the site suggest that, in Nongoma, the network of corruption extends beyond just home affairs. A local doctor was cashing in on referrals from Home Affairs – charging R150 to provide clients with a letter verifying sex or age. The pastor, occupying a space at the Home Affairs offices, charged R20 to issue fraudulent baptismal certificates. Home Affairs and schools worked closely together, registering children on the school premises in what is outwardly an example of good collaboration. However, applications for birth registrations / IDs at the schools are subject to the same 'fast tracking' fee. It is hard to imagine that school management is unaware of this practice.

Even the police knew about the illegal practices at Home Affairs, and the sale of fraudulent clinic cards, with no apparent response to date.

## **11.6 Recourse / Reporting corruption**

Corruption amongst Home Affairs officials remains a problem and improved mechanisms are needed to facilitate and respond to reports of corruption.

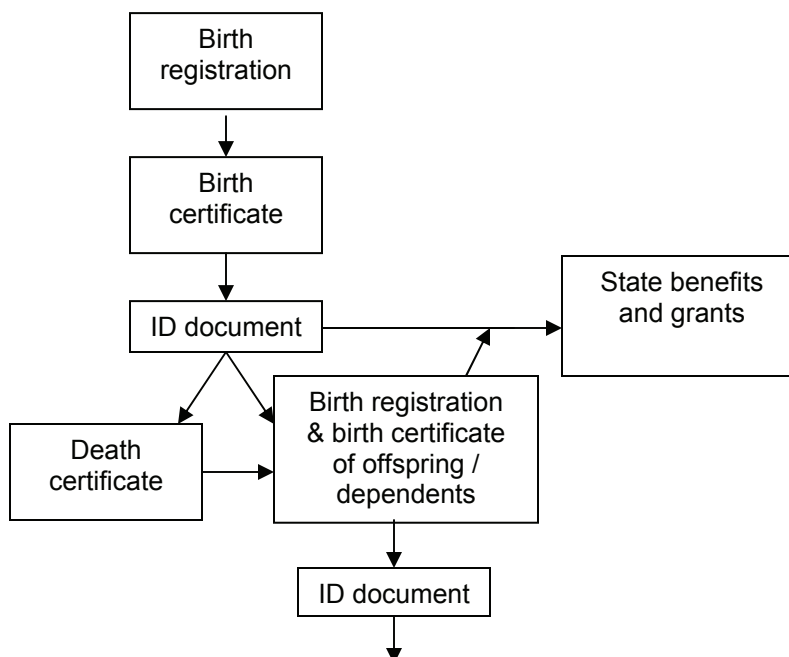
According to several research participants (including police, SASSA officials and a local social worker) the bribery and corruption amongst home affairs officials in Nongoma has been reported to senior staff. But, complainants are told to return with 'hard evidence'. A senior police official in Nongoma explained what he expected from someone who reported corruption at Home Affairs.

"One client came in to complain that the Home Affairs official wanted a bribe of R20. I told him that he had to bring proof. I cannot accuse an official of illegal activities without proof." When asked what kind of proof was needed, the police captain repeated what he had apparently told the complainant "you must make a photocopy of a R20 note and keep this with you. You must then pay the bribe to the official using the note that you have copied and, when he has the R20 in his pocket, you must call the police immediately. I will come and search the official to find the note in his pocket. If it matches the photocopy then I have proof of bribery. Without this evidence, what must I do?"

## 12. Getting it right from the start: A focus on birth registration

As documented here and elsewhere, it is typically the most vulnerable children who do not have access to birth registration. These are the same children who are likely to have limited access to health care and education, and higher levels of malnutrition and mortality (UNICEF 2005). An efficient, accessible and appropriately designed birth registration system is essential in order to bring vulnerable children into the service net.

Birth registration is key to accessing other documents and benefits and to preventing inter-generational marginalization:



An essential component of the Department's Turnaround Strategy (See 15.2) is a comprehensive review of birth registration systems and requirements. The Department's Strategic Plan for the 2007/08 financial year includes the following targets for the processing of birth certificate applications:

- 99% of all abridged certificates to be correctly processed within 1 day
- 95% of all unabridged certificates to be correctly processed within 6 to 8 weeks

The ultimate objective is accurate registration of all births within the year of birth.

One of the greatest challenges facing the Department of Home Affairs is the late registration of births. There are 4 categories of birth registration, each with slightly different requirements:

- Births registered within the first 30 days
  - Births registered between 30 days and 1 year
  - Births registered between 1 year and 15 years
  - Births registered after 15 years<sup>10</sup>
- } Considered late registration

<sup>10</sup> Late birth registrations for applicants aged 15 years and older are automatically accompanied by compulsory first application for ID. The process is time-consuming and labour intensive because late birth registrations >15 years are subject to extra scrutiny to prevent fraud.

The past 3 years has seen a marked decrease in late birth registrations. In 2003 for example, 37% of all births registered in that year occurred in 2003. In other words, 63% of registrations that were handled by officials in that year referred to births which had occurred in previous years. In 2004 the proportion of current birth registrations increased to 49%. And in 2005, out of a total of 1 380 496 births registered, 793 788 (57,5%) of these births occurred in 2005 (Statistics South Africa 2006). Despite significant improvements however, over 200,000 birth occurrences in 2005 were not registered within the year of birth.

There is evidence to suggest that the age of the mother is a factor in late birth registration. A Statistics SA report on recorded live births for 2005 showed that the majority of births occurring to younger mothers (aged less than 20 years) and older mothers (aged 40 and above) were registered late while births to mothers aged 20–39 were mostly registered on time (Statistics South Africa 2006).

A further contributing factor to late registration is the perceived value of registration. Service providers in the sites, including NGOs, health workers, social workers and Home Affairs officials reported that clients held the perception that birth registration in itself is not important. For the most part, the registration of births is seen as a means to an end (most often, a requirement for grant application) and not as an end in itself. Other studies have found similarly. In interviews with 105 pregnant women in Umlazi, the Valley Trust (Dove and Naude 2005) assessed respondent's perceptions of the importance of birth registration. The majority of pregnant women cited grant access and school entrance as the primary reasons for registering the birth of a child. Only 13% of respondents considered a birth certificate in itself as a reason for registration.

All of the overarching service issues already discussed in this paper further contribute to late or non registration of births. These challenges include poor service access, poor communication with clients, errors on ID documents, hidden costs etc. In addition to these cross cutting issues, several other challenges to birth registration were identified through the research. In order to register a birth, the applicant / informant needs to produce proof of maternal identity and, where the child takes the father's surname, proof of paternal identity. The person registering the birth also needs to provide Home Affairs with acceptable proof of birth. The sections that follow explore some of the challenges associated with these requirements.

Important to note is the fact that many of the difficulties associated with birth registration are exacerbated in the context of HIV/AIDS. High levels of poverty, maternal illness and death and increased child mobility in AIDS-affected communities leaves many children without the supporting documents or adults required to register their births.

### **12.1 'Proof of birth' supporting documents**

A review of several official Department information sources revealed slight variations in the range of 'proof of birth' options available to clients. The list below is a composite one, including the full spectrum of proof of birth options listed in three official DHA sources<sup>11</sup>:

- For births registered within 30 days, a maternity certificate or clinic card is the only proof of birth required.
- For births registered between 30 days and 12 months after birth, the person registering the birth must provide either the maternity certificate or clinic card plus a written explanation as to why the birth has been registered late.

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<sup>11</sup> (1) DHA website ([http://home-affairs.pwv.gov.za/register\\_birth.asp](http://home-affairs.pwv.gov.za/register_birth.asp));

(2) DHA handbook entitled "Know your Home Affairs Services: Home Affairs at your service" (undated). The researchers were referred to this booklet by national DHA representatives as the most up to date source of information on birth registration requirements;

(3) The regulations supporting the births and deaths registration Act.

- For births registered between 1 year and 15 years after birth, the requirements are more complicated, with disparity between various official Department sources. Proof of birth options include:
  1. An affidavit by the parents or, where the parents are deceased, by a close relative at least 10 years older than the child, confirming the child's identity and status. This requirement caused much confusion in the sites: it was unclear whether the 'witness' had to be a relative, whether they had to have the same surname as the child and whether it was acceptable for someone other than the biological mother to write this affidavit if the mother was absent but not deceased. Sometimes officials accepted a letter / affidavit from a local ward councillor or Induna as alternative proof.

AND (one or more of the following – it is not clear what combination would be accepted under which circumstances)

2. A certificate by the hospital or maternity home where the child was born. This must be signed by the person in charge and contain the institution's official stamp. The content and layout of the certificate differs from one health facility to the next but typically contains the mother's name, ID number, baby's date of birth and sex and whether the child was stillborn or live. The certificate is signed and stamped by the health facility. Although accepted as proof of birth by Home Affairs, very few clients reported using this as proof when registering their babies' births.
3. An original clinic card with hospital / clinic stamp.
4. Confirmation of the child's personal details from the school register of the first school attended by the child (a school extract letter). This must be on the school's official letterhead, be signed by the principal and contain the official stamp of the school.
5. The child's baptismal certificate (if issued within 5 years of birth)
6. School reports
7. A statement from a person who has personal knowledge of the applicant and can attest to the applicant's parentage. This person will have to accompany the applicant to the HA office where the two will be interviewed separately.
8. In the case of abandoned children, a social worker report

To register a birth after 15 years, proof of birth requirements remain the same, although an application for an identity document must accompany the birth registration application and officials tended to be more circumspect.

Clients in the sites were not informed of the full range of options outlined above. Many clients who were not able to provide one of either (2), (3), (4) or (5) were turned away without being given the option of producing a current school report or being interviewed with someone who could attest to their identity. If the full range of options were exercised in the sites, most of the clients who were struggling to get birth certificates would have been assisted.

The research identified several challenges with the primary 'proof of birth' options.

### 12.1.1 Clinic cards

The most common 'proof of birth' document used to register a birth is the clinic card. A clinic card (also known as a road to health care) is issued to all children at birth by staff at the hospital, MOU or clinic where the child was born or where the child is taken for check ups and immunizations. Immunizations are recorded on the clinic card, together with information on the child's weight and height gain over time. The majority of children in South Africa (84%) are immunized ([www.hst.org.za](http://www.hst.org.za)) and therefore have (or have had) a clinic card. The clinic card is therefore an

extremely useful proof of birth option, particularly for very young children. However, there are several shortcomings with the system which need to be addressed.

