CHILDREN'S RIGHTS AND THE MEDIA

A RESOURCE FOR JOURNALISTS

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ABBREVIATION	ORGANISATION
ANC	African National Congress
CAPFSA	Childhood Accident Prevention Foundation of South Africa
CRC	Convention on the Rights of the Child
DPSA	Disabled People of South Africa
FAMSA	Family and Marriage Association of South Africa
IDASA	Institute for Democracy in South Africa
NCRC	National Children's Rights Committee

NPA	National Programme of Action (for Children in South Africa)
NPASC	National Programme of Action Steering Committee
OAU	Organisation for African Unity
PPASA	Planned Parenthood Association of South Africa
SANEL	South Africa National Epilepsy League
SAHRC	South African Human Rights Commission
UN	United Nations
UNICEF	United Nations Children's Fund
UNCRC	United Nations Committee on the Rights of the Child
WHO	World Health Organisation

THE ROLE OF THE MEDIA

We start the 21st century with a vision for the children of the world: that every one of them without exception - lives a full and healthy life, with rights secured and protected from poverty, violence and discrimination.

UNICEF's Report on The State of the World's Children 2000

Informed, sensitive and professional journalism is key to the promotion and protection of children's rights.

The aim of this booklet is to provide media professionals with a practical resource for reporting on children and children's rights. It encourages the media to re-examine the way in which children's issues are covered and raise the priority accorded to children in print and broadcast media. It is a source of factual information and reliable statistics and provides contact details of individuals and organisations working for children's rights to make it easier for media professionals to source reliable expert opinion.

It is hoped that journalists will use this guide to cover children's issues in a way that:

- will be informative and challenging, rather than sensational;
- portrays children's issues more accurately, with greater depth;
- considers children as important subjects for the media;
- respects children as productive citizens;
- enables children to contribute a greater voice in the media.

Children's rights are human rights, but children are not always recognised as citizens with such rights. According to UNICEF, "Human rights are not something a richer person gives to a poorer person; nor are they owned by a select few and given to others as a mere favour or gift. They belong to each and every one of us equally, and need to be protected".

While significant progress has been made over the last century, children's rights are still violated daily. UNICEF reports that at the start of the 21st century the world has more children living in poverty than it did ten years ago, has more wars and instability and that children remain the most vulnerable and susceptible to abuse of rights. The reality experienced by children in South Africa and the world confirm the need to protect children's rights (see chapter on Status of South African Children on page 37).
Despite the many hurdles inherited from the apartheid era, many gains have been made since the advent of democracy in South Africa. The government has ratified international treaties and has national plans to promote and protect the rights of children. However, far more needs to be done. Despite the dire circumstances faced by many South African children, they do not form a

powerful political lobby and are often unable to advocate themselves for basic childcare needs, more effective delivery of services and for the protection and promotion of their rights in general.

Media, therefore, has a crucial role to play to:

• raise awareness of children's rights and responsibilities;
• ensure children's rights are promoted and protected;
• report on failures and neglect;
• highlight successes;
• hold government and society accountable to the commitments made and goals set to promote and protect children's rights.

Furthermore, by providing children with opportunities to speak for themselves about their hopes and fears, their achievements, and the impact of adult behaviour and decisions on their lives, media professionals can improve the representation of children's issues.

The challenge is to cover these issues within the context of journalist independence and in a manner which respects the ethical issues involved. The purpose of this resource is to assist the media in meeting these challenges.

CHILDREN'S RIGHTS AND RESPONSIBILITIES IN SOUTH AFRICA

"The children of any nation are its future. A country, a movement, a people that does not value its youth does not deserve its future."
- Oliver Tambo, President of the ANC (1967-1991)

Children's Rights in South Africa are enshrined in:

• The Constitution
• The Convention of the Rights of the Child
• The World Summit on Children
• The South African Children's Rights Charter
• The African Charter on the Rights and Welfare of the African Child

The Convention on the Rights of the Child

"The Convention is not only a visionary document. We are reminded daily that it is an agreement that works - and its utility can be seen in the everyday use to which I have seen it increasingly being put by country after country, in policy, in practice and in law."
- Carol Bellamy, UNICEF Executive Director.

The United Nations Convention on the Rights of the Child (CRC) was unanimously adopted at the UN General Assembly on 20 November 1989. It is the most widely and rapidly ratified human rights treaty in the United Nations' history. All countries have signed the CRC and every country except Somalia and the USA has ratified it.* South Africa signed the CRC in 1993 and ratified it on 16 June 1995.

The CRC is considered to be the most powerful legal instrument for the recognition and protection of children's rights and is the basis on which countries plan their programmes on children's rights.

*Signing international conventions implies an intent to accept the terms of the convention at a later stage, with an obligation on the state to harmonise policies, programmes and legislation to the standards of the convention. Ratification implies a legal obligation on the part of the country to adhere to the terms in the convention. This usually involves incorporating the convention into domestic law or as the constitution stipulates. Governments are legally bound to forward regular reports to the UN Committee on the Rights of the Child (UNCRC).
The CRC has positioned children's rights at the forefront of the struggle for human rights and social justice. Its fundamental guiding principle is that "the best interests of the child shall be a primary consideration in all actions concerning the child". This is what is meant by the term: "first call for children".

The CRC incorporates the full range of human rights of all children, including civil and political rights as well as economic, social and cultural rights.

The CRC guarantees the rights of children to:

• protection (from maltreatment, neglect and all forms of exploitation);
• provision (of food, health care, education, social security); and
• participation (in all matters concerning children).

The four principles of the CRC are:

• non-discrimination;
• best interests of the child;
• the right to life, survival and development;
• respect for the views of the child.

A commitment to child rights is the first step towards ensuring better life for children but the CRC establishes clear obligations on countries to translate their commitment to children's rights into action. This requires a set of budgetary, legislative policy and programmes consistent with the "first call for children".

Prior to or shortly after ratifying the CRC, governments are required to bring their national legislation into line with its provisions. Governments are held publicly and internationally accountable to their commitments through an obligation to report to the United Nations on their progress at regular intervals.
In 1999, South Africa presented its First Supplementary Report to the UN. The UN acknowledged the strides made despite the socio-economic barriers presented by apartheid's legacy. However, the UN identified a range of concerns and areas where progress has been slow. These can be sourced in the "UN Consideration of Initial SA Report on the CRC". This document, together with the complete CRC and the First Supplementary Report are available from the Office on the Rights of the Child, in The Presidency or the NCRC (contact details are provided on page 46-52).

