

# KNOW YOUR RIGHTS

## VULNERABLE CHILDREN

### HOW TO SUPPORT AND PROTECT VULNERABLE CHILDREN DURING THE LOCKDOWN PERIOD

**VULNERABLE CHILDREN INCLUDE UNACCOMPANIED AND SEPARATED CHILDREN WHO MAY BE ANY OF THE FOLLOWING:**

- South African Citizens
- Migrants
- Refugees & asylum seekers
- Stateless persons
- Children of unknown nationality

**THE FOUR KEY PRINCIPLES OF CHILD RIGHTS IN INTERNATIONAL LAW (CRC) AND SOUTH AFRICAN LAW (WHICH SHOULD ALWAYS BE UPHELD BY GOVERNMENTS) ARE:**

- Non-discrimination/equality
- The best interests of the child
- The right to survival and development
- Child participation

#### WHO IS AN UNACCOMPANIED CHILD?

Unaccompanied children are children who have been separated from both parents and other relatives and who are not being cared for by an adult who, by law or custom, is responsible for doing so.

#### WHO IS A SEPARATED CHILD?

Separated children are children who have been separated from both parents or their previous legal or customary caregiver, but not necessarily from other relatives.

#### WHO IS A STATELESS CHILD?

The UN Convention Relating to the Status of Stateless Persons defines a stateless person (including children) as a person who is not considered a national (citizen) by any State under the operation of its laws. Stateless children may or may not have a birth certificate.

16 APRIL 2020



## WHO IS AN UNDOCUMENTED CHILD?

An undocumented child is a child who does not have documentation in the form of a birth certificate and/or ID/passport/permit. An undocumented child is not stateless, unless they are also not recognised as a citizen by any country in the world.

## WHO IS A FOREIGN NATIONAL CHILD?

A foreign national in South Africa is someone who is not a citizen of the Republic of South Africa and includes stateless children.

**NO DISTINCTION OR DISCRIMINATION MAY BE MADE BETWEEN ANY OF THE ABOVE CATEGORIES OF CHILDREN AND DOCUMENTED SOUTH AFRICAN CITIZEN CHILDREN.**

According to the High Court of South Africa: “The Children’s Act does not exclude foreign nationals (whether legally or illegally in the country) from its ambit. Nor does it exclude them from the jurisdiction of the children’s court.”

## CHILDREN IN NEED OF CARE AND PROTECTION

A child in need of care and protection may not be detained nor deported. A Children’s Court enquiry should be initiated, a social worker must be appointed and the child’s safety must be assured. Such **care services** and social distress relief for children are **deemed to be essential services under the regulations to the Disaster Management Act.**

## EMERGENCY CONTACTS DURING THE LOCKDOWN:

**Gender-based violence command centre | 0800 4284 28**

**AIDS helpline | 0800 012 322**

**Childline | 0800 555 55**

**SA Depression & Anxiety Group helpline | 0800 456 789**

**National Human Trafficking helpline | 0800 012 322**

**Home Affairs emergency hotline | 0800 029 999**

**The Scalabrini Centre Cape Town | 078 260 3536**

## LEGAL ASSISTANCE DURING THE LOCKDOWN

If your rights or the rights of someone you know are being violated during the lockdown you can get access to free legal assistance from one of South Africa’s public interest legal organisations.



**CALL THE HOTLINE ON:  
+27 66 076 8845**



**LAWYERS FOR  
HUMAN RIGHTS**