The Department of Health views the clinic card as an important health record for every child. However, health workers who were interviewed emphasized that the clinic card is not a legal document. Home Affairs officials on the other hand treated it as such. Simple mistakes on the card (easily made by health workers) can therefore have long term repercussions for clients.

A nurse at the MOU in Nongoma explained: “There are instances when the nurse has ticked the box for a boy instead of a girl on the clinic card. When the mother notices, she scratches it out and ticks the other box. This is an easy mistake to make but it is not acceptable because there should be no mistakes on the original card and fraud may be suspected [by Home Affairs]”.

Clinic cards are rejected as proof of birth by Home Affairs if they have even the slightest amendment to mother’s name, child’s name, date of birth or gender. Clients are told to return to the place of birth to obtain a new clinic card. In Nongoma, a senior nurse at the MOU explained that if a clinic card is lost or edited, staff check the hospital’s handwritten admissions and discharge register to confirm the client’s details. If the client’s details are not on the register, they cannot replace the card. If the client’s details are on the register, the client is told to go to SAPS to get an affidavit declaring that there was an error on the clinic card or that the clinic card was lost. The health facility will then issue a new clinic card. “If the mistake on the clinic card is from our side,” the nurse explains “we offer help. In this case we re-write the card and stamp it”. When asked why the hospital insists on affidavits even if the client’s details are in the register, the sister in charge explains their dilemma: “We are not clear for which cases we should accept affidavits, so we always request an affidavit to make it easier to accept the mother’s story.” If the clinic card is lost, the MOU will issue a new one but they are reluctant to stamp it because of fear of fraud. A clinic card without a stamp from the place of issue will not be accepted as valid proof of birth by Home Affairs.

Lost, stolen or destroyed (eg. by fire) clinic cards were often reported in the research sites. Common clinic card errors identified through the research included incorrect spelling of names, incorrect gender, and incorrect birth dates.

### **12.1.2 School extract letter**

If clients are unable to produce a clinic card or maternity certificate as proof of birth, the next most common requirement is a school extract letter. This has to be issued from the first school of attendance on a prescribed form or school letterhead with the school stamp and signature of the principal. And it has to be an original – fax, emails or photocopies are not accepted. Problems with school extract letters were common.

#### **# 9. Challenges with the school extract letter**

Sylvia has been caring for her younger brother since the death of their parents a few years ago. “My younger brother has had a problem with applying for his ID” She explains “He has been to 3 different Home Affairs offices (Mitchell’s Plain, Khayelitsha and Airport Industria) and has tried several times to apply. He does not have a BC; he does not have a Clinic Card and the school he was at primary school at lost the records of learners who were in 1<sup>st</sup> grade when he as in Grade 1”. The school claims these records were lost when the school relocated to another area in Khayelitsha. Sylvia says her brother has tried to apply for an ID with a certificate from his current school (a secondary school), however HA will not accept this.

According to a senior official at the Khayelitsha office, this requirement presents a problem for many clients living in Khayelitsha, especially those who schooled in the Eastern Cape.

### 12.1.3 Baptismal certificate

Baptismal certificates are accepted as alternate proof of birth if issued within 5 years of birth. There is evidence from this research and elsewhere (Blacksash 2003) to suggest that these are openly available for purchase.

Community workers in one rural area explained that there was a priest at the Home Affairs office who issued baptismal certificates for R20 each. One of the clients we visited showed us the certificate she had bought from this pastor. It was an official looking form with the details of the applicant, date of birth and date of baptism. Apparently the pastor estimates the date of baptism, using the date of birth that the applicant provides. No proof is required and no church records are consulted in the process. The certificate we examined had an official stamp of the Independent Methodist Church. At the bottom of the document was a statement, signed by the pastor, stating "I certify that the above is a true copy of an entry in the register of baptisms in the Independent Methodist Church".

The baptismal certificate as proof of birth is an important alternative, especially for elderly first time ID applicants, but the open sale of them undermines their value and creates a market for client extortion.

### 12.1.4 Letter from local / traditional leader

The option of obtaining a letter from a ward councilor or traditional leader was offered to some clients in the sites as an alternative form of proof if no other proof of birth was available. Such letters were usually used to verify identity / parentage and/or to attest to the age of the applicant.

A ward councilor in Khayelitsha explained the process to us. "We get referrals in the community of Khayelitsha when a person wants to apply for a birth certificate for a child or an ID for him or herself without all the requirements. The member first goes to the Ward Councillor of the particular section to explain her situation. The Ward Councillor has the authority to decide what should happen with that community member's case next. Sometimes the Ward Councillors say members must attend street committee meetings for 2-3 weeks before a letter of support can be issued."

There were some references in the research to payments made to traditional leaders for this service. Earlier research (Giese 2007) documented this challenge in a rural community in Northern KwaZulu Natal (the following is an extract from the report p.102)

#### # 10. Organising documents where there are none

"Babalwa Nxumalo (28) lives in a one-roomed hut at the end of a winding footpath far from the main road that makes its way through Ingwavuma. She cares for her own 3 children as well as 3 children orphaned by the death of her husband's sister. Her husband lives in Johannesburg and, now that he has lost his job, he seldom returns home and never sends money to help support his own or his sister's children. The only income to the household is the 2 Child Support Grants that Babalwa gets for her youngest children and the R10 she earns "on good days" by growing and selling beans, catching fish or working in other people's fields. "It is hard to raise these children," Babalwa said with resignation.

Ten-year-old Njabulo had to repeat Grade 1 this year because she could not pay his school fees. Babalwa said this makes her feel terrible because she "looks like a failure". The community health workers advised Babalwa to go to the social worker to apply for Foster Grants for her sister-in-law's children. The problem, however, she said, is that the children do not have birth certificates and she does not have their mother's death certificate or know the identity or whereabouts of their fathers. "It is a big problem" she said, because in order to verify the children's identity, she would

have to take her local induna with her to the social workers. However, he demands R150 for this service and, she added, “you must also pay for transport for him and also buy food for him while we are standing in a queue.” However, this is impossible for her to do, she says, and besides, she may have to go more than once to the social workers, who are a R30 journey away.

At times she thinks of leaving the children and going back to her parent’s home, “but,” she says, “my conscience blames me all the time. I don’t know what they would do without me...”.

## **12.2 Proof of paternal identity**

If the father acknowledges paternity / if the child takes the father’s surname, the father’s ID is required for birth registration. Paternal identity requirements presented challenges to clients in the sites. This section reviews some of these challenges.

The regulations (Republic of South Africa 1992) state that a child can be given either of the parent’s surnames. If the child takes the father’s name, the informant has to produce the marriage certificate and paternal ID or, if not married, the father has to be present at the registration of birth. The research identified two main types of challenges related to this requirement:

The first challenge relates to birth registration of children whose fathers live away from home (eg. migrant labourers). In such cases, if the parents are unmarried, the mother will not be able to register the child in the father’s name until the father returns to accompany her to Home Affairs. A Home Affairs official in Nongoma commented that they “often - about 5 times today – turn people away because they want to register a child in the father’s name but don’t have the father with them”. In such instances, the DHA should provide an option for fathers to verify paternity at their closest Home Affairs office and not necessarily at the same point where the child’s birth is registered.

The second challenge, and the more difficult of the two, relates to the registration of children whose fathers’ whereabouts are unknown. This is particularly problematic for later registrations. The child may for example have been given the father’s surname on the clinic card and been registered at school using this surname. When the caregiver goes to register the child’s birth at Home Affairs, all supporting documents will be in the father’s name. If the father’s whereabouts are unknown, this presents a barrier to birth registration.

### **# 11. “I don’t know where to find him” – paternal identity as barrier to birth registration**

Vusi Mngubani has six (6) biological children. All of her children use their father’s surname but only the oldest four have birth certificates. Mrs Mngubani explains how she registered her oldest children’s births at a jamboree near her home in Mount Frere in the Transkei. “The youngest 2 were also born in the Transkei but it was not easy for me to register these two because the Home Affairs offices were far from my home. It would have taken a long time to travel. There were no other events [jamborees] where I could go and register my 2 youngest.” “Without a BC for my youngest son, I experienced difficulties when he wanted to start school. They still expect a Birth Certificate but they have never turned him away.” The same applied to her 17 year old son, although he needs a birth certificate urgently now so as to register for his matric exams. In June 2006 Mrs Mngubani went to Home Affairs in Khayelitsha to apply for her sons’ birth certificates. She was told by an official to return with school extract letters from the boys’ schools. When the official noticed that the boys were using their father’s surname, they told Ms Mngubani to “come back with the father of your children. There is a form you must complete together. The father must sign this form and then your application for a birth certificate will be processed.” Mrs Mngubani explains that she lost contact with the biological father years ago. “How can I get their father to complete a form, let alone come to Cape Town when I don’t even know where in the Eastern Cape to begin looking for him!”

According to Home Affairs officials in Nongoma, “once the surname is on the clinic card, it cannot be changed”. Khayelitsha officials were slightly more lenient. According to a senior clerk at the Khayelitsha office, “the name is only considered fixed on the birth certificate. If the mother wants to change the surname on a clinic card, she just needs an affidavit. If she wants to change the first name, this is no problem. But surname, age and gender are difficult to change”.

Provisions need to be made to accommodate birth registration applications in the absence of the biological father, while at the same time ensuring that ‘fathers’ are protected against illegitimate paternity claims.

### **12.3 Proof of maternal Identity**

In order to register the birth of a child, proof of maternal identity is required. This is, for obvious reasons, an important requirement but one that presents significant challenges to caregivers, particularly in the context of HIV/AIDS. This section describes and reviews the challenges facing young mothers and those facing caregivers caring for children whose biological mothers are absent or deceased.