Children's Rights and the South African Constitution

"I think if we want to say that life is changing for the better, that there is an improvement, that we are better off today than we were yesterday - I think that must show in the children."
- President Thabo Mbeki, Commonwealth Summit on Children, 1999

In South Africa, Children's Rights outlined in the CRC are enshrined in Section 28 of the Bill of Rights of the Constitution (1996). The Bill is premised on the understanding that a child's best

interests are of paramount importance in every matter concerning the child. The child is defined as a person under the age of 18 years.

According to Section 28 of the Bill of Rights, every child has the right:

• to a name and nationality from birth;
• to family care or parental care, or to appropriate alternative care when removed from the family environment;
• to basic nutrition, shelter, basic health care and social services;
• to be protected from maltreatment, neglect, abuse or degradation;
• to be protected from exploitative labour practices;
• not to be required or permitted to perform work or provide services that
– are inappropriate for a person of the child's age; or
– place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
• not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35 (relating to freedom and security of the person and rights of arrested, detained and accused persons), the child may be detained only for the shortest appropriate period of time, and the right to:
– be kept separately from detained persons over the age of 18 years; and
– be treated in a manner, and kept in conditions, that take account of the child's age;
– have a legal practitioner assigned to the child by the state, and at the state's expense, in civil proceedings affecting the child, if substantial injustice would otherwise result;
• not to be used in armed conflict, and to be protected in times of armed conflict.

These constitutional rights as well as the rights outlined in the United Nations Convention on the Rights of the Child form the basis of legislation and policies of the South African government.

World Summit for Children

A year after the United Nations adopted the CRC, a World Summit for Children was held, setting specific goals for the survival, protection and development of the world's children in the new millennium. South Africa participated in the Summit that committed itself to reaching these goals by the year 2000. Documents on the Summit and its goals are available from the Office on the Rights of the Child, in The Presidency or UNICEF (contact details provided on page 46-52).
The South African Children's Rights Charter

Our charter reflects our voices and our desperate plea to be respected and consulted on issues affecting us and our future. The Articles of the Charter reflect our experiences, expectations and feelings on violence, family life, health, welfare and education, child labour and homelessness.

- SA Children's Rights Charter

Prior to South Africa's adoption of the CRC, several initiatives had taken place, more notably the establishment of the National Children's Rights Committee in December 1990 and the adoption of The Children's Rights Charter of South Africa in June 1992 at the South African Children's Summit on the Rights of Children in Cape Town. The Children's Rights Charter was drafted by 200 children from 20 regions, marking a turning point in realising a culture of children's participation in issues that affect them. In 1995, a second Children's Summit was held where the Charter was re-examined and updated and where children reiterated their right to be first, not last, on the political agenda.

The Charter defines a child as anyone under the age of 18 years old unless otherwise stated and sets terms for the rights of South African children in respect to discrimination, identity, violence, family life, health and welfare, education, child labour and welfare.

The complete Charter is available from the Office on the Rights of the Child in The Presidency or the NCRC (contact details provided on page 46-52).

The African Charter on the Rights and Welfare of the African Child

In 1992 the Organisation for African Unity adopted the African Charter on the Rights and Welfare of the African Child. Member countries use this Charter in conjunction with the CRC, to advocate for the rights of children. The African Charter on the Rights and Welfare of the Child developed out of member states' concern for children on the African continent who have to contend with "the added burden resulting from social, economic, cultural, traditional and developmental circumstances". The African Charter made a commitment to take action on behalf of children, especially those who find themselves in circumstances of armed conflict, homelessness and who experience disability. The complete Charter is available on the OAU's website (see page 49).

Children's Rights and the Budget

Our country needs teachers and books, clean water and clinics. Billions spent on fighter aircraft should be spent on the upliftment of the people.

- Archbishop Desmond Tutu
in response to South Africa's intention to buy $5 billion worth of fighter aircraft, corvettes, helicopters and submarines.

To be effective, policies targeting the improved quality of life of children must be accompanied by a reprioritisation of budgetary resource allocation. Children's interests must be mainstreamed into national and provincial budgets, across all government departments. This positive process has already begun in several provinces. However, according to the Children's Budget Project of IDASA, the 2000 budget allocations remain inadequate to serve the best interests of South African children. The conclusions are based on an analysis of how the budget protects the rights of the most vulnerable – poor children. The project concludes:

• Inflation projections and increasing unemployment are not factored into the Budget. For instance, the Child Support Grant has remained at a monthly R100 per child aged 0-6 years, reflecting a decrease in real terms to R94,78. The child support grant also excludes about 6.5 million poor children over 6 years old from the safety net.
• The Primary School Nutrition Programme has declined in real terms from R582m in the previous financial year to R551m in 2000/2001.
• On a positive note, however, the budget allocates R75m to the Departments of Health, Welfare and Education for an HIV/AIDS strategy focused on children. This will increase to R125m and R300m consecutively for the coming financial years.
• The substantial increase in the Justice Department's budget will increase the department's capacity to protect children's rights.

As an essential tool to actualise children's rights, the Budget needs to be continually reviewed in the light of changing needs. For example, South Africa's explosive AIDS epidemic will require a re-examination of the budget to ensure sufficient care and support for the millions of affected children. This includes children vulnerable to infection, those already infected, and those caregiving or orphaned as a result
of the death of infected caregivers.

Responsibilities of the Child

For every right bestowed upon children, there is a corresponding responsibility on the part of children. The CRC explicitly states for example that children have a responsibility to respect the rights of others, especially those of parents.

• Children have the right to make mistakes and the responsibility to learn from the mistakes.
• Children have the right to be well fed and the responsibility not to waste food.
• Children have the right to be taken seriously and the responsibility to listen to others.
• Children have the right to quality medical care and the responsibility to take care of themselves.
• Children have the right to a good education and the responsibility to study and respect their teachers.
• Children have the right to be loved and protected and the responsibility to show others love.
• Children have the right to get special care for their needs and the responsibility to be the best people they can be.
• Children have the right to be proud of their heritage and beliefs and the responsibility to respect the origins and beliefs of others.