#### **12.3.1 Young mothers without ID**

Young mothers who are either not eligible for an ID (under the age of 16 years) or have not yet applied for an ID struggle to register the birth of their babies. In 2005, over 208 000 births were registered to woman aged between 15 and 19 years (Statistics South Africa 2006). At Benedictine hospital (Nongoma) alone, staff estimate that between 15 and 20 teenagers deliver at the MOU every month. The HSRC national survey (Human Sciences Research Council 2005) documented high proportions of teenagers without IDs (66% of 16 year olds, 54% of 17 year olds and 28% of 18 year olds). When health workers were asked what advice they provide to these young mothers, a senior nurse responded “We are not told by home affairs what to tell them so there is no special advice we provide when the young girl does not have an ID. We tell them to keep the Road to Health card safe until they are eligible to apply for an ID.”

Home Affairs officials in both sites said that a young mother without an ID can register her baby’s birth using her own birth certificate and that the lack of ID was not a problem. Other research participants however reported that this was not the case. An official from SASSA described how he recently referred two young mothers to Home Affairs to register their babies’ births using their own birth certificates. He said the girls were turned away and he was forced to intervene. “The HA officials told the grandmother that this cannot work. But when I spoke to the HA manager, it did work. The officials did not know that it was possible”.

For the most part, the research suggests that young mothers in the sites either do not register their children until they have accessed an ID book or they register their children in the maternal grandmother’s name. Grandmothers substituting as biological mothers appeared to be a common and accepted means of bypassing the lack of maternal ID. Several community workers and NGOs mentioned that young mothers were sometimes advised by Home Affairs officials to go this route. “The girl finds some relative to pretend to be the mother” explained a local school principal, “and then you know the child can have a birth certificate. Even Home Affairs advises that because that is the quickest way to get it”.

Apart from the fact that this results in inaccuracies in the National Population Register, the false registration of grandchildren as biological children also has the potential to create problems for caregivers wanting to access social grants.



### 12.3.2 Mother is absent / deceased

Maternal identity documents for absent / deceased mothers presented numerous challenges for many caregivers in the two sites.

67 year old Nkosazana has lost 3 of her 8 biological children, leaving several grandchildren in her care. She introduces us to her 13 year old paternal grandson, Jabu – a football fanatic whose posters of soccer stars adorn the smooth clay walls of the hut. She explains to us that Jabu does not have a birth certificate and she does not know how he will get one. Jabu's father (Gogo's son) is deceased and his mother's whereabouts are unknown.

Research participants in both the sites raised the issue of birth registration for children who were not in the care of their biological mothers. "There are many problems with grandmothers caring for children who do not have IDs or birth certificates", commented a police officer in Nongoma. A local school principal explained that "these grandmothers try to get help from welfare but welfare sends her to Home Affairs to get a BC. This takes so long if you do not have documents, especially the parents' ID. Home Affairs will say 'trace the parents. Try to find at least one biological parent'. This takes a lot of time. You find that some grandmothers they give up, they just give up. While you are chasing all those forms, that child needs help". A SASSA official commented similarly "If the person caring for the child is not the biological parent – it is very difficult to get a birth certificate if the child is not registered".

The issue of maternal identity documents is of major significance in policy and programme design, given that large numbers of children in South Africa are not resident with their biological mothers.

An analysis of General Household Survey data for 2006 (personal communication, Helen Meintjes, Children's Institute) reveals that 26% (4,732,000) of children in South Africa are not resident with their biological mothers. Of these, 1,5 million are maternal orphans, and (primarily as a result of HIV/AIDS) this number is expected to increase to around 2.5 million by 2015 (Dorrington, Johnson et al. 2006).

In both research sites, officials were vague about how they handled applications for birth registration in the absence of proof of maternal identity. In some instances, officials insisted that, if the mother is alive, she register the birth herself. In other cases, the informant did not need to be the mother, but had to have the mother's original ID book or a certified copy. "Depending on the case" we were also informed that occasionally officials would help informants by looking up the mother's ID number on the population register, using her name and birth date.

Alternatively, and apparently most commonly, clients were referred to social services to obtain a social worker's report on home circumstances (see 12.3.3 for discussion on this).

During the course of the research, we observed firsthand a variety of responses from officials to clients wanting to register the birth of children whose biological mothers were not around, and to older clients wanting to register their own births in the absence of their biological mothers.

The 16 year old seated across the table is accompanied by her father. She wants to apply for an ID book but has never had a birth certificate. She has her father's ID and a school extract letter. When asked for her mother's ID she tells the official that her mother left her with her father when she was 6 years old and she has not heard from her since. She does not have her mother's ID. The Home Affairs official explains that in order to get an ID, she needs to follow the procedure of late birth registration. For this, she needs her mother's ID.

There was evidence from the sites to suggest that proof of birth requirements were also more stringent if the biological mother was not present. So, for example, while a biological mother might provide a school extract letter as proof of birth for a 7 year old child, an informant other than

the biological mother is sometimes required to produce the clinic card, with no alternative options. In Nongoma, this issue was raised by community workers and confirmed by the manager of a local NGO who explained that "If a woman [non biological mother] wants to apply for a birth certificate, there is nothing that can be done without the child's clinic card and the biological mothers ID."

As can be seen from case studies above, the presence of a biological father alone is not sufficient.

A social worker from Khayelitsha explains "Even if the mother abandons the child with the paternal grandmother and the father is there, he will still have to open a case of child abandonment at the police. Using this case number, the caregiver will be assisted with a BC". She explained that this was necessary because "the mothers come back and they say that someone has stolen their child. The biological mother is the cornerstone. The father has to get something to say how the child ended up in his care – to avoid comebacks. People do that. They say 'he has stolen my child and taken her back to the EC'".

Further complications were observed where the child's mother is deceased. In such cases, the caregiver needs to produce the mother's ID and her death certificate. Home Affairs officials explained "If the child's caregiver has the mother's ID and death certificate then the caregiver can bring these to Home Affairs. They can use this to get the child registered. If there is no death certificate, the child's caregiver has to see if the death was registered. If it was, they can get a death certificate. If not, they have to find some evidence of the mother's death. They can get a notice from the hospital or evidence from where the mother was buried. Or a traditional or local leader can also assist". Some of the challenges of obtaining a death certificate for an unregistered person are illustrated in the case study below.

#### **# 12. A death certificate... to get a birth certificate**

Noluvo is 27 years old and lives with her husband and young brother in an informal shack in Khayelitsha. Noluvo describes how her mother "died suddenly on 6 August 1999 in Tsomo Eastern Cape. She complained about a headache and died the same day two hours later. My two sisters [aged 12 and 16 years] lived with my mom and when they returned from school that day, the house was full of their neighbours". Noluvo's mother died without ever having applied for an ID. After her mother's death, her young brother, then 3 years old, came to live with Noluvo. His birth had never been registered. Noluvo explains her struggles to get a death certificate for her mother so as to apply for a birth certificate for her brother. She traveled to Tsomo in 2007 and managed to locate the funeral undertakers who provided her with a "Certification of Death" notice. She then took this to the DHA offices in Tsomo: "The officials looked at the certificate and asked me to find the chief of Tsomo village where my mom was buried and bring him to the DHA offices for him to witness that my mom was dead so that they could issue a death certificate. [When I asked him] the chief said he was busy. I could not delay my return to Cape Town so I had to leave Tsomo before getting the chief's signature and the death certificate".

Several issues compound the difficulties faced by children who are not resident with their biological mothers.

- If the biological mother's birth had never been registered, registering the birth of an orphaned or abandoned child becomes an almost insurmountable task.
- Child headed households present with additional challenges. According to an analysis of the GHS data for 2006 there are about 60,000 children living in CHH in South Africa (personal communication, Helen Meintjes, Children's Institute).
- The majority of orphans in South Africa live with their grandmothers. These elderly caregivers face particular challenges. Illness / disability make it difficult for them to travel long distances to Home Affairs offices, and illiteracy and knowledge gaps are more likely.
- Child mobility – related to caregiver illness or death, education seeking behaviour etc – leads to instances where children may be separated from their documents and/or caregivers may be unaware of the registration status of the children in their care

- Family feuds can create further barriers to access. Several research participants mentioned the fact that paternal and maternal families may end up arguing over the care of orphaned child relatives. A social worker explained that in such cases, one side of the family may have the necessary documents (eg. maternal ID and death certificate), whereas the other side of the family have the children. “This is quite common,” she explained, “and families won’t share documents with one another.” She said that the Department of Home Affairs won’t re-issue the mother’s death certificate to the children’s caregiver unless both sides of family are present and agree.

The procedure for processing birth registration in the absence of maternal identity in the two sites was unclear, inconsistent and often inappropriate. In many cases, procedures led to the exclusion of legitimate applicants. In the absence of appropriate DHA guidelines on this issue, HA officials tended to refer caregivers to social workers. The reliance on state social workers to assist with birth registration is extremely problematic. This is discussed in 12.3.3.

### **12.3.3 The reliance on state social workers**

The DHA handbook (Department of Home Affairs 2005) states (p.12) that “it is important that the notice of birth be given by one of the parents or the legal guardian. If neither of the parents or the guardian is able to do this, a person, requested by the parents or the guardian may give notice on their behalf. This person must have their written permission”. For birth notification of abandoned or orphaned children, the booklet states that a report from a social worker is required.

Section 12 of the Births and Deaths Registration Act, 1992, (Act No. 51 of 1992) states similarly that “The notice of birth of an abandoned child which has not yet been given, shall be given, after an enquiry in respect of the child concerned in terms of the Child Care Act, 1983 (Act No.74 of 1983), by the social worker or authorized officer concerned”.

In the absence of alternate policy provisions, many clients (mostly grandmothers) in Nongoma and Khayelitsha caring for (non-biological) children were referred to social workers for assistance. In both sites, this represented a dead end for many applicants and/or contributed to an already significant bottleneck in social services. The Department of Social Development simply does not have sufficient capacity to fulfill this function. Discussions with various departmental officials revealed the complexity of the situation. DHA officials complained that social workers refused to assist their clients with the necessary reports. An interview with the Department of Social Development shed some light on the matter.

### **# 13. Social workers and magistrates – a bottleneck to birth registration**

“When a case is referred to us from Home Affairs, the social worker has to investigate the home circumstances and then go to court with the client” explained a senior official in Nongoma. And the magistrate will issue a court order for the child to be in this person’s care. The client will then use the court order to get a BC. The social worker has to get all the information. It is a long process. Social workers have to investigate that there is no fraud or family conflict [over the children]. They need to investigate all of these things and the magistrate will be strict on these cases. You need a comprehensive report on that”. The official agreed that there were many caregivers, especially grandmothers, in this position but insisted that social workers could not just write a report for home affairs “only the magistrate can make the decision”. He explained further that “many people don’t want to go through this process, so they rather not apply for the grant. There are a lot of questions that the magistrate will even ask, maybe because of the high rate of criminals getting grants unlawfully”. “And,” explains the official, “the magistrate is only available on Wednesdays [for children’s court issues] and deals with a maximum of 20 cases” so the backlog is large.

The SASSA official explained that it was necessary to go via the courts to prevent fraud. “It is difficult to know the difference between fact and criminal activity. How do you distinguish this from criminal activities? A person can take any child and say that this is the child they are staying with

– there are a lot of stories.” When asked whether officials made allowances in cases where it was obvious that a grandmother was legitimately caring for her grandchildren under difficult circumstances and needed to access a grant, he replied that “in deep Zulu culture, we don’t accept these things. A grandmother can’t have 3 children and say you don’t know who the father is. Our culture doesn’t accept that. So the children end up being fed on the old age grant, because she can’t get the child grant, because no one is prepared to believe the story. The story is ridiculous – ‘the mother died in JHB, father is not known’. So, when this poor old lady comes in, no-one trusts her ...it is very difficult” He continues “people must make an oath to the magistrate. The social worker is unable to sign that she is sure that this is not criminal activity. And this is why the magistrate is involved in such cases and the procedure is so long and difficult that many people just don’t bother”.

Officials in Khayelitsha also mentioned the ‘reluctance’ of social workers to validate information on caregiving arrangements for birth registration purposes. In order to fast track the birth registration process for grandmothers, the Department of Home Affairs in Khayelitsha, together with a local NGO, developed a standard form. The form has three sections, to be filled out by the client’s street committee, ward councilor and the local social worker. “But,” said a Khayelitsha official, “sometimes the social workers don’t sign. They don’t want to bind themselves to the story told to them by a grandmother or other caregiver”.

In order for social workers to verify the information required by Home Affairs officials, they need to visit clients’ homes, conduct interviews and prepare written reports - a time-consuming process.

At the end of 2005, State and NGO sectors combined employed a total of 5063 social workers to deliver the full spectrum of social work services countrywide (including but not limited to children’s services). In contrast, the number of social workers needed to implement children’s services alone (based on 2005/06 figures) is between 8 656 and 47 305 - depending on service standards (Barberton 2006). In other words, to deliver our obligations to children alone, we need up to 9 times more social workers than the total number of social workers currently registered in SA.

Given the critical shortage of social workers nationally (and particularly in poor, rural areas), the requirement that social workers intervene to assist thousands of unregistered children to obtain birth certificates is not appropriate. This requirement is likely to exacerbate the problems of late / non birth registration and/or force applicants to falsely register children in the name of relatives who can “pose as biological parents” (see 11.3).

#### **12.4 Late birth registration for the elderly**

Late birth registration for the elderly is fraught with challenges. Challenges facing the elderly have particular relevance to children in the context of HIV/AIDS, where grandmothers are left to care for and support orphaned grandchildren following the death of their own offspring.

#### **# 14. Elderly Gugu cannot get an ID**

69 year old Gugu lives alone in a small brick house about 40 minutes drive from Nongoma town. She has attempted several times to apply for an ID. The most recent attempt was in March this year. A trained community worker employed by a local NGO assisted her, explaining the requirements and accompanying her to the offices. Gugu tells us that she was instructed to bring a ‘witness’ with the same surname who was at least 10 years older than her and who had an ID. She managed to track down a relative who duly testified in an affidavit that she knew Gugu and confirmed her identity and birth date. The long trip to town to complete the affidavit cost Gugu R40 for herself and her witness. She returned to town some time later to obtain a baptismal certificate, at a cost of R20. She paid another R20 for photographs and finally submitted her application. The Home Affairs official accepted the application but informed her that it was unlikely to be successful because her fingerprints were unclear. She explained that this is the reason her last application had been rejected.

Four months after submitting the latest application, Gugu made the long and difficult trip back to the Home Affairs office to check on the status of her ID. She was told that there is no record of her application on the system and that she should return the following month. Without an ID, she is unable to claim a pension and relies on piecework from neighbours.

Despite evidence to the contrary, she is hopeful that she will finally receive her ID book. She digs through a small chest filled with her worldly possessions, pulls out a folded envelope and carefully withdraws the 'acknowledgement of receipt' that was presented to her when her application was submitted. The document is blank.

A SASSA official in Nongoma sympathized with the elderly clients he had to turn away on a regular basis. "A person who is 67 years old and has never had a BC or ID now wants to get a grant, and has to start from the baptismal certificate and get witnesses. This costs money. The priest wants money for the baptismal certificate, and witnesses have travel costs". The principal of a local school agreed that this was a problem "Old people applying for the first time for an ID is a problem. This is taking a very long time. If you are over 50 and never had an ID you usually find that you don't get an ID".

### 13. The costs of 'free' enabling documents

DHA fees are subject to regular review and are updated from time to time in amendments to the regulations. At the time of going to print, the following fees were payable in respect of:

- First issue of ID, abridged birth certificate or death certificate - Free
- Re-issue of identity document – R15
- Re-issue of birth certificate / death certificate – R10
- Unabridged birth certificate – R50
- Temporary ID: R15,00
- Amendments: these vary from no cost to R275 for change of surname.

The real cost to the client of applying for enabling documents is however substantially higher.

#### # 15. 'Free' enabling documents are beyond the reach of the poor

65 year old Busisiwe lives with her husband, two of her five biological children and six grandchildren in a remote homestead 25 km from Nongoma, along barely passable roads. Her grand children's biological parents live elsewhere (two in JHB and one in Durban). Busisiwe was born in 1942 and has no ID. Her husband has an ID but it has the incorrect birth date. Her oldest son, resident with her, has an ID and is receiving a disability grant. He, along with another two of Busisiwe's children, got his ID with the help of relatives who 'posed' as biological parents, in order to circumvent the problem of Busisiwe's lack of ID. Busisiwe's other two children do not have birth certificates or IDs and, as a result, their children (4 of the 6 grandchildren in Busisiwe's care, aged 9, 13, 14 and 15 years) do not have birth certificates. The other two grandchildren (aged 2 and 4 years) have birth certificates but these are with the children's biological mother who abandoned the children with Busisiwe six months previously and fled to Johannesburg.

Busisiwe describes how she has been to Home Affairs in Nongoma at least 4 times to try to get an ID book. She used to have a pass book but that was lost and she has no other proof of her birth date. She speaks clearly and openly – remembering in detail the events surrounding her attempts to secure an ID book. "The first time was in 2002" she says. She used her customary marriage certificate to lodge her application. The official 'accepted' her application, along with the R50 fast tracking fee she was told to pay. She was not asked to bring any other documents or a witness. She was also not issued with a receipt of application. Not surprisingly, when she returned to Home Affairs to check on the status of her application she was told it had never been registered.

In 2006, she went through the process again, including the R50 payment for 'fast tracking'. No receipt was issued and, when she followed up 3 months later, there was no record of her application.

Her latest attempt was in January 2007. This time, she was told to come back with a 'witness' 10 years older than her who had an ID book and the same surname. She plans to return with a relative but is saving to cover the costs. The community worker explains on her behalf that the officials also require her baptismal certificate and a doctor's letter [for R150] confirming her age. This is apparently standard practice in Nongoma for clients over the age of 40 years, whose births have never been registered.

Busisiwe explains that she needs an ID book to get a pension and child support grants for the children in her care. Her husband does not receive a pension because his date of birth is incorrect on his ID, recording him as younger than he is. Without enabling documents, Busisiwe, her husband, her two children and six grandchildren survive on one disability grant.

For a household with no income, obtaining the enabling documents needed to secure income support is prohibitively expensive. Each return trip to Nongoma costs Busisiwe R24. She also has to cover the travel costs for her 'witness'. The baptismal certificate is R20. Home Affairs request R15 revenue stamps and R50 for 'fast tracking' the application. The doctor's letter will set her back another R150. For each application she also has to submit two photographs, at a cost of

R20 and produce photocopies of all supporting documents (50c per page). Assuming she manages to get her ID book, she will begin the long and arduous process of trying to obtain birth certificates and IDs for her biological children so that her grandchildren can access birth certificates. If the printer in Nongoma is out of order, the trip to Ulundi to print certificates will set her back another R60 – assuming she only has to do it once. The road ahead for this loving grandmother of 6 is lengthy and expensive. As it is, 3 of her grandchildren have already reached the cut off age for the Child Support Grant.....

Busisiwe's case is by no means unique. As an example, when we arrived at the remote homestead, there were 16 people waiting for us in the little mud and thatch hut. Some turned out to be neighbours who had heard we were coming to discuss 'Home Affairs'. They were hoping that we would be able to assist them in overcoming the seemingly insurmountable barriers to accessing enabling documents in this remote corner of KZN. After Busisiwe had finished her story, 3 others came forward with similar tales of extortion, lost applications, errors on documents etc. – all making the costs of applying outside the reach of the poor.

Busisiwe's story, along with accounts from many other clients, NGOs and state service providers, highlights several of the hidden costs (in addition to DHA charges) of obtaining correct enabling documents. These include:

- Travel costs to Home Affairs (often for a witness too) ~ ranged from R6 in Khayelitsha to R90 in Nongoma
- Obtaining supporting documents eg. baptismal certificates ~ R20; school extract letter ~ may require travel to another province
- Photocopy costs ~ 50c per page
- Photographs ~ R20
- Doctor's letter (required to address gender / age inaccuracies) ~ R150
- Costs of 'repeat' applications: Clients whose applications are lost or whose documents have incorrect details, are often required to lodge repeat applications at a cost. Costs are also incurred for 'second' applications if a birth certificate is not issued on the same day. A caregiver may for example return to a different service point (from where the application was made) to obtain a printout. In such instances, she will be charged for a second issue, even though it is the first printout that she is receiving.
- Illegal DHA charges such as R50 'fast tracking' fee
- Additional costs associated with obtaining a death certificate (an increasing problem in the context of HIV/AIDS) include the costs of transporting and storing a body in the mortuary. Undertakers may withhold the death certificate if clients are unable to pay.