STRUCTURES TO PROMOTE AND PROTECT CHILDREN'S RIGHTS IN SOUTH AFRICA

"...the greatest challenge is ensuring that the global treaties, national plans and policies can be translated into actions which can make a difference to the lives and well-being of our children – where they go to school, where they play and where they live. Only in this way we can truly claim a 'first call for children'."
- Graca Machel

The National Programme of Action (NPA)

The National Programme of Action is the South African government's strategy to co-ordinate the initiatives of government and civil society to realise the commitments outlined in the CRC. The NPA is an integration of all the policies and plans developed by government departments and non-governmental organisations that include the promotion of the well being of children. The NPA is overseen by an Inter-Ministerial Core Group appointed by Cabinet and a National Steering Committee comprising the Directors-General of seven Ministries, the National Children's Rights Committee (NCRC) and UNICEF.

The NPA has outlined priority areas for attention and has tasked different groups to draft policies and measures for implementation on specific issues. Civil society – non-governmental and community based organisations – is represented through the National Children's Rights Committee, an umbrella body of organisations working to improve the lives of South African children. All government departments have been allocated areas of responsibility.

The priority areas are infrastructure, special protection measures, education, nutrition, leisure and recreation, peace and non-violence, child and maternal health, early childhood development.

One of the major problems in assessing the current status of children's well being is the lack of accurate national data. The NPA's responsibility includes developing a system to co-ordinate and monitor the activities around children's rights nationally in order to obtain reliable statistics and gauge its progress.

Details of the NPA's priorities and structure are available from the Office on the Rights of the Child, in The Presidency and the NCRC (contact details provided on page 46).

The Office on the Rights of the Child

The Office of the Presidency has been allocated the responsibility for co-ordinating government programmes and policies relating to children. The Office on the Rights of the Child, which is located in the Presidency, is responsible for the implementation of the NPA to ensure a common understanding and interpretation of the goals of the CRC and effective delivery of the government's commitments to children.

The National Children's Rights Committee (NCRC)

The NCRC is an umbrella body of non-governmental organisations working on children's issues. The NCRC's mandate is to advocate generally for children's rights in South Africa and specifically for the implementation of the NPA.

Joint Committee on Children, Youth and the Disabled

The South African Parliament established the Joint Committee on Children, Youth and Disability to monitor legislation relating to children's rights.

The South African Human Rights Commission (SAHRC)

The SAHRC is the national institution established to entrench constitutional democracy in South Africa. It is committed to promote respect for, observance and the protection of human rights for everyone, including children. The SAHRC has a special Committee dedicated to child rights. The SAHRC also protects the rights of children with special needs, such as those who are ill, disabled or in detention.

CHILDREN'S RIGHTS AND THE MEDIA

"The way the media portray children has a profound impact on society's attitude to children and childhood, which also affects the way adults behave. Even the images children themselves see, especially of sex and violence, influence their expectation of their roles in life."

- "Children, Ethics and the Media" - a report by Save the Children Alliance for UNCRC.

The Convention on the Rights of the Child requires that:

• children be seen as important subjects for the media;
• children contribute a greater voice to the media;
• children are portrayed more accurately and with greater depth in the media;
• the voices and realities of children are reflected with due regard to ethics and the rights of the child.

Representation of Children in the Media

According to the International Federation of Journalists the media's portrayal of children perpetuates a collection of myths:

• Families in developing countries, children living in poverty or victims of war and disaster lose their individuality and their humanity. They are often portrayed as helpless sufferers, unable to act, think or speak for themselves.
• Coverage of children's issues tends to focus on the sensational while ignoring the broad array of issues confronting children as outlined in the Convention on the Rights of the Child.
• Stories are often once-off, without much follow up and analysis.
• Children's confidentiality is not always respected.

• When children do feature in the news they are often portrayed as stereotypes such as “starving children in Africa”, “tinkerbell girls” and “irresponsible teenagers”.

In South Africa, children’s issues receive scant coverage. Stories of child abuse, children involved in crime and street children tend to dominate, while the broader issues of children’s rights are often not regarded as newsworthy. The result is an unbalanced impression of “children as victims”.

Case Study
The media largely ignored the Commonwealth Children’s summit, which was held in Durban in 1999. This was an important event attended by children from several Commonwealth countries that were not mere observers but strongly vocal on issues that affect them. The importance of the conference warranted the participation of President Thabo Mbeki, at least three South African government ministers and various international and local organisations.

The Summit could have generated many feature stories on children’s rights, the responsibilities of the state towards children and coverage on what children are doing for themselves.

Hearing Children’s Voices, Respecting Children’s Rights

Apart from legal clauses pertaining to privacy, the manner in which children are represented in the media is largely dependent on unwritten codes of ethics. This leaves the onus on journalists to exercise responsibility and sensitivity when covering children’s issues, particularly with respect to visual images and interviews with children.

Case Study
A popular television talk show hosted a programme about child abuse. The host displayed two very young children on set and tried to get them to speak about their abuse. The children were clearly traumatised and uncomfortable sitting on the stage with a large studio audience.

The show put the sensationalist nature of the subject before the best interest of the children and violated the children’s right to privacy.

The Media Monitoring Project (MMP) found that the old adage of how “children should be seen and not heard” is in many instances still true in our media. Children themselves are infrequently represented. When they are, they tend to be represented in limited roles and their voices are hardly ever heard. The MMP also found that when children were represented, there is often a lack of respect for the rights of the children involved. (Clearly, in cases where children are victims there are ethical considerations which may prevent them from being interviewed.)

Case Study
A story in a Gauteng newspaper about pupils at a school being bullied and threatened with guns by gang members had comments from parents, the police and a school official. No children were interviewed, even though they were the ones directly affected.

The challenge is for journalists to find ways of telling stories that don’t rob the victims of their privacy and dignity as the following case study suggests.

Case Study
A Sunday newspaper carried a story about a young boy who had been severely burned. The intention of the story was admirable - to raise funds for the boy for medical treatment. However the story was accompanied by a full frontal picture taken from the waist up, which revealed the extent of his injuries as well as his identity. The article states, “This newspaper is publishing Oscar’s picture with the full knowledge that it might offend or shock sensitive readers. However we believe we have to illustrate the seriousness of the boy’s plight to the public, in whose hands his salvation lies.” The implication of the dramatic warning on the front page of the paper is clearly that the boy’s rights to dignity and privacy are outweighed by the use of the gruesome image of him to raise funds for his medical needs. However, another Sunday paper carried the same story on the same date but used a photograph of the boy from behind so that his face and identity were hidden while his injuries remained visibile. It may be argued that the dramatic picture had a greater effect, but the other paper managed to convey the tragedy without sacrificing the dignity and privacy of the child.

Children’s Experience of the Media

In reflecting on the media’s coverage of children, it is important to take note of what children themselves say about broadcast and print news.

Children from around the world have said they dislike the way they are represented in and by the media. They express dislike of being “treated as a joke”, “made to perform like circus animals”, or being portrayed as “ignorant”. They also complain of the use of “cute” or distressing images to evoke an emotional response. Other concerns include being patronised and spoken down to, adults speaking for them “when children know more about a subject”, “putting words in our mouths” or interrupting them, and being treated as homogeneous problem groups.

Save the Children Alliance reports on a poll conducted in the UK which revealed:

• Sixty-one percent of children say that when they see children their age in the news, they are involved in drugs, violence or crime.
• Fifty-three percent of children wish the news would give more attention to children “doing good things”; “staying out of trouble”; or “helping the environment”.
• Eighty percent of children felt that the news media only “sometimes”; or “hardly at all”; or “never”; address the concerns of people their age.
• Sixty-seven percent felt that “the media should show more people my age actually doing and talking about things which affect us rather than experts or other grownups who think they understand us”.
• Children or parents were cited as sources in just one quarter of news stories involving children.

At the Commonwealth Children’s Summit in Durban in 1999, South African children expressed strong sentiments on the negative way the media portrays them and disregards their viewpoints.

“Negative view, negative view always whenever the press is presenting anything concerning children. When shall we hear anything positive about children.”

“Every time when I read the newspapers, all about youth is crime, every time crime. I don’t find anything interesting, creative...”

“Journalists write in the newspapers - half the time they get only the adult’s point of view, they don’t get our point of view. It’s not fair.”

Guidelines for Reporting on Children's issues

A number of international organisations have developed guidelines for journalists to assist with the reporting on children and children's rights.

Save the Children Guidelines

Save the Children, an organisation advocating for children's rights globally, recommends the following guidelines to:

• help turn children from objects to subjects;
• promote children's involvement in the media as subjects and creators;
• encourage discussion on children's rights;
• inform children and society of the rights and responsibilities of children;
• increase coverage on the full range of issues which affect children's lives;
• improve accuracy and diversity in the reporting on children.

Appoint specialist reporters

• Appoint specialist children's correspondents who understand the full spectrum of children's rights (including the conventions and constitutional commitments made by government) and who incorporate children into the reporting process.

Involve children

• Get children involved in articulating alternative realistic and positive images of themselves.
• Encourage children to speak for themselves, listen to their views and aspirations, rather than presenting only adult perspectives on children's issues.
• Create opportunities for children to write and produce their own electronic and print stories.

Cover the full spectrum of children's issues

• Develop more story-lines that show children grappling realistically with the kinds of issues young people face today, such as peer pressure, gender discrimination and sexuality. Stories should also focus on children's successes at dealing with these issues and not only problems.
• Avoid portraying children primarily in stories dealing with violence, abuse, guns, drugs and victimisation. Invest reporting resources in substantive coverage of other issues, which impact children's lives, such as the Budget, how the Convention is being implemented, where it is failing and so forth.
• Promote and develop stories on achievements of local children with positive images and role models that will make African children of all cultures proud of their identity.

Avoid stereotypes/Reflect diversity

• Avoid stereotypes and misconceptions, particularly when focusing on children from poorer communities. For example stereotypes that parents in poorer communities and developing countries do not value their children; that girls are inferior to boys and that children are drawn into vice through their own fault.
• Provide ethnic diversity in children's stories. Avoid stories, which reflect ethnic stereotypes and stereotypical gender roles. Increase the number of female subjects in stories.
• Avoid stories which reflect disabled children in a disrespectful way, recognising that they are an integral part of the community.
• Give careful consideration to the language used to describe children, to avoid patronising or demeaning words.

World Health Organization (WHO) Guidelines

The WHO guidelines for media professionals covering health issues were devised by PressWise and adopted by the European Region of the WHO at its Moscow Convention in 1998. They recommend the following:

1. First, do no harm.
2. Check facts, even if deadlines are put at risk.
3. Be careful not to raise false hopes, especially when reporting on claims for ‘miracle cures’.
4. Beware of vested interests. Ask yourself “who benefits from this story?”.
5. Never disclose the source of information imparted in confidence, unless compelled to do so under national law.
6. Be mindful of the consequences of your story. The “subjects” will have to live with it long after you are gone.
7. Be sensitive to situations involving private grief.
8. Respect the privacy of the sick, and their families.
9. Respect the feelings of the bereaved, especially when dealing with disasters. Close-up photography or television images of victims, survivors or their families should be avoided wherever possible.
10. If in doubt, leave it out.

Children’s rights activists also recommend:
• the orientation and training of parliamentary and court reporters on child rights to ensure constructive coverage;
• the incorporation of issues involved in the coverage of children’s rights into media and journalist training courses;
• locating stories on children within the context of children’s rights, the CRC, the Constitution and the commitments made by government to address these issues.

International Federation of Journalists Guidelines

1. All journalists and media professionals have a duty to maintain the highest ethical and professional standards and should promote within the industry the widest possible dissemination of information about the International Convention on the Rights of the Child and its implications for the exercise of journalism.
2. Media organisations should regard violation of the rights of children and issues related to children’s safety, privacy, security, education, health and social welfare and all forms of exploitation as important questions for investigation and public debate. Children have an absolute right to privacy, the only exceptions being those explicitly set out in these guidelines.
3. Journalistic activity which touches on the lives and welfare of children, should always be carried out with appreciation of the vulnerable situation of children.
4. Journalists and media organisations shall strive to maintain the highest standards of ethical conduct in reporting children’s affairs and, in particular, they shall:

• strive for standards of excellence in terms of accuracy and sensitivity when reporting on issues involving children;
• avoid programming and publication of images which intrude on the space of children with information which is damaging to them;
• avoid the use of stereotypes and sensational presentation to promote journalistic material involving children;
• consider carefully the consequences of publication of any material concerning children;
• guard against visually or otherwise identifying children unless it is demonstrably in the public interest;
• give children, where possible, the right of access to media to express their own opinions without inducement of any kind;
• ensure independent verification of information provided by children and take special care to ensure this takes place without putting child informants at risk;
• avoid the use of sexualised images of children;
• use fair, open and straightforward methods of obtaining pictures and, where possible, obtain them with the knowledge and consent of children or a responsible adult, guardian or carer;

• verify the credentials of any organisation purporting to speak for or represent the interests of children;
• not make payment to children for material involving the welfare of children or to parents or guardians of children unless it is demonstrably in the interest of the child.