And these costs do not take into account the months / years of lost income for clients who are unable to access social grants.

## 14. The benefits of collaboration

Improved collaboration between Home Affairs and other services is essential for the realization of birth registration targets in South Africa. Similarly, contact between caregivers and officials at birth registration points represent an opportunity to provide information on other important services.

The value of integrating birth registration and other service access has been highlighted internationally (UNICEF 2005; UNICEF 2007). In 2005, UNICEF completed a multi country study to estimate levels of birth registration in 66 developing countries and understand the risk factors associated with non-registration. The study emphasised the importance of integrating birth registration with programmes for promoting maternal and child health and early childhood development. "It is important to devise programmes in such a way that children and caregivers who seek health-care and education services are given information on how to obtain birth certificates. Conversely, health and education information and materials might be provided to parents and caregivers when they go to register their children's birth" (p:24).

This research documented several examples of programmes which demonstrate the benefits of collaboration between various departments, and between Home Affairs and NGOs. Some of these have already been discussed in 7.2 (non-traditional service points). This section provides a brief overview of other examples of collaboration identified through the research.

### 14.1 School based programmes

In both sites, the Department of Home Affairs ran successful registration campaigns through schools. In some cases, this involved large outreach programmes with a mobile unit and several officials. However, smaller initiatives were also documented in the sites. The project manager of one NGO for example simply transported a Home Affairs official in her car every Saturday morning, visiting a different school each week. In this way, she facilitated access to between 20-35 birth certificates every Saturday for children who would otherwise not have been able to access Home Affairs services.

Schools are accessible to children and caregivers, are able to round up sufficient numbers of children to make the trip worthwhile for DHA officials and are able to provide extract letters for children who do not have other proof of birth. Utilising schools as registration sites also assists the Department in preventing fraudulent applications.

The efficiency of birth registration (and ID applications) through schools could be enhanced through appropriate targeting. The Department of Education has a management information system (EMIS) which stores information on every learner, including whether learners have a birth certificate. Information is stored electronically on a central database. This information could be used by Home Affairs to target outreach to schools / school clusters where large numbers of children are not registered. Such collaboration would benefit both Departments. Improved access to birth certificates would lead to better grant uptake - a phenomenon associated with improved educational outcomes.

### 14.2 Jamborees

Another example of interdepartmental collaboration which promotes birth registration is the co-ordination of Grants Jamborees<sup>12</sup>.

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<sup>12</sup> Grants jamborees were initiated by ACESS and have since been adopted by several other organisations and Government Departments



A jamboree is an event that brings together all relevant Government Departments involved in grant access – creating a one-stop-shop for grant applications. This includes SASSA, SAPS, Education, Local Government, Justice, Social Services and Home Affairs. Using a central and easily accessible venue (usually a local school), departments come together over a period of 1-3 days. The jamboree supports and enables locals to apply for grants, and all the supporting documents necessary to submit a grant application, including birth certificates. By integrating applications for birth certificates with grant access, the jamboree creates an important (and much needed) incentive for birth registration<sup>13</sup>.

Several NGOs (including ACESS) have co-ordinated successful jamborees in sites around the country, processing up to 700 applications for enabling documents at each event. Jamborees take services to people who might otherwise not be able to access them, providing individual support to help clients negotiate their way through the system. A process that may have taken months, involving numerous departments and extensive travel at enormous cost to the client can be accomplished within a day at a jamboree, and at minimal cost to the applicant.

Apart from promoting access to enabling documents and grants, the jamboree presents an opportunity to raise awareness of other essential government services and benefits eg. immunisations and school fee exemptions.

The jamboree concept has been adopted by the Premier's office in the Western Cape and rolled out across the Province. There are opportunities to learn from and build on this experience.

### **14.3 Partnerships with NGOs**

Numerous NGOs and CBOs nationally have programmes in place to support clients in accessing Home Affairs documents. Unfortunately, timeframes did not permit an extensive review of these various initiatives but programme activities typically include one or more of the following:

- Providing clients with information on what they need in order to get Home Affairs documents
- Assisting clients with transport to Home Affairs offices
- Providing financial support to cover the costs associated with applications
- Assisting clients to complete application forms and prepare affidavits
- Helping clients to access the necessary supporting documents eg. school letter, letter from Induna etc.
- Facilitating access for clients to senior Home Affairs staff if necessary
- Negotiating with officials on behalf of clients
- Providing legal aid to clients
- Co-ordinating mobile home affairs units in particular areas
- Organising jamborees (discussed above)
- Bringing local problems to the attention of regional, provincial and national Home Affairs offices
- Facilitating Home Affairs services through schools
- Training, employing and supervising local community workers to help with document access (see below for more information on this).

NGOs in the two sites also played a critical role in bringing together the different government departments to address issues affecting clients. Where partnerships between NGOs and Home Affairs were functioning well, the benefits to clients and staff were immediately apparent.

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<sup>13</sup> Critical to the success of the jamboree, is the capacity of local Home Affairs offices to process the high volumes of applications within the prescribed time periods. There were complaints from clients who had lodged applications at jamborees in the sites that they were still awaiting their documents – in one case, more than a year after the jamboree.

Partnerships between non-governmental organisations and the DHA are essential to ensure access to enabling documents for vulnerable children and caregivers. Improved collaboration is needed in order to realise the full potential of this partnership. As a starting point, it is critical that civil society stakeholders are afforded the opportunity to provide input into the vision and design of the 'new' Home Affairs.

#### **14.4 Trained community workers**

"They help us to get clients who are demotivated with our services so we can be able to help them. The Department can't reach where they reach"

Home Affairs official in Khayelitsha

In both the case study sites, community workers played a critical role in facilitating access to enabling documents for the most vulnerable households. Most of these community workers were employed by NGOs and some were recruited in collaboration with local schools (drawing on unemployed parents of learners). Community workers provided information to caregivers – often at school events and through notices sent home with learners – on the importance of birth registration and on requirements for accessing documents.

Community workers accompanied clients to Home Affairs offices, negotiating on their behalf with officials if necessary. As described elsewhere in this report, clients accompanied by community workers had better access to senior staff than clients who were unaccompanied.

Community workers also assisted officials in the sites by completing application forms and following up on difficult cases. In Nongoma, community workers assisted officials in addressing birth certificate backlogs by accompanying Home Affairs staff on targeted outreach programmes.

There is a need to explore mechanisms (possibly through the Expanded Public Works Programme) to deploy trained community development workers in Home Affairs offices / at municipal level, to assist clients who are struggling and to help improve the efficiency and quality of services.

## 15. Plans to Turn Around the Department of Home Affairs

A review of Home Affairs's strategic plans, annual reports, briefings and press releases over the past 3-5 years unearthed a trail of activities and events intended to address many of the challenges highlighted in this research. Brief information on some of these is included in Appendix 1.

This section focuses on the most recent developments and the ones most relevant to the objectives of the rapid appraisal.

### 15.1 Intervention task team review

In 2006, the Minister of Home Affairs commissioned an internal review of the Department. An intervention task team was established, headed by Public Service Commission Director General Odette Ramsingh with support from National Treasury, the Department of Public Service Administration and the Public Service Commission (Minutes of Home Affairs Portfolio Committee meeting 23 August 2006 available at [www.pmg.org.za](http://www.pmg.org.za)). According to Minister Mapisa-Nqakula, the task team "shone the spotlight into every dark corner where we needed to see clearly and onto every single aspect of this big department that has to be fixed" (Budget vote speech 7 June 2007).

The task team's report is not available to the public (personal communication, Home Affairs Media Communication office, Pretoria), but information from the report can be pieced together from the minutes of various parliamentary briefings (DHA media briefing: 8 March 2007; DHA portfolio committee minutes: 14 Mar 2007). The team put forward several recommendations, including the need for the DHA to:

- Strengthen senior management across the Department
- Review organizational structures
- Implement short term initiatives aimed at improving service delivery and reducing pressure
- Establish monitoring and evaluation capacity so as to ensure informed decision making
- Conduct an audit of ICT systems and develop a longer term ICT strategy
- Review communication challenges and develop a communication strategy addressing internal and external communication needs
- Provide internal training on Batho Pele and staff codes of conduct
- Introduce regular quarterly reviews of performance against agreed strategic and business plans

The review of Home Affairs services enjoys high level support. President Thabo Mbeki referred to the turnaround of the Department of Home Affairs in his State of the Nation Address in February 2007, when he outlined the Government's intentions to "...bring the operations of the Department of Home Affairs to full capacity, by filling vacant posts, improving systems and implementing other recommendations of the Task Team". Furthermore, during his Budget Speech, Finance Minister Trevor Manuel pledged an additional R900 million to support the implementation of the team's recommendations ([www.pmg.org.za](http://www.pmg.org.za)).

In line with the recommendations of the Ramsingh report, a new DG, Mavuso Msimang was appointed in 2007. Msimang is the former CEO of SanParks and the State Information Technology Agency (SITA) and the 7<sup>th</sup> head of the Department in 13 years (Argus May 03 2007).

Another significant development emerging from the Ramsingh report was the rejuvenation of the Department's Turnaround Strategy, first devised in September 2003, and officially re-launched under new leadership in May 2007.

The remainder of this section focuses on this important initiative.

## 15.2 The Turnaround Strategy

The Turnaround Strategy is the Department's latest and most ambitious attempt yet at realizing its vision of becoming "the best delivery arm of government" (Minister's speech for budget vote 7 June 2007 at National Assembly). The strategy aims to create a "more efficient, customer- and business-friendly Home Affairs structure able to fight corruption effectively, deliver services on time, and serve the needs of the population" (quoted in IOL 22 May 2007 and 8 June 2007).