5. Journalists should put to critical examination the reports submitted and the claims made by governments on the implementation of the UN Convention on the Rights of the Child in their respective countries.
6. Media should not consider and report the conditions of children only as events but should continuously report the process likely to lead or leading to the occurrence of these events.

UNICEF Checklist

UNICEF has developed a checklist linked to Articles of the Convention on the Rights of the Child, to help journalists keep children's rights on the news agenda and gauge the extent to which the protection and promotion of children's rights have been integrated into the journalistic process and the media industry. The following is an abridged version of UNICEF's checklist. (The full list is available from UNICEF. See page 46 for contact details.)

General:
• Media professionals have an obligation to respect children's human rights, in the way they operate and how they represent children. Would your work stand up to scrutiny in this regard?
• Did you approach your story with a fixed view about how you want the children to respond? Have you done justice to what the children actually said?
• When conducting interviews with children did you ensure that the children were comfortable and not under duress? Did you allow enough time to explain your intentions?
• Did you obtain the child's consent for the use of their names, quotes, and the taking and publication of their image?
• Do they know how to contact you and how to obtain a copy of the finished item?
• Have you assessed the risk to the child of using her or his name or image. Have you discussed it with the child, the child's parents or guardian, and with editorial colleagues?
• Have you applied the same checking procedures as you would with adult informants, before publishing allegations or assertions made to you by children?
• Is your language and terminology patronising, insulting or demeaning?
• Have you avoided naming or using emotionally exploitative pictures of the children?
• Are the best interests of children (their safety and security) served by your story. Is the story presented in a rational and balanced way?
• What can you do to help children understand the role of the media in society? Has your media company considered ways of producing information in accessible forms that might attract children and even assist teachers in their classroom work with children?
• Has your publication or programme made arrangements to provide reliable (and, where appropriate, confidential) support or advice to children who respond to items concerning personal health, physical or sexual abuse, commercial exploitation or other forms of criminal activity?
• Are you providing information that will enable members of the public to assist children in need of care and protection to obtain the necessary help from state or non-governmental bodies?

The Responsibilities of the State:
Articles 4 & 42 – 54
• Do your stories improve public understanding about children's rights – in your own and other countries – and the role of your government's policies in promoting and protecting them?

• Journalists are ideally placed to demand action by the state to honour its international obligations. Are there campaigns your programme or publication could highlight, initiate or participate in, to improve awareness of the Convention among both public and politicians?
• Have you talked to experts, child rights activists and children themselves, to inform yourself about the problems facing children in south Africa?
• Have you sought explanations from local and central government about shortcomings in the provision of services for children, and the defence of their rights?
• Have you made space for the voices of children to be heard by the government and civil society?

• Have you considered ways in which your media organisation might co-operate with NGO's jointly to produce information and advice materials for interested members of the public who respond to your features?

Children with Disabilities:
Articles 2, 3, 6, 12 & 23
• If you have mentioned a child's disability, is it strictly relevant? Have you asked the children if and how they want their disability mentioned?
• Have you used the same language you would about able-bodied children, or relied upon popular terms or stereotypes which may be insulting or insensitive? For example, terms like "dumb", "handicapped" or "crippled" cause offence.
• If in doubt, check your language by talking to people with disabilities.

Children and Discrimination:
Articles 2, 22, 23, 27 & 30
• If you have mentioned a child's race, ethnic origin, religion or disability, is it strictly relevant to the story?
• Have you made sure the terms you have used about members of minority groups, or girls and young women, are not gratuitous, insulting or perpetuating stereotypes?
• Have you made assumptions about a child's cultural ethnic, or religious background?
• Is your story about HIV-positive children or those with AIDS, medically accurate and properly substantiated? Speculative and sensational stories can exacerbate prejudice.
• Have you relied upon generalisations that are unsupported by evidence or have you rather challenged assumptions that encourage discrimination?

Child Labour:
Articles 6,19, 24, 27, 28, 31, 32, 34, 35 & 36
• Have you considered the longer-term consequences both for the children and for society if some children are excluded from educational opportunities and exploited because of their age, size, gender or dexterity?
• Have you publicised cases of employers who are penalised for breaking conditions of work for youngsters?
• Have you considered safe ways of including the views or voices of working children as part of your story?
• Does your story highlight the hazards working children face, and identify those guilty of coercing or exploiting them?

The Child's Identity:
Articles 7, 8, 13, 14' 16, 17, 20, 21, 23, 28, 28 & 3C
• How have you recorded the child's identity in your coverage? Did you check with the children and their parents about how they want to be described?
• Have you been fair and even-handed in coverage of stories about children or their parents challenging the state on identity issues – like the right to practice the religion of their choice, or to protect their cultural values?
• When reporting claims made about the political intentions of cultural or minority groups, have you considered the views and motives of all parties involved, and especially the impact of the

controversy on the lives of the children concerned? Producing stories from the perspective of the children may be a revealing way of examining such problematic issues.
• Is your story likely to encourage discrimination or incite hatred, or is it more likely to generate understanding and accommodation among different ethnic, cultural or religious groups?

Children's Opinions and Civil rights:
Articles 12, 131 14, 15, 17, 29, 30 & 31
• Can your publication/programme assist children to express their opinions, and contact others who share their views, interests and aspirations?
• Has your publication given coverage to those individuals (including children) and organisations who promote the rights and opinions of children?
• Have you covered stories about children organising things for themselves – including school councils, street children's groups, trades unions and campaigning groups as well as clubs devoted to arts, sports and leisure pursuits, and commercial and/or artistic enterprises?
• When reporting on children's protests, have you ensured that you are not exposing the children involved to risks of imprisonment, violence or other forms of retaliation?
• Have you reported on the impact of children speaking out – for instance, the support they have received, the changes they have managed to achieve, the reactions of public figures?