A turnaround team was established to further develop and implement the strategy. The team is headed by Kevin Wakeford (former CEO of South African Chamber of Business) and includes a task force from National Treasury (to assist with establishing sound financial processes), an IT panel, communications support, and a business re-engineering team with global managing consultant experts AT Kearney<sup>14</sup> and affiliate Fever Tree Consulting (IOL May 23 2007). With the turnaround team in place, the Home Affairs Minister has promised tangible changes by the end of 2007.

The transformation of the Department has been designed in three phases. Phase 1 (June to December 2007) involved the research and design of a new service model, to be piloted in Phase 2 (2008) and fully implemented in Phase 3 (2009). The objectives of Phase 1 were to:

- Understand existing challenges
- Design the future model
- Implement a series of 'quick wins' - activities designed to address immediate challenges and build momentum for change

In order to manage the process and achieve the objectives within tight timeframes, a number of workstreams (the number is subject to review) have been established. Each workstream is headed by a team leader from within the Department, coupled with an external management consultant. The workstreams fall within 4 broad categories, namely:

1. Quick wins
2. Governance and management processes
3. Future model design
4. Communications

Information on progress to date and future plans is presented below. Most of the information on the Turnaround Process obtained through the course of the research is considered (by the Department) to be confidential and could not be included in the report. The only official Departmental source on progress with Turnaround which the research was able to quote was a media briefing delivered by the Director General in September 2007. The information below is therefore a summary of this presentation (Department of Home Affairs 2007). It reviews progress and plans with quick wins, governance and management processes, future model design and communications.

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<sup>14</sup> AT Kearney is an international company specializing in turnaround strategies. They played a central role in the transformation of the South African Revenue Service and have specialized experience in the field of Home Affairs.

### 15.2.1 'Quick Wins'

Six areas of intervention have been identified as priority 'quick wins' in the Turnaround process. Five of these are particularly relevant to civic services (the sixth being the redesign of refugee and permit processes). Further information on these quick wins is presented below.

1. **Roll out of Track and Trace:** There are several references in the report to the Department's Track and Trace System. One of the Turnaround Quick Wins involves the further development and roll out of Track and Trace as an internal management tool and external customer service tool. Track and Trace roll out started in August 2007. Achievements to date include (Department of Home Affairs 2007):

- New printers and scanners for bar coded receipt slips at 330 offices countrywide
- Adjudication of tenders for a state of the art new Call Centre
- Training of front office staff
- Automated SMS system to notify customers when an application is captured
- System in place to enable customers to check on the progress of applications via SMS and the DHA website

Full implementation of Track and Trace is expected by February 2008.

2. **Redesign and optimise the ID process:** The objective of this workstream is to create a new streamlined ID production process that is fast, efficient, customer friendly and with shorter and reliable lead times. According to the Director General (Department of Home Affairs 2007), the Department has thus far managed to improve productivity through:

- Increased efficiency of staff
- New fingerprint scanning machines
- Better utilisation of existing image capturing machines

Additional actions to be taken in the coming months include:

- Front Office Checklists for all applications
- A review of front office dispatch processes and policies
- A single service courier (Pick Up & Delivery)
- Centralised budget for Courier Services
- Postal Receipts Streamlining
- Online verification pilot
- Increased verification capacity (Install spare machines)
- Amalgamation of rectifications & amendments (currently managed by two different teams)
- Digitising of ID photos

3. **Review and stabilize IT systems** to create Technology Architecture that will support the future business model. To date, the department has consulted international experts, reviewed and prioritized all IT projects and completed the first cut of a high level IT architecture design. The Department is reviewing several innovative possibilities, including the possibility of placing DHA terminals in convenient locations (such as supermarkets, ATMs etc.) and ways of facilitating online ID applications.
4. **Review key contracts and service level agreements** to address current problems and ensure compliance with service standards. This will include the service agreement with the post office for the delivery of ID books.

5. **Evaluate all potential areas of risk in HA:** The Department identified and prioritized 58 high level risks facing the Department. The top ten include:

- Threat of loss of information
- Threat of corruption and fraudulent activities internally and externally due to work processes not being secure
- Threat of forged documents being created due to limited security features of existing enabling documents
- Threat of unauthorized and/or malicious systems access due to limited controls
- Threat of accidental or purposeful (fraudulent) misrepresentation of financial statements
- Threat of IT system outage (e.g. due to electricity, hardware failure, network issues, etc.)
- Threat of a large Influx of refugees due to political or economic instability in other African countries
- Threat of unauthorized release of DHA information
- Threat of a bomb or other facility threat (e.g. gas, arson, etc.) to a DHA facility (e.g. terrorism, disgruntled employee, etc.)
- Threat of the public continuing to waste government resources due to failure to improve public awareness of the value attached to enabling documents

The turnaround process will prioritise addressing these risks. Interestingly, poor service access and quality / customer care was not included in the list of top ten threats.

### **15.2.2 Governance and management processes**

The overall goal of this workstream is to improve operational management. Specific objectives include:

- To improve the ability of managers to take effective decisions
- To improve supervision
- To instill a culture of accountability and assumption of responsibility
- To improve the effectiveness and efficiency of operations

To date, the Department has implemented an operations management pilot project and trained 80 managers and officials in effective operations management within this pilot. The Department reports significant increases in productivity and staff morale as a result of these interventions.

The next steps include plans to broaden the pilot project to other key operational zones and to finalise the optimal design for senior management structures.

The Department is also undertaking a full financial and audit clean up to ensure compliance with financial control and management standards and to reduce fraud and corruption.

### **15.2.3 Future model design**

The objectives of this workstream are to:

- Define a vision that is centred around service delivery and the customer
- Construct the future operating and organizational model that will deliver these performance requirements
- Develop a pragmatic implementation plan to drive DHA from its current state to its future state

Recommendations from this 'vision and design' team were informed by a 'current state analysis'. The analysis included a review of organisational structure, local and international best practice, core and support processes, costs, the DHA footprint, the appropriateness of the legislative framework, and a rapid assessment of customer needs (703 DHA clients were interviewed at 19 service points).

Drawing on the current state analysis, the team will put forward a series of recommendations for improvements to core processes, including birth registration.

Through electronic correspondence and a series of planning meetings with the Turnaround Task Team, preliminary findings from this rapid appraisal were fed into the future model design.

#### **15.2.4 Communications**

A media and communications workstream is responsible for strengthening both internal and external communication. Findings from this research suggest that this component of Turnaround needs to be strengthened.

Of particular concern is the fact that the Turnaround Task Team did not build in sufficient time or resources for adequate consultation with key civil society stakeholders. This is a process shortcoming which needs to be urgently addressed.

## 16. Conclusion

The Department of Home Affairs has long been considered one of the weakest arms of Government. At the same time, its mandate makes it an essential component of a full service package for children. Addressing inefficiencies and corruption within Home Affairs is therefore high on the Children's Sector agenda, and recent efforts by the Department to resolve core issues are welcomed.

This appraisal describes the barriers to enabling documents for communities in poverty, and illustrates the impact of these barriers on children and caregivers.

Within the context of poverty and HIV/AIDS, timely access to enabling documents takes on a new level of significance. Large numbers of children are only resident with a biological parent(s) for the first few years of life. Thereafter, mobility, employment seeking, illness and death separate 26% of children from their biological mothers. In the absence of a biological mother, the birth registration process is complicated significantly. Obtaining enabling documents for unregistered orphans presents near-insurmountable barriers for caregivers. Challenges are compounded by caregiver illiteracy, poverty and HIV/AIDS related stigma. As such, it is imperative that efforts to support birth registration for all children at birth, or as soon as possible thereafter, be strengthened. Significant strides have been made over the past few years, to increase the proportion of births registered within the year of birth - but more remains to be done. Towards this end, this report makes several recommendations.

Strengthening early birth registration services will ensure that we are not faced with a growing population of unregistered children and young adults in the future. However, the reality is that we already have a large population of unregistered persons whose needs are currently not being met. In addition to strengthening early birth registration services, we therefore need urgent and interim measures to address the current backlog of unregistered children and adults. Such measures must take into account the special needs of particular groups of children, including children in the care of the elderly, children who have been orphaned, children of children, and children living in child headed households.

Underpinning both immediate and long term solutions to civic services is the recognition that the DHA has a dual mandate. While this appraisal did not review immigration services, many of the challenges to accessing enabling documents for South African children stems from the increasing demand for citizenship from neighbouring countries. Efforts to keep out illegal immigrants inevitably create barriers for legitimate applicants, and increase the incidence of exclusion errors. The cost-benefits of anti-fraud measures for both the Department and its clients need to be carefully considered in the design of an appropriate service model.

Importantly, most of the issues documented through this research have been highlighted in various departmental documents and initiatives over the past few years. The department is therefore cognizant of many of the service challenges facing children and caregivers and has instituted measures to try to address them. It is hoped that this report will contribute to the Department's Turnaround process and, in particular, ensure that the special needs of vulnerable children are met.

The success of the new service model will depend in large part on the partnerships that are forged between various stakeholders. Improved information sharing and collaboration between various Departments and between the DHA and the non-governmental sector is essential. Such partnerships will help to curb fraud and corruption, improve service access for the poor and ensure that all eligible children enjoy their right to a South African identity, and its associated benefits.



## 17. Recommendations

This section pulls together the recommendations related to key issues discussed in the body of the report. In particular, the recommendations aim to ensure access to quality services for children and caregivers living in communities affected by poverty and HIV/AIDS.

### 17.1 General comments regarding the Turnaround Strategy

- In order to ensure immediate relief for vulnerable groups, while at the same time instituting long term systemic reform, the Turnaround Strategy should consider **two parallel processes**, providing:
  1. Interim services to address backlogs and system errors, with a focus on particularly vulnerable groups and communities. Once the backlog is addressed, these services may evolve into specialized units addressing the (hopefully) low volume of current cases requiring high intensity support.
  2. Longer term systemic reform to establish and maintain quality, uniform and accessible ongoing services for all. These would focus on high volume, 'mainstream' cases. Where possible, current challenges which are relatively common in particular communities should be mainstreamed.
- Given the low staff morale and poor public perception of Home Affairs at present, there is a need to publicly **profile service points of good practice and expose poor practice**. This would create opportunities for learning and mentorship and publicly demonstrate intolerance of client rights violations. A public awareness campaign on client rights would also strengthen the demand side of services, encouraging clients to come forward to be registered and to report good and poor practice at service points.
- As of January 2008, the DHA will enter the piloting and implementation phase (Phase 2) of the Turnaround Strategy. **Planning for Phase 2 should:**
  - **Prioritise areas of high need**, possibly through community profiling, to ensure immediate benefits for the most vulnerable communities.
  - Carefully **pilot** all proposed interventions within different service contexts. Pilots should be cognizant of the potential for client confusion and should include client opinion surveys and consultation with other service providers (governmental and non-governmental).
  - Include **client awareness** and education campaigns targeting, amongst others, pregnant women, elderly caregivers, and children (school-based registration awareness campaigns).
  - Ensure that **no provisions are retrogressive**.