Children in Public Care:
Articles 9, 10, 18, 19, 20, 21, 24, 25 & 26
• If children have been abandoned and/or taken to crime, it is not necessarily their fault. Have you made sufficient enquiries to establish why and how children came to be in public care?
• Have you included positive 'angles' to avoid the risk of alienating the public from the plight of abandoned children, and perpetuating negative stereotypes? Does your story identify or patronise children who are at risk, and lay them open to public antipathy?

Education:
Articles 12,13,17,17,28&29
• Does your education story include the perspective of the students as well as that of the principals, teachers and managers? Have you obtained comments from parents, school governing bodies, and teachers' unions?

Children and Crime:
Articles 33, 37, 39 & 40
• Violent and anti-social behaviour by children often has its roots in adult violence and negative attitudes towards children. Does your coverage explore the full story?
• Does your story inadvertently imply that young offenders are deserving of fewer rights than other people?
• Have you avoided the unnecessary use of the names and images of young law-breakers? Gratuitous identification may put them at extra risk by encouraging a sense of notoriety, for instance, and reducing their chances of rehabilitation. This also constitutes a denial of their rights.
• Have you made sure that children who are the subject of allegations by the public or the authorities are given a chance to respond? Have you assumed that children are involved in criminal activity just because they are homeless?
• Have you followed up your report on the arrest or charging of children? Are they safe? If they are in custody, what are conditions like? Are they incarcerated with other children or with adults? Do they have access to legal advice and counselling? Are they more or less likely to be believed than adults?

The Sexual Abuse and Exploitation of Children:
Articles 34, 35 & 36
• Is your story about the sexual abuse or commercial sexual exploitation of children scrupulously accurate? Has its "shock value" been exaggerated – even if it exposes criminal activity or official neglect?

• Have you portrayed the abused or exploited child as a victim, a criminal, or a human being with rights and dignity? Was it possible to give the child space to speak for him or herself without making the child more vulnerable? Have you revealed the identity of an abused child in words or pictures or provided clues which could identify the child?
• Does your story inadvertently supply information on how to gain access to vulnerable children?
• Do the images used to illustrate your story appear to sexualise children, or give the impression that a child is a willing participant in abuse or exploitation?
• Have you ensured that your story does not glamorise the idea of “sex tourism”, pornography, or any other form of child exploitation? Have you made sure that it will not appear in the context of material promoting sexual services?
• What is the likely impact of publication on the children involved? Have support systems been set up to protect them? Is there a confidential help-line or other support mechanisms to deal with responses for people wishing to report other examples of abuse or exploitation? Have you provided details of the helpline and such support mechanisms in your coverage?

Hearing Children’s Voices

“It’s important that your own voice should be heard. What are the children, what are the young people themselves saying? Because I can sit there and say I know what they want and think, I know how they feel, I will speak on their behalf - In the meantime I’m speaking on my behalf, not on behalf of the children.“

- President Thabo Mbeki, Commonwealth Children’s Summit - 1999

The CRC has provided a new vision of children that acknowledges the child as a subject of rights who is able to form and express opinions, to participate in decision-making processes and influence solutions and to intervene as a partner in the process of social change and in building democracy.

For children to be able to exercise their rights, know their responsibilities and express their views and perspectives they need to be empowered to make informed choices. Access to information and participation in producing media is essential.

According to the Save the Children Alliance, perhaps the greatest problem concerning the media, ethics and children is the negligible involvement of children in the production of media. Too often children are the victims of “paternal journalism” — media coverage that covers children without giving them a voice. The Alliance recommends the following guidelines to bring children into the media process:

1. Give children the means to produce their own media and comment upon adult produced media.
2. Talk to children.
3. Involve children in articulating alternative realistic and positive images of themselves.
4. Give voice to children by listening to their views and aspirations.
5. Whenever possible try to communicate the view and experience of children featured.
6. Educate children about how to use the media wisely through media literacy programmes which enable children to be more critical media consumers.

Laws on Children’s Rights and the Media

In reporting on children, the media, journalist and editors should draw upon the CRC, which emphasises:
• the need for free expression for all children;
• the need for a child to be heard;
• the need for children to have access to written and electronic material which will promote the development of all facets of a child;

• the need to shield children from electronic and written material, which interferes with the child's right to privacy or exploits the child in any other way.

In South Africa, the publishing of information pertaining to children is governed primarily by the Criminal Procedure Act and the Child Care Act.

Section 5 of the Criminal procedure Act states: "No person shall publish or make known in any manner the name, address, school, place of employment or any other information likely to reveal the identity of any person under the age of eighteen years who is or has been a party to any civil proceedings or a witness in any legal proceedings of whatever nature, unless the judge, magistrate or other officer who presides or presided at such proceedings, after having consulted any parent or guardian, if any, of such person, consents in writing to such publication or making known."

While the Criminal Procedure Act is confined to reported cases and legal proceedings, the Child Care Act goes further to include all children, whether or not the case has been reported or gone to court.

While the laws are clear and adequate, much depends on implementation, particularly with respect to indirect information likely to identify the child.

For instance, reports on the alleged attempted rape by a rugby player from the Stormers team of a teenage girl, mentioned that the girl was a matric pupil, named the school she was at and revealed that her brother was a friend of the accused. Another case involving an alleged rape of a schoolgirl by two schoolmates mentioned the name of the school and that one of the boys allegedly involved is the grandson of a prominent ANC figure. Such information can lead to identification of the unnamed children and result in trauma for those concerned.

Status of Children in South Africa

There are 16,3 million children in South Africa, almost half of the total population.

Despite the enormous hurdles inherited from the apartheid era, many gains have been made since South Africa ratified the Convention on the Rights of the Child (CRC). A Joint Committee on Children, Youth and the Disabled has been established in Parliament and an Office on the Rights of the Child has been located in the Presidency. Since 1994, there have been policies, programmes and laws which aim to add substance to the Convention.
These include for example:

– the introduction of free basic health care for children under six years and for pregnant and lactating women;
– an expanded programme to immunise all children against serious childhood infections;
– the Integrated Nutrition Programme and Primary School Nutrition Programme for children;
– the abolition of corporal punishment in court sentencing and schools.