### 17.2 Legislative and policy framework

- There is a need to **revisit the complex legal and policy framework** that currently governs the Home Affairs mandate to:
  - Consolidate and simplify the legal framework
  - Address gaps in policy provisions eg. registration of large volumes of children who do not have maternal identity papers
  - Synchronise various documents for consistency eg. what constitutes 'late registration'

- The regulations should provide **sufficient guidance to ensure consistency** but also allow for flexibility in administration at local level, so as to enable officials to respond appropriately to local needs.

### 17.3 Outreach services

Outreach services, particularly in rural communities, could address many of the access challenges identified through this research.

- The design and management of **mobile units** needs to be reviewed in light of the numerous challenges described in this (and other) research.
  - It may be worth exploring the possibility of **simplifying mobile ‘units’** for low volume outreach services and for traditionally hard-to-reach communities. These ‘units’ may consist of a single Home Affairs official with the necessary forms, a laptop (with satellite access to the National Population Register) and a printer. Developments in cell phone and related technology (such as 3G cards) present exciting opportunities for creating more flexible and unencumbered mobile services. The Department could explore partnerships with business (such as MTN, Vodacom etc) to ensure network coverage in all geographical areas. Such partnerships would benefit other departments (such as SASSA) facing similar access challenges.
  - It would also be worth exploring the possibility of **cross-departmental appointments**. As an example, a cadre of officials could be trained in both grant application and birth registration processes and have access to the SASSA database and the National Population Register. Such officials could service low volume areas (where it may not be worth sending an official only to register births for example), improving cost effectiveness and enabling both departments to extend their reach to the poorest communities. Registering births and grant applications simultaneously would also provide the motivation for birth registration and help to reduce fraud by targeting applicants at places (such as clinics and schools) where identity can be verified.
- **Hospital based online registration** needs to be strengthened:
  - In order to **improve awareness and uptake** of services, there is a need for better signposting and visibility of online registration services at health facilities, better alignment of services with discharge from the maternity unit, birth registration awareness campaigns through antenatal and postnatal care, and basic training of health workers on birth registration processes and requirements.
  - Online hospital registration currently targets newborn babies and (in some instances) children up to the age of 1 year. In order to extend the Department’s reach, and make more effective use of deployed staff, hospital registration services should be **expanded to accommodate all children admitted to hospital** (a particularly vulnerable group) and those utilising outpatient facilities<sup>15</sup>. At initial assessment / admission, hospital administrators could include a question on birth registration status and – if necessary and appropriate – refer caregivers to hospital-based registration facilities. Such partnerships would have mutual benefits for both departments. As demonstrated earlier, non-registration is a significant barrier to grant access and poor grant access is associated with poor health outcomes (particularly nutritional outcomes) in children. Improved birth registration could ultimately reduce the burden on health services.
- Outreach services through **schools** could be strengthened and integrated into planning within both Education and Home Affairs Departments. The Education Management

<sup>15</sup> For children between the ages of 1 and 6 years health workers often represent the only contact point with a state service.

Information System (EMIS) collects information on every learner, including birth registration status. Information from this system could be used to target particular schools / school clusters with high volumes of unregistered children. School-based registration campaigns could also specifically target children entering the school system at the beginning of the school year. Recent developments in learner and school information systems within the DOE make such collaborations timely.

- Importantly, strong outreach services - targeting schools and health facilities - may begin by accommodating the 'exceptional' cases but could well develop into the primary means of registration for rural communities. If caregivers are able to access quality services 'close to home', they are less likely to travel the distance to Home Affairs offices. Efforts to enhance outreach could therefore **shift the emphasis from office-based applications to outreach-based registration**, reducing the pressure on Home Affairs service points. Customer surveys to assess demand for outreach services would enable forward planning in this regard.

#### 17.4 Client care and communication

- Home Affairs staff needs to be trained and supported to deliver services in line with **Batho Pele principles**, and amenities at service points need to meet basic standards (eg. clean toilets, water supply and sheltered seating areas for waiting).
- The research documented poor communication with clients as a key challenge. **Basic information that should be accessible** (in appropriate languages) and visible to all clients at HA service points includes:
  - Information on the range of services provided. If the service point does not offer full services, information needs to be available on the closest available service point for full services
  - Information on costs
  - Information (in the form of handouts, posters etc.) on requirements for each application, including the full range of alternatives, if appropriate
  - Information on customer rights and departmental obligations
  - Information on the issuing of receipts with mock ups of receipts on large posters so that clients know what information needs to be included
  - Information on what clients can and should expect from officials eg. all officials wearing badges, turnaround times etc.
  - Information on the application process, outlining every step of the process and encouraging clients to check all information for possible errors
  - Information for clients on what to do if they need further assistance or are dissatisfied with the service provided. It is important here to provide a local and external contact point for dis-satisfied clients.
  - Information on who to contact in the event of observing / experiencing extortion or corruption (eg. contact details of the fraud and corruption unit).
- A range of mechanisms are needed to improve client relations and to **better manage the client service interface**. These include innovative queue management systems, better trained front office staff, easy access to support personnel (in unusual / difficult cases), a trained cadre of community development workers at all fixed service points, and mechanisms to deal promptly and effectively with client complaints.
- Improved feedback loops are necessary to keep **clients informed of the status** of their applications and to alert clients as soon as possible if further information / documentation is required. To this end, every application form should capture the contact details of the client so as to enable officials to contact the client with information on their application.

- There is a need to reframe thinking around unregistered South Africans. At the moment, the default assumption is that unregistered persons are non South African citizens, and the emphasis is on preventing errors of inclusion. **Clients should all be treated** with respect and assumed to be innocent (of any illegal activity) unless proven to be guilty.
- Every fixed service point should have a **'trouble shooter'** (a help desk in larger offices and a senior official in the case of smaller offices) to deal with complicated or suspicious cases. This person should have the authority to exercise informed discretion and should have a fixed contact point at head office to deal with queries. The 'trouble shooter' could be assisted by a cadre of field workers / community development workers (along similar lines to the investigating officers employed by the Department of Justice to investigate maintenance claims<sup>16</sup>). These community workers could conduct home visits and interviews with relevant authorities (eg. school principal, local induna etc.) to verify information from clients in the absence of the necessary documentary proof, or in cases where officials suspect fraud. Importantly, the onus should be on the Department to investigate applications which are deemed suspect. The Department of Home Affairs cannot rely on other Departments (such as SAPS or DSD) to attest to the legitimacy of clients' applications for birth registration or ID. Similarly, the Department cannot simply turn away applications which are suspicious without conducting an investigation. This is important, not only to ensure that legitimate applicants are helped, but to address the problem of fraudulent applications. Fraudulent applicants who are turned away from one office will simply apply again at another office, having learnt from the first experience.

### 17.5 Cross cutting service issues

- In line with service norms and standards, all fixed service points should offer full services.
- In order to improve efficiency in the delivery of services, there is a need to **decentralise more** of the functions associated with high volume cases, including common problem cases which currently fall outside of the 'norm'. Staff at service points needs to be equipped with the necessary authority and skills to deal with the range of 'difficult' cases typically occurring within particular types of communities.
- The core process analysis undertaken by the Turnaround Task Team emphasized the need to **simplify the ID process**, reducing the number of handovers from point of application to dispatch. Furthermore, electronic backups of all new applications should begin with immediate effect.
- **Internal communication mechanisms** within the DHA need to be improved with, for example, an internal newsletter, improved email access for all senior staff, an active intranet and well functioning feedback loops from local service points to provincial co-ordinators responsible for designing and facilitating staff training.
- **Inter departmental communication** at national and local levels needs to be strengthened to ensure that clients are not pointlessly referred from one service to another, and to strengthen collaboration and service integration. In instances where one Department requires information or support from another (eg. HA require that SAPS complete affidavits and that Health workers provide correct clinic cards), clear guidelines should be provided on what information needs to be included and who to contact in the event of a problem.

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<sup>16</sup> Home Affairs is already involved in a national programme to deploy community development workers to facilitate access to state services. The management of this programme needs to be revisited to improve effectiveness.

- Management of **stock and equipment** requires a major overhaul at service points, including traditional and non-traditional points. Office managers (and acting managers) need to be trained on simple stock management and requisition systems and should be held accountable for any disruption to services resulting from poor stock management. Clients should not have to bear the costs of extra travel expenses that result from poor office management on the part of Home Affairs officials.
- Clear **guidelines are needed for all HA staff on application requirements and procedures** in order to ensure consistency. Every member of staff should have a copy of these guidelines in a format (such as a file) where individual sections can be easily updated in the event of a change in process, requirements, costs etc
- Senior officials at every service point should have a **fixed contact person** / people at regional and/or national level for service / process queries.
- **Receipts should be issued for all applications** (including birth certificates) that are not processed within the same day. Receipts should include sufficient information to trace the individual who handled the application and the date on which the application was made. It should also record any payments that were made in respect of the application. All follow up visits by the client to check on the status of the application should also be recorded on the receipt. Any application which exceeds the prescribed waiting period should automatically be referred to a specialized unit for follow up.
- If information on an application form, accepted by a DHA official, is missing or incorrect, the **onus is on the department to contact the client to correct / complete the information**. Every reasonable effort should be made by the department to timeously advise clients of the problem and to assist clients in rectifying it.
- **Lost applications** should be dealt with as a matter of priority and clients should be compensated for all related costs, including photographs, copies of supporting documents and travel expenses.