A range of policies and bills have been developed to improve access to health care, to protect the rights of disabled children, children in custody and to control firearms (responsible for significant child morbidity and mortality). However, thousands of South African children still die every year from malnutrition and disease caused by a lack of clean water and sanitation. The social security net is small and social spending is constrained by the fact that more than 22% of the annual budget is spent on servicing a debt — which is twice the amount of the health budget.

It is within the following context that the South African government has an obligation to fulfil its commitment to "first call for children":

Poverty
• About 61% of children in South Africa live in poverty.
• It is estimated that 3 million children in South Africa are in need of a child support grant, due to dire financial circumstances, but only about 1% of this total — 37 000 — currently receive grants.1
• Half of all households regularly go hungry.2
• According to Stats SA's 1999 household survey, of the 2,4 million households in South Africa reporting children under 7 years going hungry every day, only 1,8% (43 000) are white households.

• Poverty has been exacerbated by the migrant labour system resulting in a predominance of women and children in poor rural areas who are particularly vulnerable.3

Homelessness
• In 1993, estimates of street children in South Africa ranged between 10 000 and 12 000.
• Street children are more vulnerable to substance abuse, sexual exploitation, sexually transmitted diseases, and illnesses.

Infrastructure
• Housing shortages result in overcrowding and communal housing with inadequate privacy or sanitation facilities.
• Sanitation facilities are a priotity need in rural and informal settlements.
• Stats SA's October 1999 household survey found access to running water increased from 62,2% in 1996 to 69,7% in 1999.
• 32% of African households are dependent on river water and 16% have no form of toilet facilities.
• Stats SA's October 1999 household survey indicates household access to electricity rose from 62,2% in 1996 to 69,7% in 1999.
• However, only half of houses in rural and informal settlements have electricity.4

Education
• An estimated 1.6 million children of school-going age are out of school.
• 22% of females and 16% of males aged between 14 and 35 can be considered to be functionally illiterate.
• The average ratio of pupils to teachers is 32:1
• The average ratio of pupils to schools is 424:1
• The 1995 Schools Act guarantees learners the right to participate in school governance through Parent Teacher and Student Associations.
• Racial tension in schools is still a problem despite integration policies.
• Almost 25% of schools do not have water within walking distance.5
• 57% of schools do not have electricity.6
• It is estimated that 200 000 children between the ages of 10 and 14 and another 200 000 between the ages of 15 and 18 are engaged in varous forms of paid labour. Many of these children do not attend school.7
• In many rural areas, children of farm labourers attend separate farm schools which are severely under-resourced.

• Only one in ten pre-school children are in early childhood development programmes.

HIV/AIDS
• In 1999, at least 1 in 8 adults were HIV infected, representing about 4 million people.
• AIDS will account for a 100% increase in child mortality - from an anticipated 48.5 per 100 000 births without AIDS to almost 100 per 100 000 births in the year 2010 - i.e. the number of children dying each year in South Africa will double in the next 10 years, because of AIDS.8
• By 2005 there will be almost 1 million children under 15 who have lost their mothers to AIDS and an estimated 3 million AIDS orphans.
• South African estimates indicate that there are 700 000 AIDS orphans.
• Orphans will comprise 9-12% of the total population by the year 2015 (3.6 - 4.8 million children under 15).9
• Current estimates indicate that more than 25% of children in South African hospitals are HIV positive. Mother to Child Transmission (during pregnancy and breastfeeding) is responsible for 90% of these infections.

Welfare
• 20% of children do not live with their mothers.
• Only 49% of children have a birth certificate (this has implications for accessing welfare grants).
• 40% of poor households are dependent on a social pension.
• 39% of households are headed by women and the poverty rate in these households is double the rate in male headed households.

Disability
• Between 5 to 12% of South Africans are estimated to be moderately to severely disabled.
• More than 80% of Black children with disabilities live in extreme poverty and have poor access to appropriate health care and early childhood development facilities.
• Children living in poverty are more vulnerable to disability which in turn perpetuates poverty.
• Estimates indicate that almost 70% of children with disabilities are presently out of school.
• Youth with disabilities are less likely to access youth development programmes, and to find employment than their peers.
• Children who live with a parent with a disability are also disadvantaged by a society which offers little assistance for the disabled.
• Inadequate social security results in disability grants being shared by the whole family at the expense of quality care for the disabled child.

Violence
• Direct repercussions of violence are physical trauma, rape, sexual abuse, hunger and malnutrition, interruption of education and separation from family.
• Indirect repercussions include the breakdown of supportive family and community structures, the Post Traumatic Stress Syndrome, loss of respect for authority and community, disease, depression, anger and further violence.
• According to a recent survey of firearm related injuries in the Western Cape nearly 2 000 children up to age 19 were injured with firearms between 1992-1996. One in five of these children died. Many of the victims were younger than five years of age.10
Domestic Violence
• Violence within the family is difficult to document but is one of the most pervasive forms of violence across nations, classes, cultures and generations.
• Children reared in violent environments are more at risk of becoming violent adults.
• Children who witness violence often suffer a range of problems including social withdrawal, nightmares, poor school performance, depression and bedwetting.

Child Abuse and rape
• Rape and sexual assault figures indicate a steady increase.

• Almost 16 000 cases of child rape were reported in 1998. The Child Protection Unit investigated 35 000 cases of child abuse in 1997.11 Given low levels of reporting, these are conservative estimates. Thorpe (1994) estimates that 500 000 female children are sexually victimised annually.
• Gender based partner violence, including rape, place girl children at risk of HIV infection. The fear of violence presents a major barrier to the negotiation of safer sex.
• Poverty makes children vulnerable to commercial sexual exploitation.

Gender
• In South Africa's patriarchal society, girl children are particularly vulnerable to gender based violence such as rape, femicide, sexual abuse and sexual exploitation.
• Girls are made responsible for household chores and care-giving, often at the expense of their home work and further education.
• Teenage pregnancy is one of the major reasons why girls leave school. 1 in every 8 girls is forced out of the education system as a result of pregnancy.

Child and Maternal Health
• Primary health care is provided free to all children under 6 who use the public health system (currently at least 80% of children are reliant on the public health care system).
• Despite these efforts to redistribute resources, child health is still severely compromised in South Africa.
• South Africa spends approximately 10% of its gross domestic product on health and an estimated 20% of this sum is allocated to child health and nutrition.12 However the bulk of these resources are still concentrated in urban areas and wealthier provinces.
• A recent Department of Health survey found that 20% of hospitals in South Africa do not have certain basic medicines for children.13
• 40% of nurses did not know how to manage diarrhoea, a common killer of young children.14
• School health services have collapsed in most provinces — in KZN nurses visit schools in previously disadvantaged areas only once in every three years.
• TB, meningitis, malaria, syphilis, typhoid are preventable diseases which plague children in South Africa and are directly related to poverty.

Infant and Child Mortality
• The Infant mortality rate was 45 per 1 000 in 1998.
• 36% of all child deaths are due to treatable conditions such as diarrhoeal diseases (25%).
• Of the 1.2 million children born annually, 85 000 die before their 5th birthday.
• Only 63% of one-year olds have complete immunisation cover.
• Road accidents are the largest cause of death in children over 5 years and account for 30% of injury related deaths.41
• An increase in South Africa's child mortality rates has been attributed to the escalating AIDS epidemic.
• It is estimated that AIDS will have doubled the infant mortality rate of children under five by the year 2000 from 48.5 per thousand to 99.5 per thousand.

Nutrition
• A 1995 national survey indicated that 1 in every 4 pre-school child suffered from chronic under-nutrition, reflecting socio-economic deprivation.
• Almost twice as many children in rural areas (27,6%) suffer from chronic malnutrition compared to urban children (16,1%).
• The growth of one in five children in South Africa is stunted because of dietary deficiencies. One in three children have marginal Vitamin A status.

Justice
• Children are still held in prisons where conditions are unsatisfactory. Many share overcrowded cells with adults arrested for serious crimes.

• In 1995, between 65 000 and 160 000 children under the age of 18 were arrested. At any time, there are 1 700 children awaiting trial. 4 000 children were sentenced in in 1998, over 90% of whom were boys.
• The number of children sentenced to prisons and the length of the terms has increased from 1997 to 1999 and many children are sentenced without a visit from a social worker or legal representative.
• In March 1999, there were approximately 2000 children held in prisons — almost double the number held in march 1997.
• A study of the Department of Correctional Services revealed that there were insufficient staff resources and facilities to ensure children's rights are protected during incarceration.
• Unconvicted children are generally in a worse position than convicted children in terms of clothing, bedding, recreation, health care and education.

"Mankind owes to the child the best that it has to give...."
- 1924 Declaration of the Rights of the Child, Save the Children's Fund.

References

Information contained in chapter on "Status of South African Children", unless otherwise referenced, has been obtained from:
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• UNDP; HIV/AIDS Human Development South Africa (1998) as quoted in Rose Smart, Children Living with HIV/AIDS in South Africa: a Rapid Appraisal, 2000.

1. Unpublished: Human Rights Committee, Quarterly report, August 1999.
2. Kaiser Political Survey, December 1998.
3. SA Health Review, 1997.
4. Kaiser Political Survey, December 1998.
5. Statistics South Africa, Census in Brief, 1998.
6. Ibid.
7. SA National Council for Child and Family Welfare; Children and Poverty, 1998.
8. UNDP; HIV/AIDS Human Development in South Africa (1998)
9. SALC, Project Committee on the Review of the Child Care Act; Consultative Paper on Children infected and affected by HIV/AIDS (1999)
10. Child Health Policy Institute, 1998.
11.Child Protection Unit, South African Police Service, 1999.
12. World Health Report, 1998.
13. SA Health Review, Health Systems Trust, 1998.
14. Ibid.

RESOURCES FOR REPORTING ON CHILDREN'S RIGHTS

The following organisations, government bodies and individuals are useful resources on children's issues.

Accessing Children

The NCRC can help put journalists in touch with children to be interviewed. Contact:
Judy von Benecke at the NCRC
Tel: 011-807 7474

Fax: 011-807 7477
Email: ncrc@mweb.co.za

Rights
UNICEF South Africa
Media Officer
Tel: 012-338 5000
Fax: 012-320 4085/6

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NCRC
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Thoko Mkhwanazi-Xaluva
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South African Human Rights Commission
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Children's Rights Project
Community Law Centre, UCT
Tel: 021-959 2950
Fax: 021-959 2411

Sue Padayachee
Child Rights Co-ordinator
Lawyers for Human Rights
Tel: 033-342 1130
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E-mail: lhrpmb@wn.apc.org

Cosmas Desmond/Deborah Ewing
Children First - Journal on Children's Rights
Tel: 031-563 5117
Fax: 031- 564 9184

E-mail: coskzn@wn.apc.org

AIDS

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Trauma

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Nelmarie du Toit

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National Co-ordinator, Childline
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Fax: 011-4840771
Email: children@netactive.co.za

Disability
Lydia Pretorius
Rural Development and Disability Helpline

Tel: 013-752 3116
Fax: 013-752 7981
Email: lidpret@global.co.za

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E-mail: padi@icon.co.za

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Email: dicag@iafrica.com

Henriette Bogopane
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Email: aadielah@soulcity.org.za

Benji Francis
Africa Cultural Trust

Tel: 011-833 2323
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E-mail: africul@global.co.za

Firdoze Bulbulia
Children + Broadcasting Foundation for Africa
Tel: 011- 884 0366
Fax: 011-883 5665
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Websites

The following websites are useful sources of information, legislation, statistics and programmes on children and children's rights.

ORGANISATION	WEBSITES
Children's Express	www.cenews.org
Child Health Unit	www.uct.ac.za/depts/chu
Children's House	www.childhouse.uio.no/
Children In Distress (CINDI)	www.togan.co.za/cindi
Children Now	www.childrennow.org/media
Child Rights Information Network	www.crin.ch
Childwatch International	www.childwatch.uio.no/
Human Rights Watch	www.hrw.org
Index of government websites	www.polity.org.za
Institute for Democracy in South Africa	www.idasa.org.za
International Save the Children Alliance	www.savethechildren.net
NCRC	www.sancrc.org.za
Organisation for African Unity	www.oau.org
Parliament Monitoring Group	www.pmg.org.za
Parliamentary Monitoring Group	www.pmg.org.za
PHILA-health and welfare policy and legislation	www.healthlink.org.za/pph/Phila/default.asp
Save the Children, Sweden (Radda Barnen)	www.rb.se or www.raddabarnen.org/engindex
Save the Children, UK	www.savethechildren.org.uk
SA Government	www.gov.za

SA Law Commission www.law.wits.ac.za/salc/salc.html
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