## 17.6 Document errors

- Regulations are needed to clarify under what circumstances errors on enabling documents will be **corrected free of charge**. These should include reference to compensation for clients who are inconvenienced by departmental errors. Under no circumstances should a client have to incur any costs resulting from an error on an enabling document made by a departmental official.
- An investigation is needed into the extent of **duplicate ID** documents and the underlying reasons for duplication. Duplicate identity documents that result in clients losing or being unable to apply for a social grant should be treated as a matter of urgency. The onus is on the department to investigate and resolve the matter within an acceptable period of time. Where access to a grant is at stake, interim measures should be put in place, while the matter is being resolved, to ensure that the child and his/her caregiver receive the necessary support. As an example, if a Child Support Grant is stopped because of a duplicate ID, the family should be issued with food parcels through the social relief of distress programme until such time as the grant is reinstated. The household should also be compensated retrospectively for lost income.
- In order to **reduce the likelihood of errors**,
  - Information should ideally be entered directly onto the computer for each client at the point of application. This could be done by clerks / assistants / clients themselves at

computer terminals in Home Affairs offices. Clients would then be given the opportunity to verify the information on a print out, and sign and fingerprint the document. This would significantly reduce data capturing and handwriting related errors.

- For illiterate clients, a second official / community worker should be asked to verify the details with the client.

### 17.7 Fraud, corruption and extortion

- Improved mechanisms are needed to address fraud and corruption amongst Home Affairs officials. These may include **random fraud audits** and high profile prosecutions of corrupt officials.
- **Access to recourse** for clients who have been victims of corruption or extortion is essential. Importantly, clients should be encouraged and enabled to report corrupt behaviour and should not be expected to provide irrefutable evidence of corruption. Contact details of the fraud and corruption unit should be made visible at all service points.
- It is also essential to ensure that no one official has absolute power / authority in a transaction. Random verification processes by senior officials might assist in this regard.
- Furthermore, simple systems are needed for systematic monitoring of office performance against agreed criteria.

### 17.8 Birth registration

- Birth registration is an **essential** cog in the service wheel. Every child's birth should be registered by the time they enter school.
- In order to improve early registration of births, **better alignment with other services** and benefits is needed through innovative programme planning. Linking birth registration to grant access for example (with awareness campaigns and joint service points) would create an immediate incentive for caregivers to register their children while at the same time improving access for children to essential services and support. This is in line with international best practice and with South African policy directives for integrated service delivery.
- The birth registration model should take advantage of key intervention points in a young child's life. These **critical junctures** provide opportunities for birth registration to be promoted through information, awareness raising campaigns and mobile / deployed online registration services.
  - In particular, the child and his/her caregiver typically comes into contact with a state service point:
    - **Around birth**, including antenatal care and delivery at a maternity unit
    - Through the **immunization schedule**, requiring regular visits to a state clinic (ages 6 weeks to 18 months)
    - At **school intake** / registration (ages 6 years upwards)
  - Particularly vulnerable children (especially those between the ages of 18 months and 6 years) may also be identified through **hospital contact** (as discussed earlier). Children admitted to hospital for malnutrition, HIV-related opportunistic infections etc. represent the population of children that are least likely to be registered. Queries on registration status, and appropriate referrals, could become standard practice for all hospital admissions.
- Requirements and options for **proof of birth**:

- Requirements / options for proof of birth need to be more clearly articulated in the regulations and well communicated to clients.
- Reasonable proof of birth should include one or more of the following, where appropriate:
  - Clinic card
  - Maternity certificate
  - School extract letter from primary school or secondary school
  - Information on employment history
  - Interviews with persons of standing in the community who can attest to the child's existence and parentage
- Acceptance of a baptismal certificate is problematic and should be considered with caution.
- If caregivers struggle to provide reasonable proof of birth (eg. elderly caregivers of orphaned children) or if the Department is suspicious as to the child's existence or citizenship status, the onus should be on the Department to verify the information provided by the client through an investigation of some kind (possibly utilizing the field workers / community development workers mentioned earlier). No client should be prevented from registering a child's birth because of lack of information. Such a client is either attempting fraud (in which case an investigation is essential) or is legitimately trying to register the birth of a South African child who has a right to have her birth registered. Within reason, there needs to be some flexibility within the regulations to allow for informed discretionary decisions on the part of local officials following an investigation.
- The provisions governing **paternal identity** need to be reviewed. In particular, the requirement that the father accompanies the mother to register the birth of a child in his name (if born out of wedlock) presents a challenge to two particular groups of children:
  - Children whose fathers live / work away from home (eg. migrant labourers) – in such cases, the department could provide an option for fathers to verify paternity at their closest Home Affairs office and not necessarily at the same point where the child's birth is registered.
  - Children who are recorded (on proof of birth documents eg. clinic card, school register) as having their fathers' surname but whose fathers are absent and not contactable (eg. where the father has abandoned the family or his whereabouts are unknown). In such cases, a standard and simple procedure needs to be in place to enable the mother to register the child on her name, despite the fact that supporting documents record the child as having his/her father's surname<sup>17</sup>.
- Given the challenges associated with registering a child (born out of wedlock) in the name of the father, the mother should be informed, during antenatal preparation and prior to writing the child's name on the clinic card, of the options available to her and the implications of each.
- There is also a need to review the regulations governing **maternal identity** for birth registration.
  - Provisions need to be made to accommodate birth registration for children who are not in the care of their biological mothers (the mother may be deceased or her whereabouts unknown). The current reliance on social workers to verify information on the child is untenable. Community development workers (mentioned above) could conduct investigations, performing a similar function to the investigating officers employed by Justice.
  - Provisions also need to be made for birth registration of children born to (particularly young) mothers who do not have identity documents. Efforts need to be made to

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<sup>17</sup> There are cultural sensitivities around the naming of a child which need to be considered and, where possible and appropriate, accommodated.

facilitate and fast track ID applications for expectant mothers. Furthermore, mothers with pending ID applications should be allowed to register the birth of their babies using their own birth certificates as proof of identity.

- Birth certificates should include as much detail on the child as possible. If possible, the Department should issue **unabridged birth certificates** at first application, and do away with the abridged certificate. The unabridged version contains full details of biological parents which will help to curb fraudulent grant applications and ensure that full details are already on the system when an ID application is lodged. This will require that officials capture more information on every applicant at intake and that the NPR interface at service points is adapted accordingly. Capturing full information on the child at first registration may be more time-consuming but will help to reduce duplicate registration and fraud and ensure access to vital information for children who are later orphaned or abandoned.

### **17.9 Collaboration and service integration**

- As has been mentioned earlier, improved collaboration and innovative programme planning between departments is needed to strengthen integrated service delivery for children, including access to birth registration.
- Linked to this is the need for improved information tracking and verification between various departmental databases<sup>18</sup> eg. the DOE's EMIS, the DHA's NPR, the DOH's birth records and SASSA.
- And finally, there is a need to strengthen and institutionalise partnerships with non-governmental organisations in the new service model, building on successful interventions such as interdepartmental jamborees and the deployment of trained community workers.

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<sup>18</sup> Such integration should not however compromise the integrity of each database or the confidentiality of the client.



## 18. Appendix 1: Other Departmental initiatives to address service challenges

Numerous activities have been initiated over the past few years to address the shortcomings in Home Affairs service delivery and access. Between 2004 and 2007 the Department has, amongst others:

- Conducted an internal review and established the turnaround task team.
- Instituted several changes in top management and restructured the Department
- Launched a national birth registration initiative, including online birth registration at State Hospitals and other MOUs, and activities to increase registration of children through community outreach initiatives
- Introduced the Home Affairs National Identification System (HANIS) and the Automated Fingerprint Identification System (AFIS) to digitalise all fingerprints, including 30 million back records.
- Electronically linked all DHA offices through the Electronic Document Management System
- Participated in the expansion of Multi-Purpose Community Centres with General Services Counters (GSCs) which are gateway-enabled through internet connectivity.
- Introduced the Track and trace system - a management tool to help speed up ID processing and combat abuse. The system allows managers to monitor progress of ID applications in the Department, through every stage of the process from the moment the application is lodged until it is delivered to the applicant. If necessary, managers can even speed up the process. It also allows managers to establish which home affairs officials have been involved at each stage of the application (Ministers Budget Vote briefing June 07).
- Built model offices in each province, including model infrastructure and systems
- The Department has launched a number of campaigns to strengthen adherence with Batho Pele principles. These include:
  - The client is always right campaign
  - A review of current service standards
  - The introduction of name badges for all officials through the “nametag campaign”
  - Flexi-hour system introduced to enable offices to stay open extended hours of the week and on weekends
  - Internal and external signage for all DHA offices
  - Pilot client service centres developed into 24 hour service points
  - Identification and institutionalisation of best practices
- Conducting investigations into the use of Smart ID cards
- Increased the number of mobile units – see 7.2.2 for more information on this
- Launched the Lokisa Ditokomane Campaign (Dec 05) to facilitate the correction of errors on documents, at no cost to the client. 205 924 applications were received for rectification of personal particulars (Department of Home Affairs 2006).
- Undertook various initiatives to improve monitoring and evaluation within the Department and establish viable and compatible M&E systems across departments (Statement issued by Richard Levin, DG Dept of Public Service and Administration 5 July 2006)
- Invested time and resources in upgrading outdated IT systems and equipment
- Initiated / participated in several programmes to improve Human Resource capacity, including:
  - Efforts to fill vacant posts
  - Staff development and training programmes, with an emphasis on ensuring competency at management level and upgrading posts where necessary eg. posts for front office staff.
  - Home Affairs was one of 5 Departments targeted for accelerated development of middle managers - part of the Government’s Programme of Action for 2006 (Public Service and Administration DG Prof Richard Levin speech, July 2006)
  - Developed tool for managing performance and addressing poor performance

- Involved in the National Youth Service Programme and internship programme – providing internships for unemployed matriculants and graduates between 18 and 35 years. (Deputy Minister’s budget vote speech, 7 June 07)
- The Department has developed a Counter corruption plan with a corruption investigating unit and a whistle blowing policy. Several high profile arrests have been made.
- The DHA established the National Immigration Branch (NIB) and instituted various immigration and refugee activities (not covered here)

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